

COUNCIL MEETING
MONDAY 20 MARCH 2023

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

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

1. 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 recognising their continuing spiritual connection to the land”.

- invite those present to pause for a moment of quiet reflection and respect before commencing the council meeting.
- 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

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 27 February 2023 and the Special Council Meeting held on 6 March 2023, 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:

PURPOSE

Consultation Feedback – Chambroad
Cambridge Oval Master Plan

DATE

6 March

Fees and Charges Review
Inclusive Play Policy

20 March

RECOMMENDATION:

That Council notes the workshops conducted.

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**

Representative: Cr James Walker

Quarterly Reports

The Copping Refuse Disposal Site Joint Authority has distributed its Quarterly Summary of its Meetings for the periods ending 31 October 2022 and 10 February 2023 (refer Attachments 1 and 2).

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Reports for the periods ending 30 September 2022 and 31 December 2022.

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

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES



Copping Refuse Disposal Site Joint Authority

31 October 2022

Mr Ian Nelson
General Manager
Clarence City Council
PO Box 96
ROSNY PARK 7018

Mr Robert Higgins
General Manager
Sorell Council
P O Box 126
SORELL 7072

Mr Gary Arnold
General Manager
Kingborough Council
Locked Bag 1
KINGSTON 7050

Ms Jess Dallas
A/General Manager
Tasman Council
1713 Main Road
NUBEENA 7184

Dear General Manager

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORT: September 2022 Quarter

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

Authority meeting held on 25 October 2022

Material matters addressed in the open meeting:

- Endorsed the September 2022 Quarterly Report (attached) for distribution to Participating Councils
- Approved repayment of Clarence City Council's overpaid Gate Fee for \$118,084.48 for the September 2022 quarter
- Received the 2022 financial statements of C Cell Unit Trust. These will be forwarded to other unit holders separately.
- Received Southern Waste Solutions' submission to the Australian Carbon Credit Unit Review
- Agreed the meeting schedule for calendar year 2023
- Amended the date of the Authority's Annual General Meeting to Tuesday 6 December 2022 at 2.00pm at Clarence City Council to allow Participating Councils sufficient time to appoint Representatives.
- Received an update on activities of the Boards of Southern Waste Solutions and C Cell Pty Ltd provided by Board Chair, Dr Christine Mucha and CEO, Mr Chris Adekunle.

Material matters addressed in the closed meeting:

- Received the annual report on the performance of the Authority Secretary and authorised the Secretary's contract of appointment to be extended to November 2025.

Other matters of note:

- The Authority acknowledged and thanked retiring Representatives who either did not re-stand for election to their respective Participating Council or who may not be reappointed as Representatives in the future.

Matters considered by the Boards of Southern Waste Solutions and C Cell Pty Ltd as Trustee

- Summaries of the material matters considered by both Boards are attached.

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

Yours sincerely



Carolyn Pillans
Secretary

Attachment 1: Quarterly Report to the Authority September 2022

Attachment 2: Summary of SWS Board meetings

Attachment 3: Summary of C Cell Board meetings



Copping Refuse Disposal Site Joint Authority

10 February 2023

Mr Ian Nelson
General Manager
Clarence City Council
PO Box 96
ROSNY PARK 7018

Mr Robert Higgins
General Manager
Sorell Council
P O Box 126
SORELL 7072

Mr Gary Arnold
General Manager
Kingborough Council
Locked Bag 1
KINGSTON 7050

Ms Jess Dallas
A/General Manager
Tasman Council
1713 Main Road
NUBEENA 7184

Dear General Manager

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORT: December 2022 Quarter

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

Authority meeting held on 9 February 2023

Material matters addressed in the open meeting:

- Endorsed the December 2022 Quarterly Report (attached) for distribution to Participating Councils
- Approved repayment of Clarence City Council's overpaid Gate Fee for \$137,063.34 for the December 2022 quarter
- Reviewed and endorsed the Authority's response to the Waste Resource and Recovery Board's draft strategy 2022-2025
- Received an update on Southern Waste Solutions' leachate management strategy
- Progressed the review of the Authority's Rules
- Endorsed elements of the SWS Board's Communications Policy and Fraud, Corruption and Undesirable Conduct Prevention Policy, both of which assigned roles and responsibilities to Authority members
- Noted the content of the SWS Board's response to the Local Government Review Board
- Agreed to reconsider the 2023 schedule of Authority's general meetings.
- Received an update on activities of the Boards of Southern Waste Solutions and C Cell Pty Ltd provided by Board Chair, Dr Christine Mucha and CEO, Mr Chris Adekunle.

Material matters addressed in the closed meeting:

- No closed session held

Other matters of note:

- Clarence City Council has appointed a new director to the Board of C Cell Pty Ltd. Cllr Heather Chong replaced Cllr Brendan Blomeley as Council's director on 19 December 2022.

Matters considered by the Boards of Southern Waste Solutions and C Cell Pty Ltd as Trustee

- Summaries of the material matters considered by both Boards are attached.

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

Yours sincerely



Carolyn Pillans
Secretary

Attachment 1: Quarterly Report to the Authority December 2022

Attachment 2: Summary of SWS Board meetings

Attachment 3: Summary of C Cell Board meetings

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 27 February and 6 and 13 March 2023 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 27 February and 6 and 13 March 2023 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 answers to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 27 February Mr Michael Figg of Lauderdale asked the following question.

ROCHES BEACH COASTAL MANAGEMENT PLAN

My question concerns past consultation and current consultation on the Roches Beach coastal management plan. There has been a lot in the last 10 years about global warming, coastal inundation and erosion. My property is one of the many of the 190 odd kilometres of coastal properties in Clarence. I would like to know, to simplify the question, everything I have read so far is from the point of view of government and council on almost a retreat policy.

Can the council through you Mr Mayor, tell us are we going to be allowed to defend our properties and if so, will we be hung up on any regulations or any matter that may stop us defending our own properties?

ANSWER

Council is in contact with Mr Figg to seek further clarity and details in respect to his question. At this point, Council has not received any further details from Mr Figg and will endeavour to seek those details so that a full response to his question can be provided at the next meeting.

ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...

At Council's Meeting of 27 February Mr Victor Marsh of Bellerive asked the following question.

BLUNDSTONE ARENA LIGHT TOWERS

On 25 July 2022, I had a question without notice regarding the condition and safety of the Blundstone Arena light towers, in particular the section where the towers are joined. From as early as 2015 I was concerned about rust stains around the joins. On 24 October 2018, two large cranes were brought in to stop the park towers from possible collapse after gale force winds the previous day. All four towers were checked and repaired. If you go to the Arena while there are gale force winds blowing and eyeball the light banks or towers, you will clearly see these swaying quite alarmingly. Recently devices have been attached to all four towers where they are joined at the middle. The users of this Arena and the general public have a right to know whether these light towers are safe. My question is what is the purpose of these devices that have recently been attached?

ANSWER

Council has written to Cricket Tasmania regarding the issue and has asked them to correspond directly with Mr Marsh.

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

7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2022/028085 – 36 LOATTA ROAD, LINDISFARNE - 4 MULTIPLE DWELLINGS AND DEMOLITION OF EXISTING DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for four Multiple Dwellings and Demolition of Existing Dwelling at 36 Loatta Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport 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 was extended with the applicant's consent to 23 March 2023.

CONSULTATION

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

- Traffic Impact;
- Privacy;
- Visitor Parking; and
- Accessibility.

RECOMMENDATION:

A. That the Development Application for four Multiple Dwellings and Demolition of Existing Dwelling at 36 Loatta Road, Lindisfarne (CI Ref PDPLANPMTD-2022/028085) be refused for the following reasons.

1. Not satisfying the Performance Criteria P3 of Clause 8.4.2 Setbacks and building envelope for all dwellings, in that the proposed dwelling protrudes out of the prescribed building envelope creating overshadowing impacts to the private open space of dwellings on adjoining lots to the south, resulting in unreasonable adverse impact to the amenity of the dwellings on the adjoining properties.
2. Additionally, the proposal does not comply with Clause 8.4.2 P3 due to the proposed dwellings having detrimental impacts on the visual amenity due to bulk and scale.

- 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 applicable acceptable solutions of the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Clause 5.6 – Compliance with Applicable Standards;
 - Clause 6.10 – Determining Applications;
 - Clause 8.0 – General Residential Zones;
 - Clause C2.0 – Parking and Sustainable Codes; and
 - Clause C16.0 – Safeguarding of the Airports Codes.
- 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 narrow linear lot with 9.9m road frontage and a length of 93.5m; however, for most of the lot the width is between 17.5m and 15.7m at the rear boundary.

Topography of the site falls from the road at the east from 34m contour to the 26m contour in the rear boundary, resulting in 8.5% gradient and a western aspect.

Approximately 26m from the road frontage is an existing single storey weather board dwelling. The dwelling is reflective of the 1950s hydro-cottages or workers cottage, consistent with the initial residential subdivision of the area in the 1950s. There is no formal heritage recognition for the dwelling.

3.2. The Proposal

The proposal is for the demolition of the existing dwelling and construction of 4 two-storey dwellings, each with a double garage and three-bedrooms. The development will have a density of one dwelling per 399.25m².

The multiple dwellings would vary in height from 7.23m to 7.61m above the natural ground level with setbacks ranging from 1.1m to 7.04m from side and rear boundaries.

A total of 11 car parking spaces have been provided for the proposed development, in accordance with the requirements of the Parking and Sustainable Transport Code.

The proposed dwellings will be accessed from a single access point along Loatta Road.

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.”

“5.6.3 Compliance for the purposes of subclause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.”

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 satisfies exemption clause C16.4.1(a) of the Safeguarding of Airports Code in that the maximum height of the development would not exceed the prescribed obstacle limitation surface level of 147m AHD.

The proposal is for Multiple dwellings, which has a “Permitted” status in the General Residential Zone.

The proposal meets the Scheme’s applicable acceptable solutions of the General Residential Zone, Parking & Sustainable Transport Code and Safeguarding of the Airports Code with the exception of the following.

General Residential Zone

- **Clause 8.4.2 A3 in relation to building envelope** – the proposed Units 1, 3 and 4 each exceed the building envelope prescribed within Figure 8.1 of the provision, on the southern elevation to an extent that is greater than what can be considered a minor protrusion.

The proposal must be considered under Performance Criteria P3 of Clause 8.4.2, as follows.

Clause	Performance Criteria	Assessment
	<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>a. not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i></p>	See assessment below:
	<p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i></p>	<p>The shadow diagrams provided by the applicant show that the proposed development would result in loss of solar access to the habitable rooms of dwellings on adjoining lots to the south at 14, 16, 18 and 10 Sunnyside Road, and 38 Loatta Road in the morning. The impact is not considered unreasonable in that the shadows will be clear of the habitable rooms from 12 noon onwards.</p> <p>However, the 2D shadow diagrams did not provide a clear indication of the overshadowing impacts to the dwelling at 38 Loatta Road, and to clarify the extent of the shadow cast 3D modelling was requested to allow the full assessment of the overshadowing impact of the development on the sunroom associated with the dwelling at 38 Loatta Road.</p> <p>The information provided by the applicant shows that the sunroom window will be impacted in the morning and remains clear of shadows from 12pm onwards.</p> <p>The shadow diagrams confirm the multiple dwellings contained within the adjoining lot to the north will not be impacted by the proposed development.</p>

		<p>The proposal is considered acceptable on this basis and satisfies the performance criteria P3(a)(i)</p>
	<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i></p>	<p>The properties at 14, 16, 18 and 10 Sunnyside Road plus 38 Loatta Road all have their private open space to the north of the dwellings, adjacent to the boundary of the proposal site.</p> <p>The shadow diagrams provided indicate a significant loss of sunlight to these large backyards which are currently unaffected and receive direct northerly sun. Each rear yard will be overshadowed to the extent that is at a questionable level of what is taken to be an “unreasonable loss of amenity”. However, the question revolves around the extent of what is considered “reasonable” impact, to then determine what the unreasonable level of the impact is.</p> <p>In the second iteration of shadow diagrams provided by the applicant, which included the 3D diagrams as described above, it is evident that there is overshadowing impact from 12pm, with the private open spaces associated with dwellings at 14, 16, 20 Sunnyside Road and 38 Loatta Road being capable of receiving at least three hours of sunlight between 12noon and 3pm on 21 June. This is considered reasonable as the private open spaces of these dwellings will have adequate solar access to ensure that amenity is retained on the adjoining properties.</p>

		<p>However, the shadow diagrams show that more than 70% of the ground level private open space associated with the dwelling at 18 Sunnyside Road will be overshadowed for the greater part of the day and these areas will not receive meaningful solar access on the winter solstice. The overall loss of sunlight is considered significant, taking into account the area in question currently receives unhindered sunlight and is capable of being used as private open space in its entirety, as shown in photo 4 under attachment.</p> <p><i>(Please refer to Table 1 below showing the percentage of solar loss to the private open spaces of the dwellings to the south of the proposed development).</i></p> <p>The applicant was contacted during the assessment to discuss the overshadowing impacts of the proposed dwelling on the backyards of the adjoining properties, citing the overall loss of solar access was significant. Suggestions were given to reduce the overall height of the dwellings in order to comply with the building envelope standards. However, the applicant advised of the structural and engineering constraints that would present if this course of action was taken.</p> <p>From these discussions, the applicant advised that minor adjustments to the height and removal of the parapet walls along the southern boundary could be possible.</p>
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		<p>However, as previously outlined the amended plans and shadow diagrams provided by the applicant did not show a great improvement to the overall loss of sunlight to the private open spaces of the dwelling at 18 Sunnyside Road. The diagrams still showed a loss of solar access to more than 70% of the backyard for the greater part of the day during the winter solstice.</p> <p>On this basis, it is assessed that the proposed development would result in unreasonable loss of amenity to the adjoining property at 18 Sunnyside Road and the proposal does not satisfy the performance criteria and cannot comply with standard 8.4.2 A3/P3.</p>
	<i>(iii) overshadowing of an adjoining vacant property; and</i>	There are no vacant residential lots adjoining the subject site.
	<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i>	<p>The immediate area is largely characterised by single storey dwellings with the adjoining lots to the south, east and west all containing single-storey dwellings. The proposal is for double storey dwellings with setbacks ranging from 1.22m to 3.8m. The elevated height and the reduced setbacks of the dwellings from the southern boundary are assessed as having a detrimental impact on the apparent scale, bulk and proportions when viewed from the adjoining dwellings to the south and not in accordance with the performance criterion.</p>

	(b) <i>provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</i>	<p>The proposed dwellings' setback to the side southern boundary ranges from:</p> <ul style="list-style-type: none"> • Unit 1 being between 1.2m and 3.8m due to angle of the building relative to the side boundary, • Unit 2 being 3.3m to 3.8m, • Unit 3 being 2.2m to 2.7m, and • Unit 4 being 1.1m to 1.7m, <p>which provides a clear area of space and separation between the structure and the boundary line and is considered compatible with that prevailing in the surrounding area.</p>
	<p>(c) <i>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>(ii) <i>another dwelling on the same site.</i></p>	<p>There are no existing solar energy installations on adjoining properties.</p> <p>Not applicable as the proposal does not include solar energy installations to the proposed dwellings nor does it mention the intention for such installations in the near future.</p>

Table 1

Clause 8.4.2 P3(a)(ii) Building envelope for all dwellings – Performance criteria assessment.

Loss of sunlight on 21 June to the private open space of dwellings to the south of the proposed development – based on existing POS to the rear of dwellings as the POS located between the dwelling and the street would be in shadow. Assessment based on shadow drawings A0.05.

Table 1 below shows the percentage of solar loss to the private open spaces of the dwellings to the south of the proposed development.

Dwelling No and % Reduction of sunlight to POS	9.00am	10.00	11.00	12.00pm	1.00	2.00	3.00	Total Hours to >50% of POS
14 Sunnyside Road	100%	85%	65%	50%	40%	30%	35%	3 hours
16 Sunnyside Road	100%	75% *Deck not affected	65% *Deck not affected	55% *Deck not affected	60% *Deck not affected	70% *Deck not affected	80% *Deck not affected	Less than 3hours
18 Sunnyside Road	100%	90% *Deck in shadow of existing shed	90% *Deck in shadow of existing shed	100% *Deck in shadow of existing shed	100% *Deck in shadow of existing shed	100% *Deck in shadow of existing shed	90% *Deck in shadow of existing shed	Less than 3hours
20 Sunnyside Road	100%	85%	60%	40%	40%	45%	70%	3hours achievable
38 Loatta Road	100%	65%	40%	45%	45%	50%	60%	3 hours

General Residential Zone

- **Clause 8.4.3 A2 in relation to site coverage and private open space for all dwellings** – While the total area of private open space for each dwelling exceeds the minimum area, the dimensions and location are inconsistent with the requirements of the acceptable solutions.

The proposal must be considered under Performance Criteria P2 of Clause 8.4.3 as follows.

Clause	Performance Criteria	Assessment
8.4.2 P2	<i>“A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and is:</i>	See Assessment below.

	(a) <i>conveniently located in relation to a living area of the dwelling; and</i>	The proposed private open space is accessible from the living areas of both levels for each dwelling, with each exceeding the minimum area and therefore capable of serving as an extension of the dwelling for outdoor relaxation, dining and recreation.
	(b) <i>orientated to take advantage of sunlight.”</i>	<p>The designated private open spaces associated with the proposed dwellings are to be oriented in a northerly direction and would receive adequate solar access.</p> <p>It is considered that the proposal meets the corresponding performance criterion P2.</p>

Road & Railway Assets Code

- **Clause C3.5.1 A1.4 relating to traffic generation at a vehicle crossing, level junction or new junction** – the proposal would result in an increase of more than 20% to the annual average daily traffic (ADDT) of vehicles to and from the site using an existing access.

The proposal must be considered under Performance Criteria P1 of Clause C3.5.1 as follows.

Clause	Performance Criteria	Assessment
C3.5.1 P1	<i>“Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</i>	See Assessment below.

	<i>(a) any increase in traffic caused by the use;</i>	A Traffic Impact Assessment (TIA) was provided by the applicant and reviewed by Council's Development Engineers who were satisfied that the potential increase in traffic generated by the proposed development will not have an unreasonable impact on the efficiency of the road, and it is considered that the existing road network has capacity to adsorb the additional traffic generated by the proposed development without compromise to the efficiency of the road network.
	<i>(b) the nature of the traffic generated by the use;</i>	<p>The proposed development is residential in nature and the vehicles generated by the proposal would be light vehicles associated with the residential use and are consistent with the existing vehicles using the surrounding road network.</p> <p>As per the TIA, the proposal is expected to generate 26 vehicle movements per day and therefore will not compromise the traffic flow and efficiency of the road network.</p>
	<i>(c) the nature of the road;</i>	As mentioned above, the proposed development would be located on a residential street suitable to accommodate residential traffic movement.
	<i>(d) the speed limit and traffic flow of the road;</i>	Loatta Road is subject to the general urban speed limit of 50km/hr and Council Engineers are satisfied that the additional traffic generated by the proposed development can easily be absorbed without adverse impacts to the immediate road environment.
	<i>(e) any alternative access to a road;</i>	There is no alternative for access to the site.

	<i>(f) the need for the use;</i>	The proposal is for a multiple dwelling development which is a permitted use in the General Residential Zone, and the proposed development is not likely to impede traffic flow in the road network as the existing road has adequate capacity to absorb the additional traffic.
	<i>(g) any traffic impact assessment; and</i>	A TIA was provided by the applicant and reviewed for accuracy by Council's Development Engineers who are satisfied with the information provided.
	<i>(h) any advice received from the rail or road authority."</i>	As mentioned above, Council's Development Engineers have advised that the access arrangement is acceptable for the reasons mentioned above and will not adversely affect traffic safety or pedestrian amenity. It is assessed that the proposal satisfies the relevant requirements of this performance criteria.

5. REPRESENTATION ISSUES

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

5.1. Traffic Impact

Concern was raised in relation to traffic impacts of the proposal, specifically the safety of road users. The concern includes the likely increase in traffic volume associated with the proposed development would create conflict with traffic coming from Cottesloe Street, with the TIA making assumptions that the vehicles from Cottesloe Street will slow down at the junction which is not always the case. The representor further raised concern that the situation is exacerbated by lack of line markings within the carriageway.

- **Comment**

As mentioned in the assessment section, council Development Engineers are satisfied that the traffic generated from a development of this scale is unlikely to have an adverse impact within the road network. The additional traffic generated from the proposed development is considered minimal, in the order of 26 vehicle trips per day, and this will be absorbed within the road network without compromising the efficiency of the road.

The proposal complies with the relevant provisions of the Road and Railway Assets Code and Parking and Sustainable Transport Code as addressed above. Council Engineers are satisfied that the available sight distances for entering and exiting the site comply with the minimum sight distance requirements of the Australian Standards, and there is capacity within the existing network to cater for the proposed development.

The proposed development provides adequate on-site parking, as per the requirements of the Parking and Sustainable Transport Code. Therefore, the demand for additional on-street parking is not likely to increase on this basis.

In response to the concerns raised regarding the state of the road, Council Engineers have nominated this intersection for line marking subsequent to the re-surfacing of the road, with works to be undertaken in the near future.

5.2. Privacy

Concern was raised by a representor about privacy to private open on adjoining properties that may be compromised due to the elevated position and orientation of the upper-level decks and windows associated with the proposed dwellings.

- **Comment**

The upper-level decks and windows are setback more than 5m from the side and rear boundaries and meet the requirements of the Scheme in relation to privacy, as prescribed by the acceptable solutions of Clause 8.4.6 A1 and A2.

On the basis that the relevant acceptable solutions are met, this issue has no determining weight.

5.3. Visitor Parking

Concern was raised by the representor about the advertised plans not showing the location of all proposed visitor car parking spaces.

- **Comment**

The advertised plans show three proposed visitor parking spaces (refer to site plan -A0.03). Two visitor parking spaces would be contained to the rear of the site between Unit 4 and the northern side boundary, and an additional space being located between Units 1 and 3. The proposed development creates a demand for one visitor car parking space, yet the proposal provides for three on-site visitor parking spaces, which is in excess of that required under the acceptable solution of Clause C2.5.1 of the Parking and Sustainable Transport Code. This issue has no determining weight.

5.4. Accessibility

Concern was raised by the representor that the proposed double storey dwellings are inaccessible to people with mobility issues and no provisions have been made to improve safety, amenity and accessibility of the proposed dwellings to people with mobility issues.

- **Comment**

There is no applicable standard for residential development in the planning scheme that gives the planning authority of council the opportunity to consider issues relating to housing accessibility.

However, these issues can be dealt with under the National Construction Code 2023, which provides minimum guidelines for required levels of safety, health, amenity, accessibility and suitability in buildings.

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 also referred to TasNetworks who advised that the proposal is unlikely to have an adverse impact on TasNetworks operations. Standard advice to be included in the permit if granted.

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

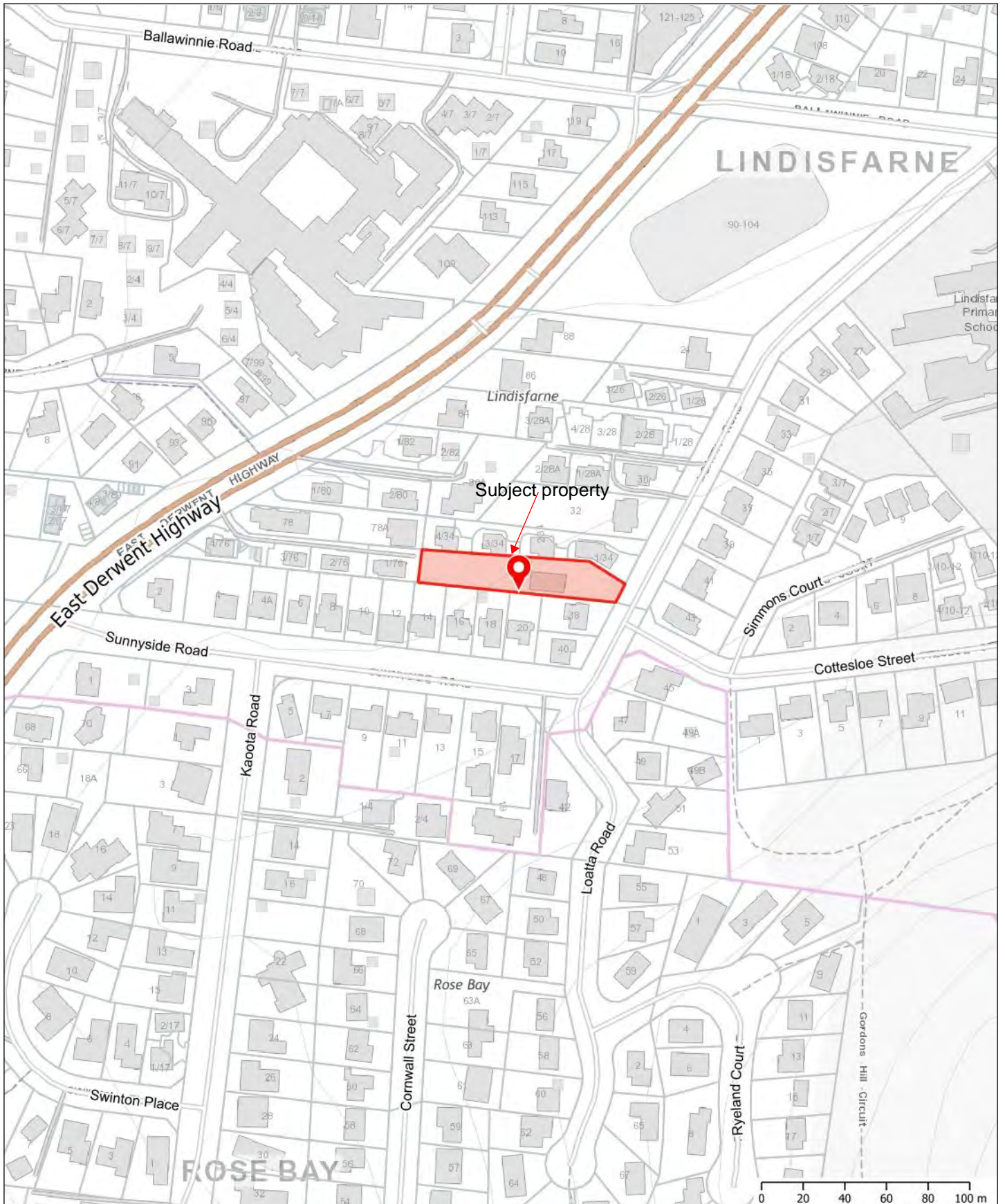
9. CONCLUSION



The proposal is recommended for refusal. The application has not demonstrated that it complies with the performance criteria P3 of clause 8.4.2, as the proposal is assessed as causing an unreasonable loss of amenity due to overshadowing and loss of solar access to the private open space of the dwelling on the adjoining lot to the south, at 18 Sunnyside Road, Lindisfarne. Additionally, the built form of the proposed development is assessed as compromising the visual amenity through bulk and scale.

Attachments: 1. Location Plan (1)
2. Proposal Plans (26)
3. Traffic Impact Assessment Report (17)
4. Site Photos (3)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



	<p>This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.</p>	<p>9/03/2023</p> <p>1:2500</p>	
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PINNACLE



36 Loatta Road, Lindisfarne

Owner(s) or Clients	James Jubb OBO Roughead Sports Pty Ltd, Jubco (No2) Pty Ltd and Modern Building Company Pty Ltd	Title Reference	78132/4
		Zoning	General Residential
		Land Size	1596m ²
Building Classification	1a	Design Wind Speed	N2
Designer	Jason Nickerson CC6073Y	Soil Classification	M
Total Floor Area	597.56m ²	Climate Zone	7
Alpine Area	N/A	Corrosion Environment	Moderate
Other Hazards <small>(e.g., High wind, earthquake, flooding, landslip, dispersive soils, sand dunes, mine subsidence, landfill, snow & ice, or other relevant factors)</small>	Safeguarding of Airports	Bushfire Attack Level (BAL)	Low

ID	Sheet Name	Issue
A0.01	Location Plan	DA - 02
A0.02	Existing Plan	DA - 02
A0.03	Site Plan	DA - 02
A0.04	ZOI	
A0.05	Shadow Diagrams - June 21	DA - 02
A0.06	Shadow Diagrams - December 21	DA - 02
A0.07	Shadow Diagrams - June 21	DA - 02
A0.08	Site Elevations	DA - 02
A1.01	U1 - Floor Plan - Lower	DA - 02
A1.02	U1 - Floor Plan - Upper	DA - 02
A1.03	U1 - Elevations	DA - 02
A1.04	U1 - Elevations	DA - 02
A1.05	U1 - Roof Plan	DA - 02
A1.06	U1 - Electrical Plan - Lower	DA - 02
A1.07	U1 - Electrical Plan - Upper	DA - 02
A2.01	U2 - Floor Plan - Lower	DA - 02
A2.02	U2 - Floor Plan - Upper	DA - 02
A2.03	U2 - Elevations	DA - 02
A2.04	U2 - Elevations	DA - 02
A2.05	U2 - Roof Plan	DA - 02
A2.06	U2 - Electrical Plan - Lower	DA - 02
A2.07	U2 - Electrical Plan - Upper	DA - 02
A3.01	U3 - Floor Plan - Lower	DA - 02
A3.02	U3 - Floor Plan - Upper	DA - 02
A3.03	U3 - Elevations	DA - 02
A3.04	U3 - Elevations	DA - 02
A3.05	U3 - Roof Plan	DA - 02
A3.06	U3 - Electrical Plan - Lower	DA - 02
A3.07	U3 - Electrical Plan - Upper	DA - 02
A4.01	U4 - Floor Plan - Lower	DA - 02
A4.02	U4 - Floor Plan - Upper	DA - 02
A4.03	U4 - Elevations	DA - 02
A4.04	U4 - Elevations	DA - 02
A4.05	U4 - Roof Plan	DA - 02
A4.06	U4 - Electrical Plan - Lower	DA - 02
A4.07	U4 - Electrical Plan - Upper	DA - 02
L.01	Landscaping Plan	DA - 02

Legend

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

Important Note

Refer to Civil Drawings completed by Saltmarsh & Escobar as well as Hydraulic design by Ceeds Property Group.

Refer to Traffic Impact Assessment completed by Hubble Traffic.



Site Areas

Site Area	1596 m ²
Building Footprint	597.56 m ²
Total Site Coverage	37.44%

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Location Plan

Revision: DA -03
Approved by: JRD

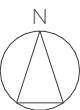
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Pg. No: A0.01

Proposal: Multiple Dwellings
Client: James Jubb
Address: 36 Loatta Road, Lindisfarne

Date: 19/05/22
Drawn by: JRD
Job No: Pinn 150-2021
Engineer: TBA
Building Surveyor: TBA

Issue Date
DA 01 19.05.2022
DA -02 22.07.2022
DA -03 02.12.2022

Description
DA first issue
RFI response
RFI response - retaining wall
revs





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Legend

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



PINNACLE	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	Existing Plan	Scale: @A3	Proposal: Multiple Dwellings Client: James Jubb Address: 36 Loatta Road, Lindisfarne	Date: 19/05/22 Drawn by: JRD Job No: Pinn 150-2021 Engineer: TBA Building Surveyor: TBA	Issue Date DA 01 19.05.2022 DA 02 22.07.2022 DA 03 02.12.2022	Description DA first issue RFI response RFI response - retaining wall revs		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.	

Legend

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

Important Note

Refer to Civil Drawings completed by Saltmarsh & Escobar as well as Hydraulic design by Ceeds Property Group.

Refer to Traffic Impact Assessment completed by Hubble Traffic.

Note

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

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

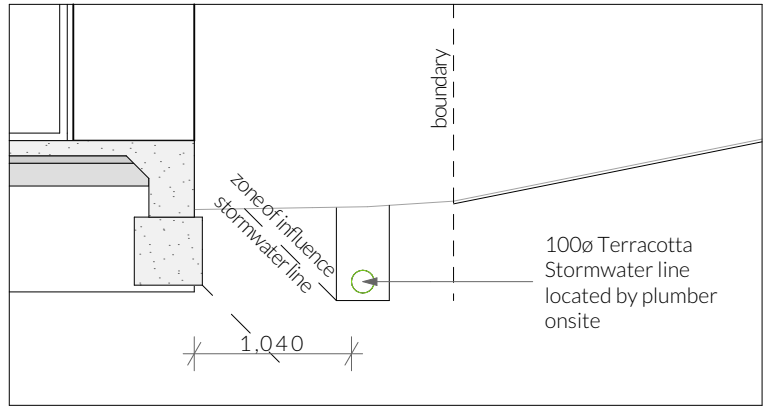
Ground to fall away from building in all directions in compliance with AS2870 & N.C.C 3.1.3.3



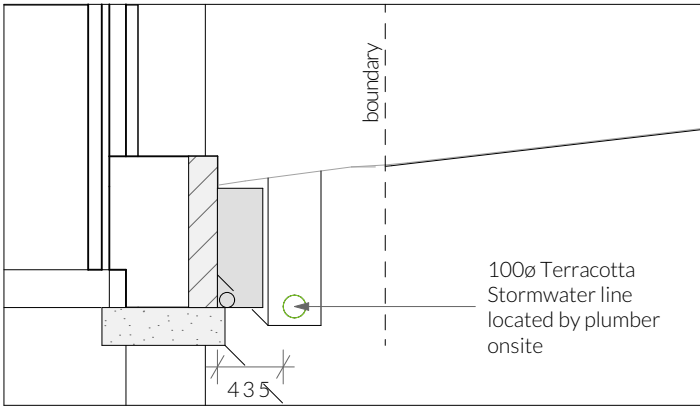
Site Areas

Site Area	1596 m ²
Building Footprint	597.56 m ²
Total Site Coverage	37.44%

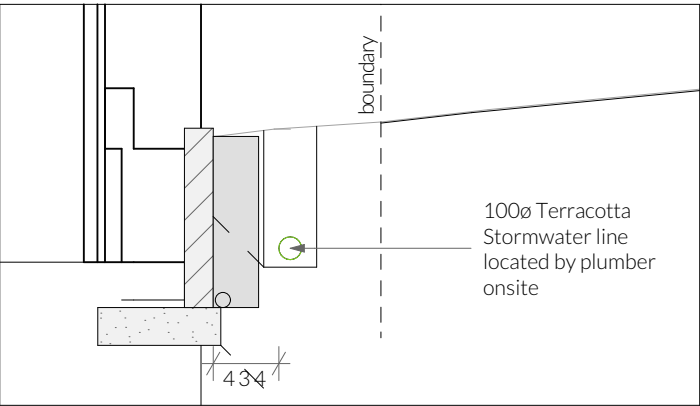
PINNACLE	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	Site Plan	Scale: 1:250 @A3 Pg. No: A0.03	Proposal: Multiple Dwellings Client: James Jubb Address: 36 Loatta Road, Lindisfarne	Date: 19/05/22 Drawn by: JRD Job No: Pinn 150-2021 Engineer: TBA Building Surveyor: TBA	Issue Date DA 01 19.05.2022 DA -02 22.07.2022 DA -03 02.12.2022	Description DA first issue RFI response RFI response - retaining wall revs		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.	



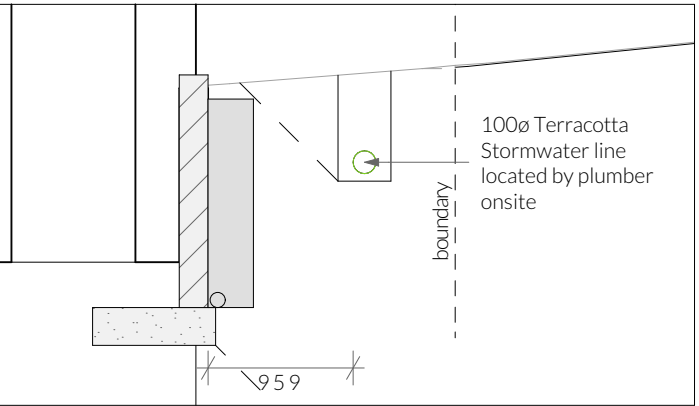
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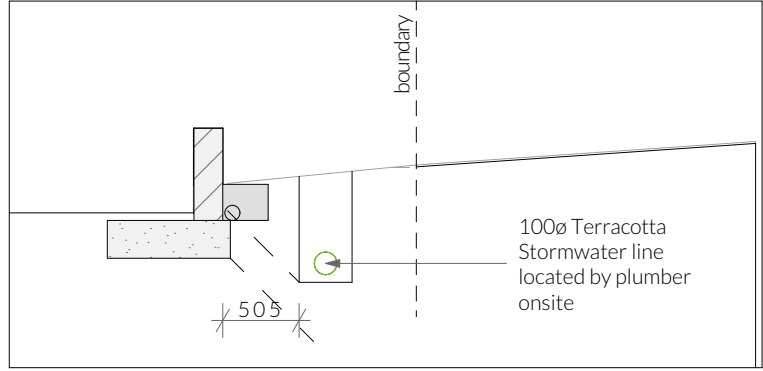
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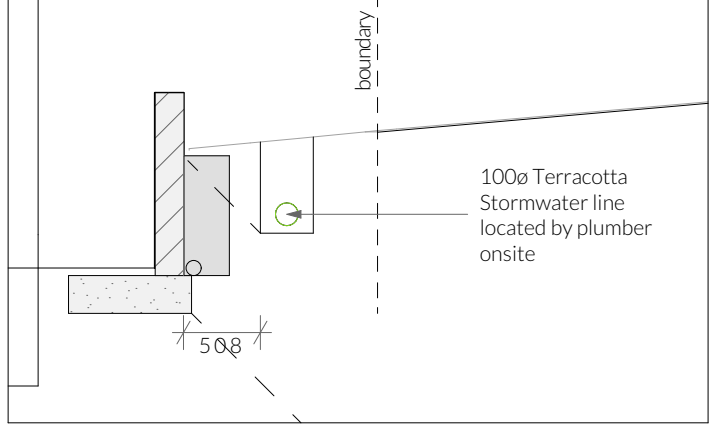
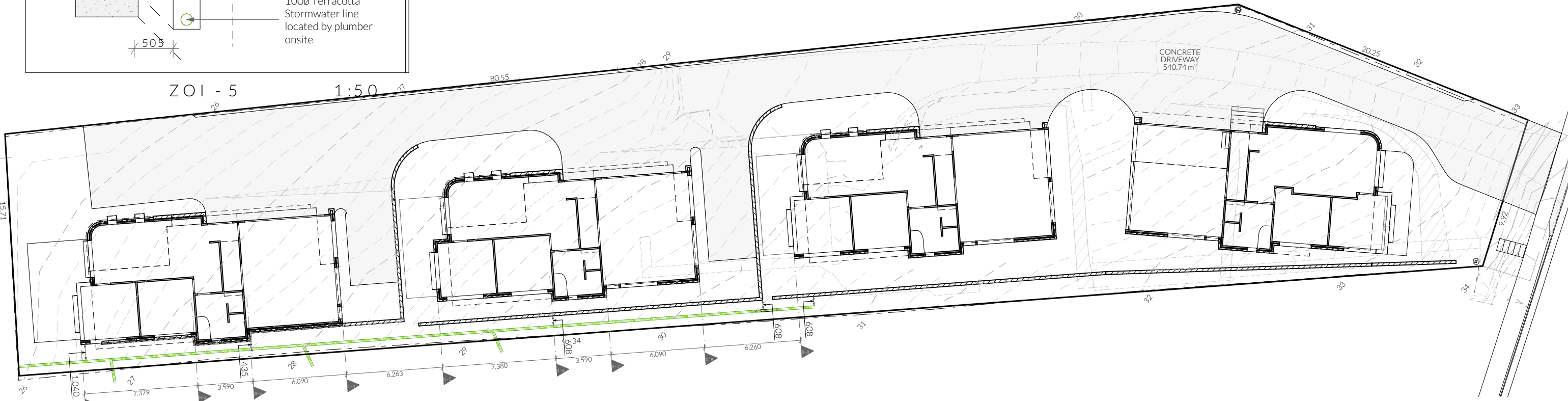
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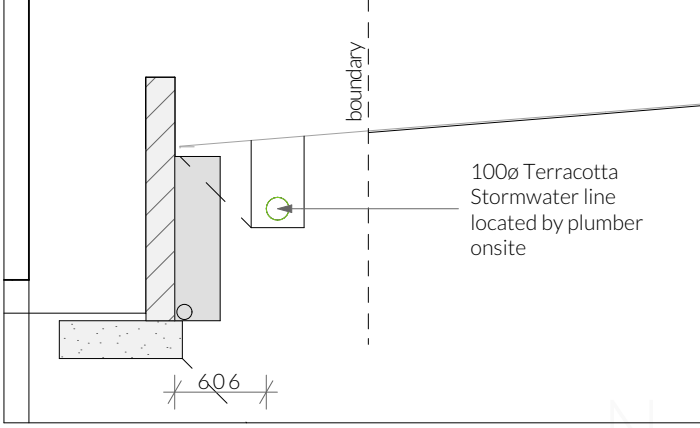
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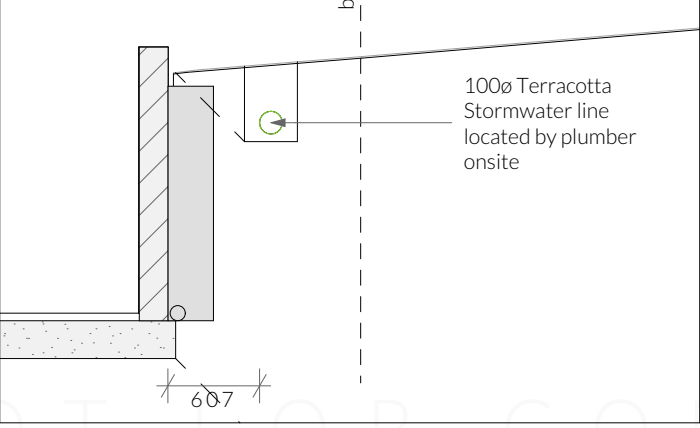
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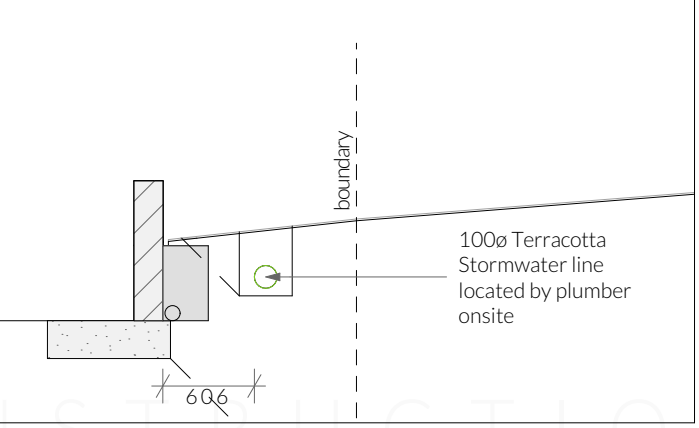
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ZOI - 7 1:50



ZOI - 8 1:50



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ZOI
Revision:
Approved by:

DA -03
JRD

Scale:
1:250 @A3
Pg. No:
A0.04

Proposal: Multiple Dwellings
Client: James Jubb
Address: 36 Loatta Road, Lindisfarne

Date: 19/05/22
Drawn by: JRD
Job No: Pinn 150-2021
Engineer: TBA
Building Surveyor: TBA

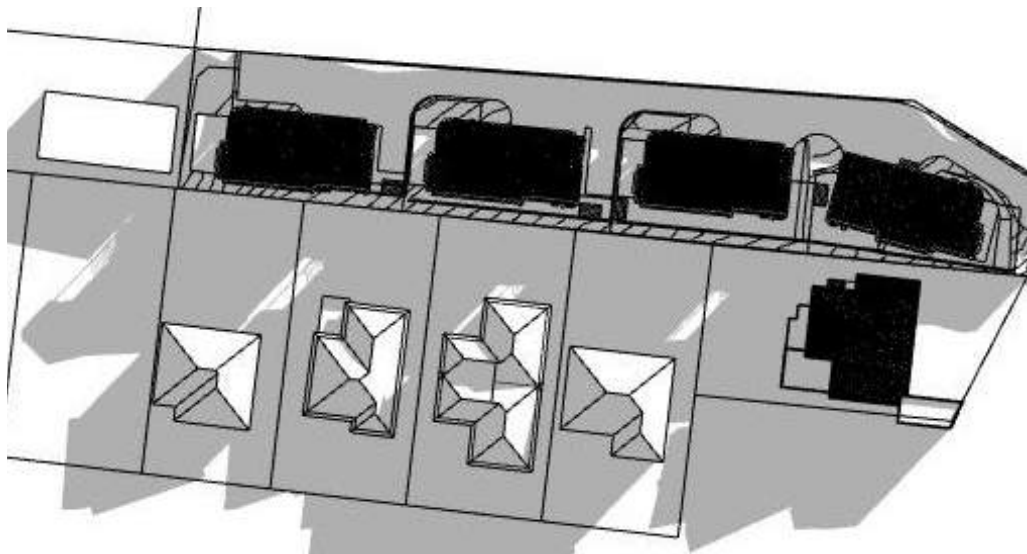
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DA 01 19.05.2022
DA 02 22.07.2022
DA 03 02.12.2022

Description
DA first issue
RFI response
RFI response - retaining wall
revs

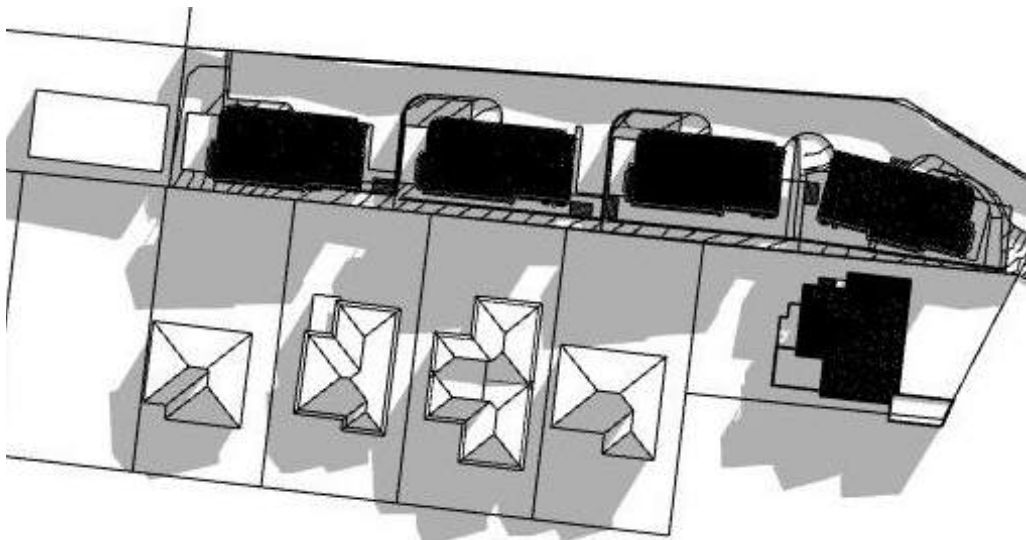


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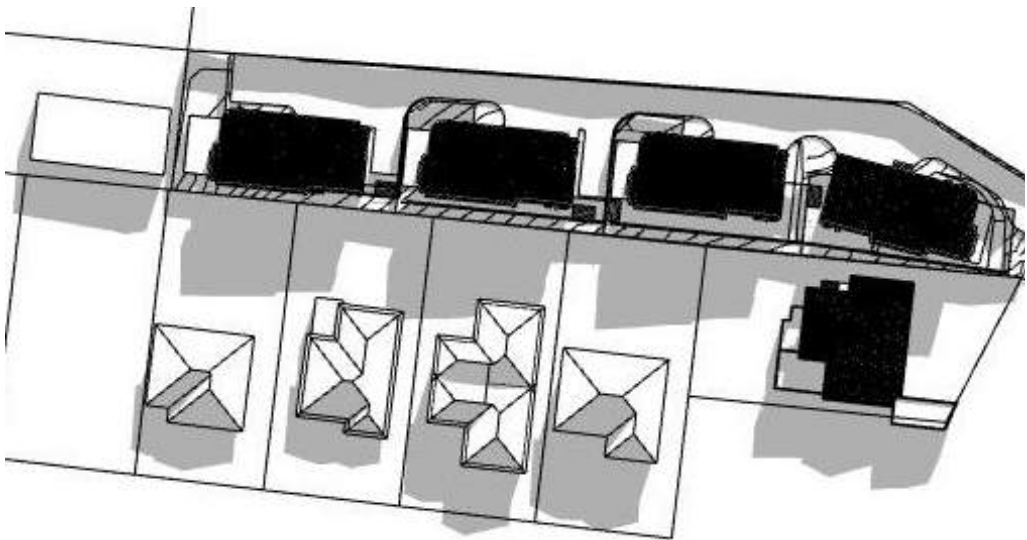




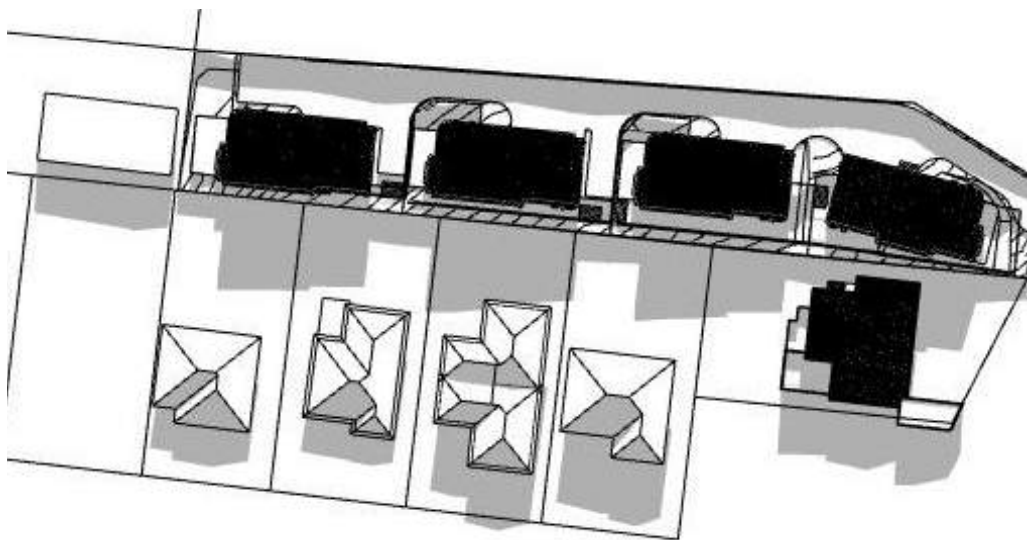
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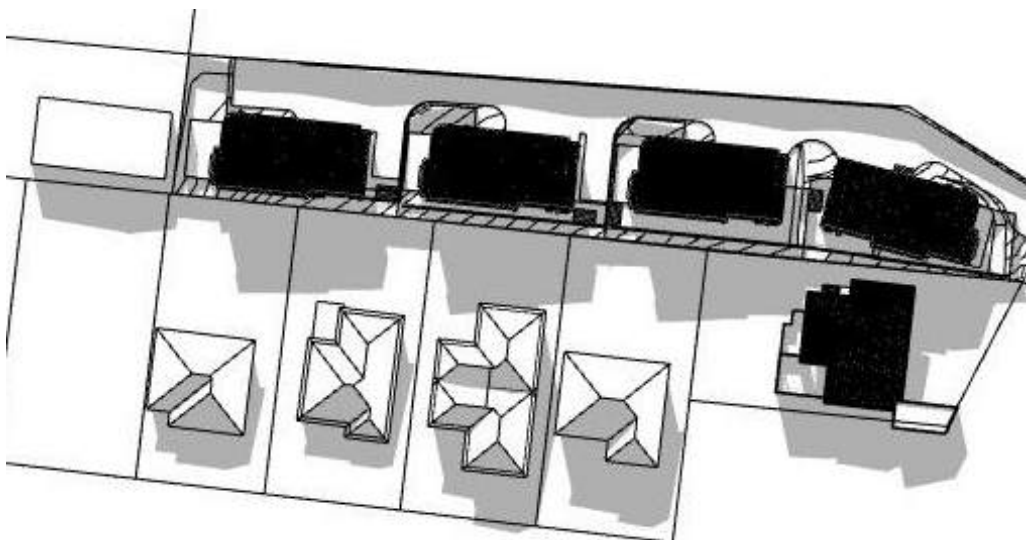
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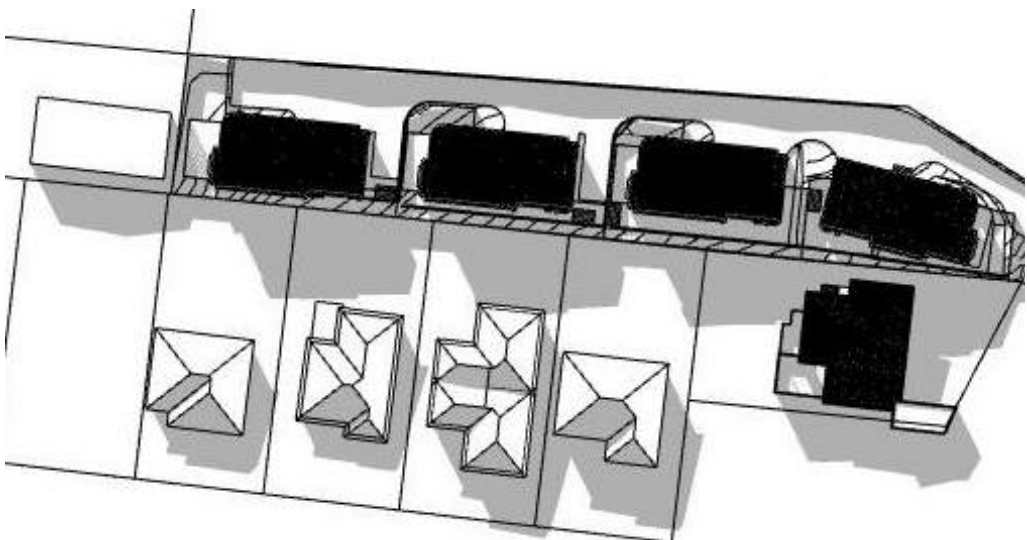
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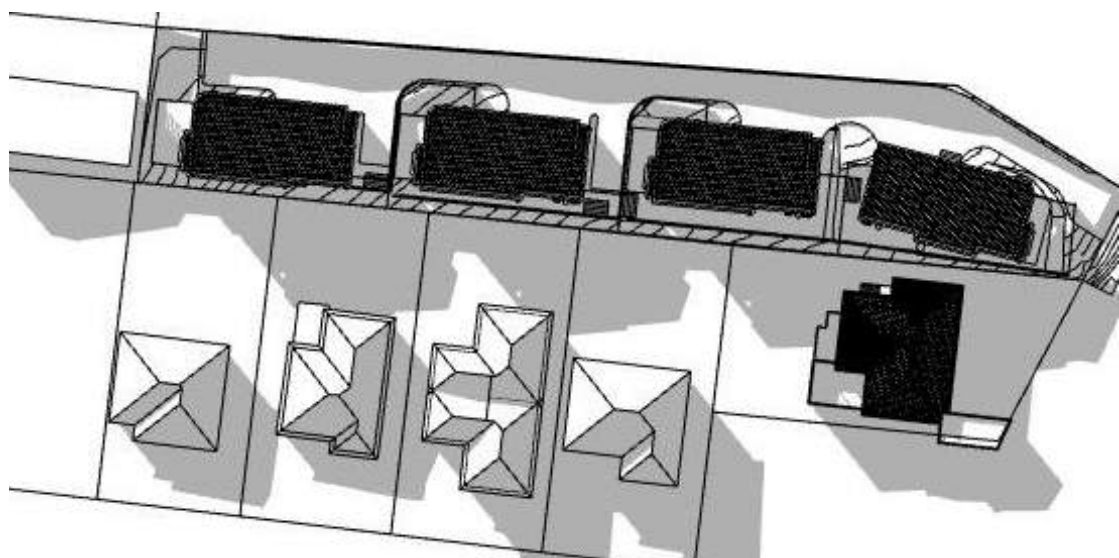
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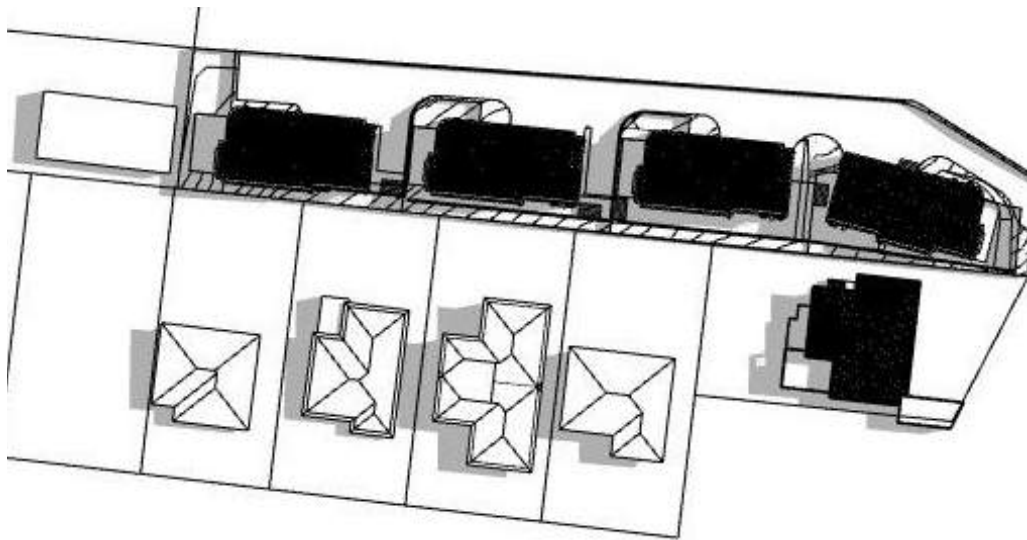


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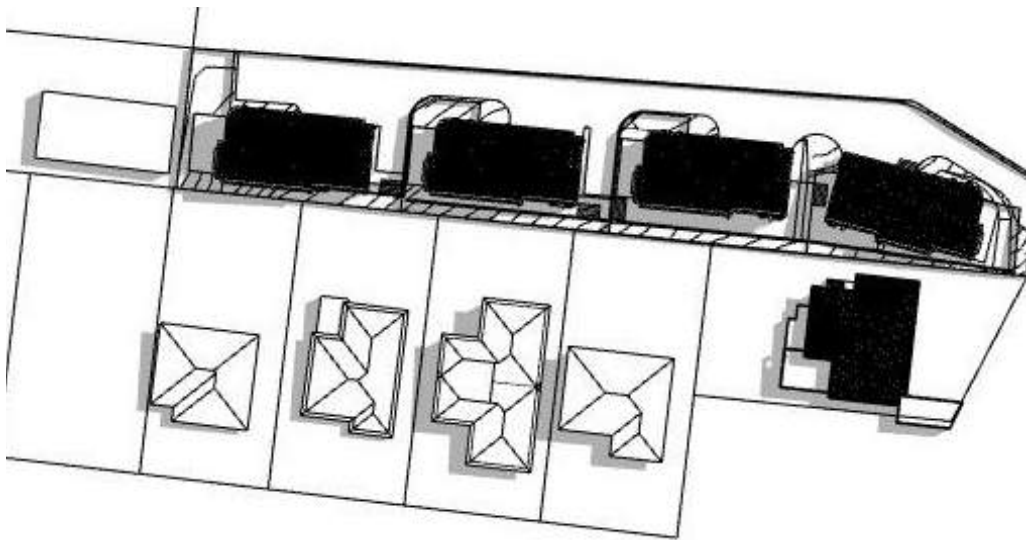


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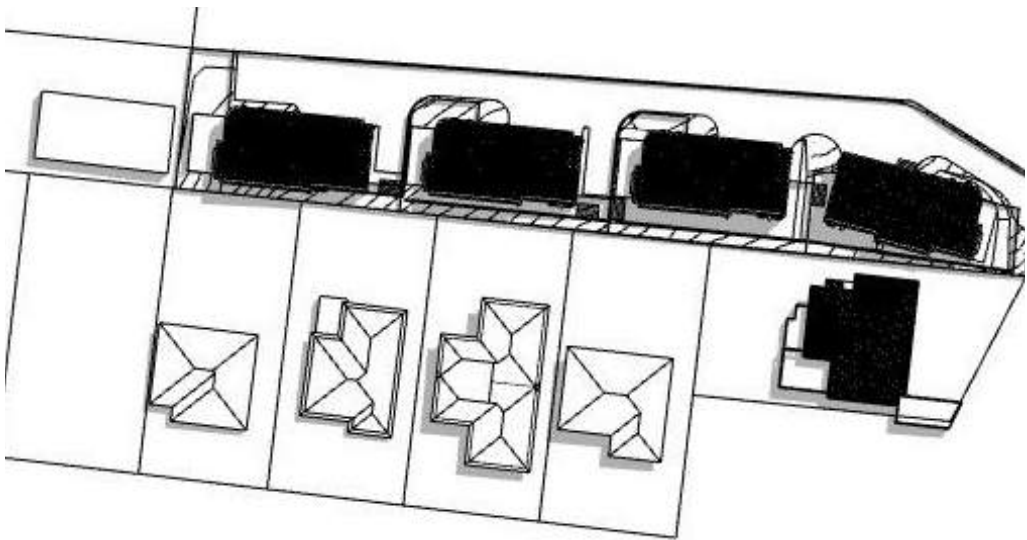
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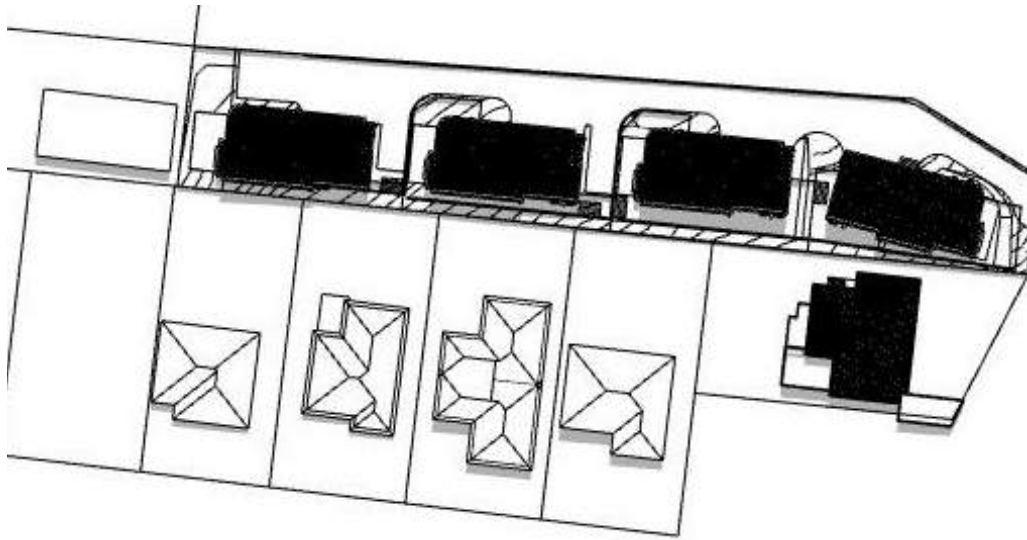
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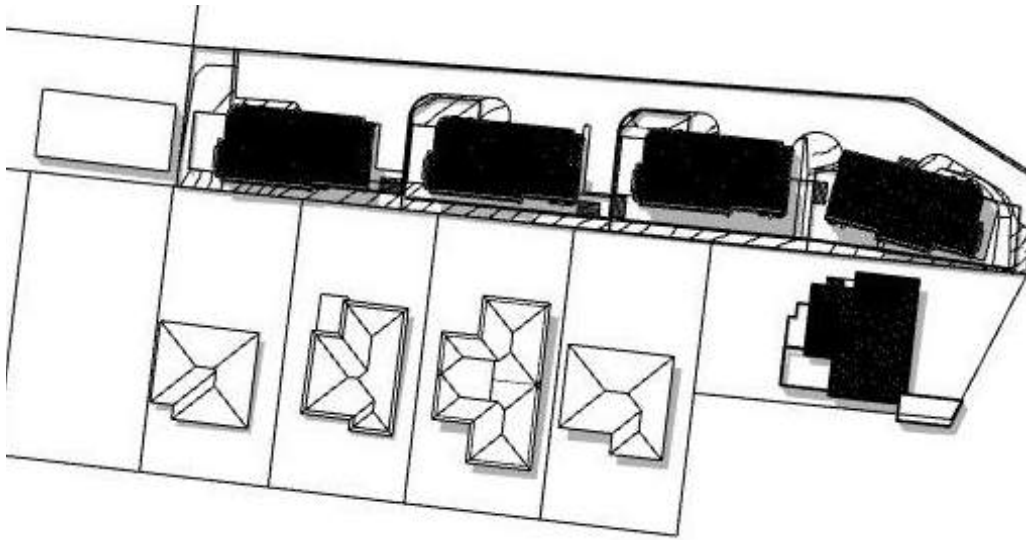
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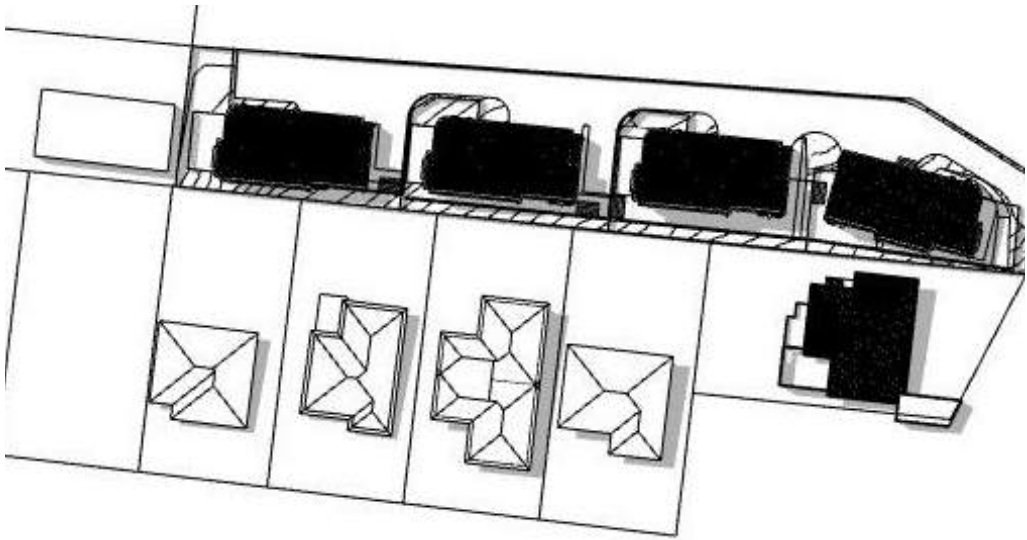
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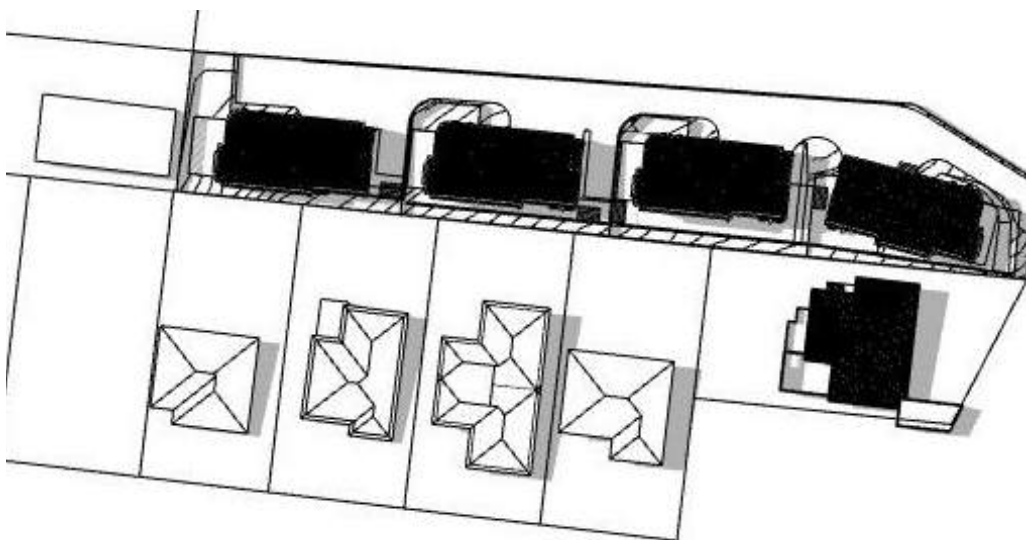
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1 P M



2 P M



3 P M

NOT FOR CONSTRUCTION



9 A M



1 2 P M



3 P M

PERSPECTIVE VIEW FROM REAR OF 36 LOATTARD, LINDISFARNE ALONG SOUTHERN PROPERTY BOUNDARY
TOWARD DWELLING AT 38 LOATTARD, LINDISFARNE

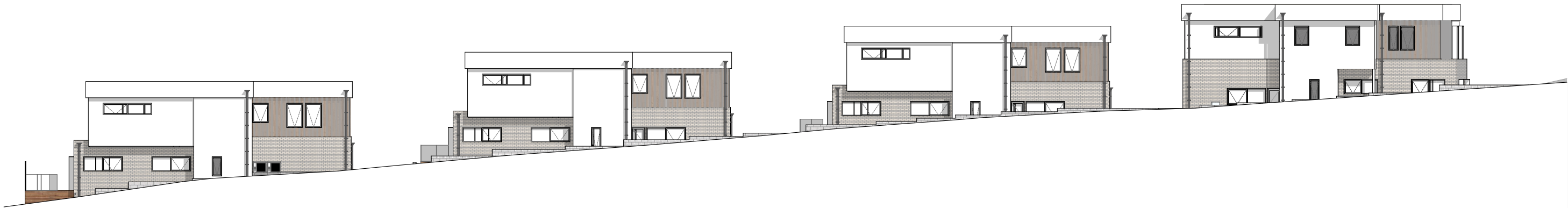
NOT FOR CONSTRUCTION

PINNACLE	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	Shadow Diagrams - June 21	Scale: @ A3	Proposal: Multiple Dwellings	Date: 19/05/22	Issue	Date	Description		<small>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.</small>	
			Client: James Jubb	Drawn by: JRD	DA 01 19.05.2022	DA first issue					
					DA -02 22.07.2022	RFI response					
					DA -03 02.12.2022	RFI response - retaining wall revs					
		Revision: DA -03	Pg. No: A0.07	Address: 36 Loatta Road, Lindisfarne	Job No: Pinn 150-2021						
		Approved by: JRD			Engineer: TBA						
					Building Surveyor: TBA						



North Elevation

1:250



South Elevation

1:250

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

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7/3 Abernant Way, Cambridge 7170
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Site Elevations

Revision: DA - 03
Approved by: JRD

Scale:
1:250 @A3
Pg. No:
A0.08

Proposal: Multiple Dwellings
Client: James Jubb
Address: 36 Loatta Road, Lindisfarne

Date: 19/05/22
Drawn by: JRD
Job No: Pinn 150-2021
Engineer: TBA
Building Surveyor: TBA

Issue	Date	Description
DA 01	19.05.2022	DA first issue
DA -02	22.07.2022	RFI response
DA -03	02.12.2022	RFI response - retaining wall revs

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- A

P
- Access Panel

AJ

SD

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

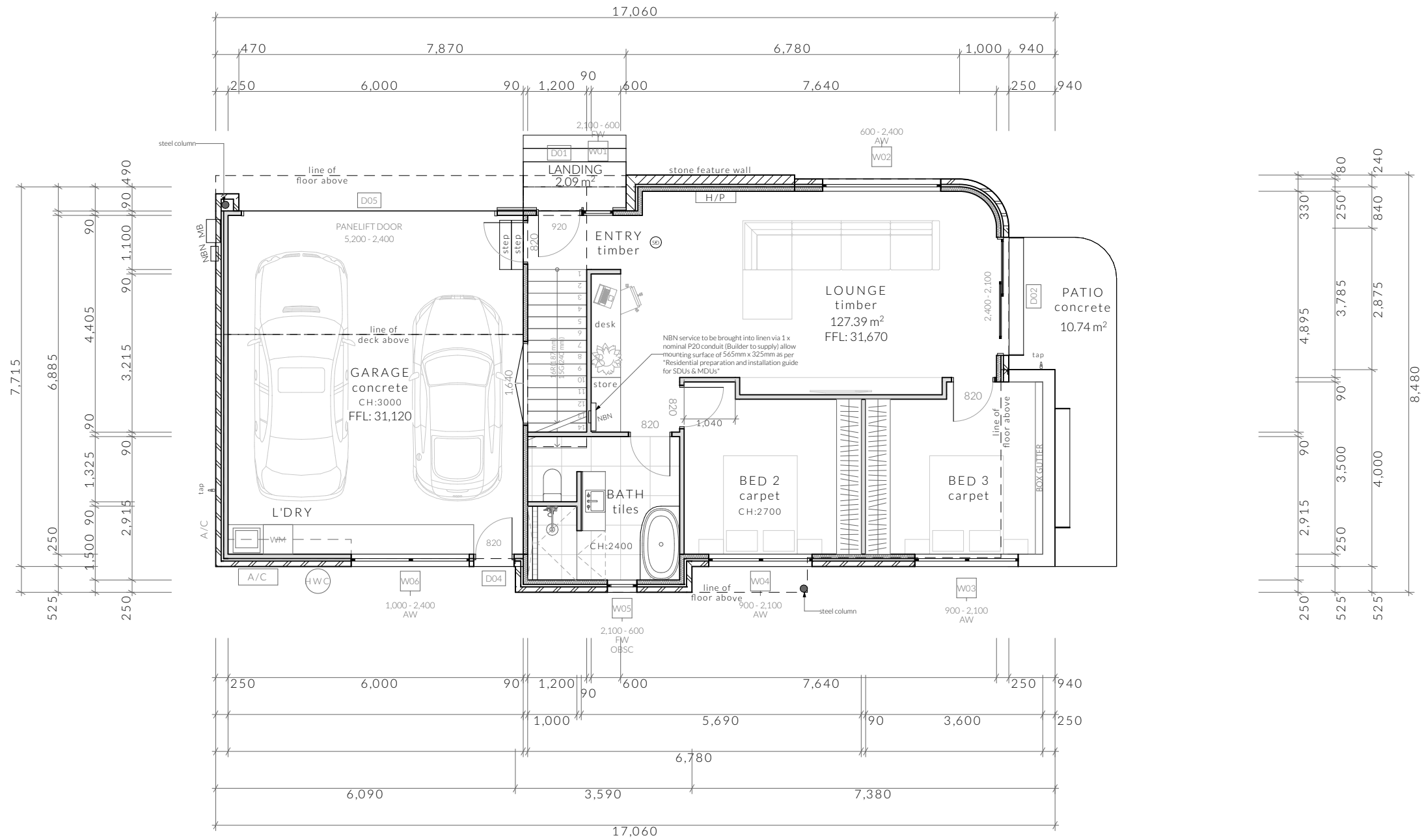
Openable windows greater than 4m above ground level are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m.

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



Floor Areas

Lower Floor	127.39m ²
Upper Floor	105.69m ²
Total Floor Area	233.08m ²
Deck	20.19m ²

PINNACLE	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	U1 - Floor Plan - Lower	Scale: 1:100 @A3 Pg. No: A1.01	Proposal: Multiple Dwellings Client: James Jubb Address: 36 Loatta Road, Lindisfarne	Date: 19/05/22 Drawn by: JRD Job No: Pinn 150-2021 Engineer: TBA Building Surveyor: TBA	Issue Date Description DA 01 19.05.2022 DA first issue DA -02 22.07.2022 RFI response DA -03 02.12.2022 RFI response - retaining wall revs		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.	

- A

P
- Access Panel
- AJ
- Articulation Joint
- SD
- 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

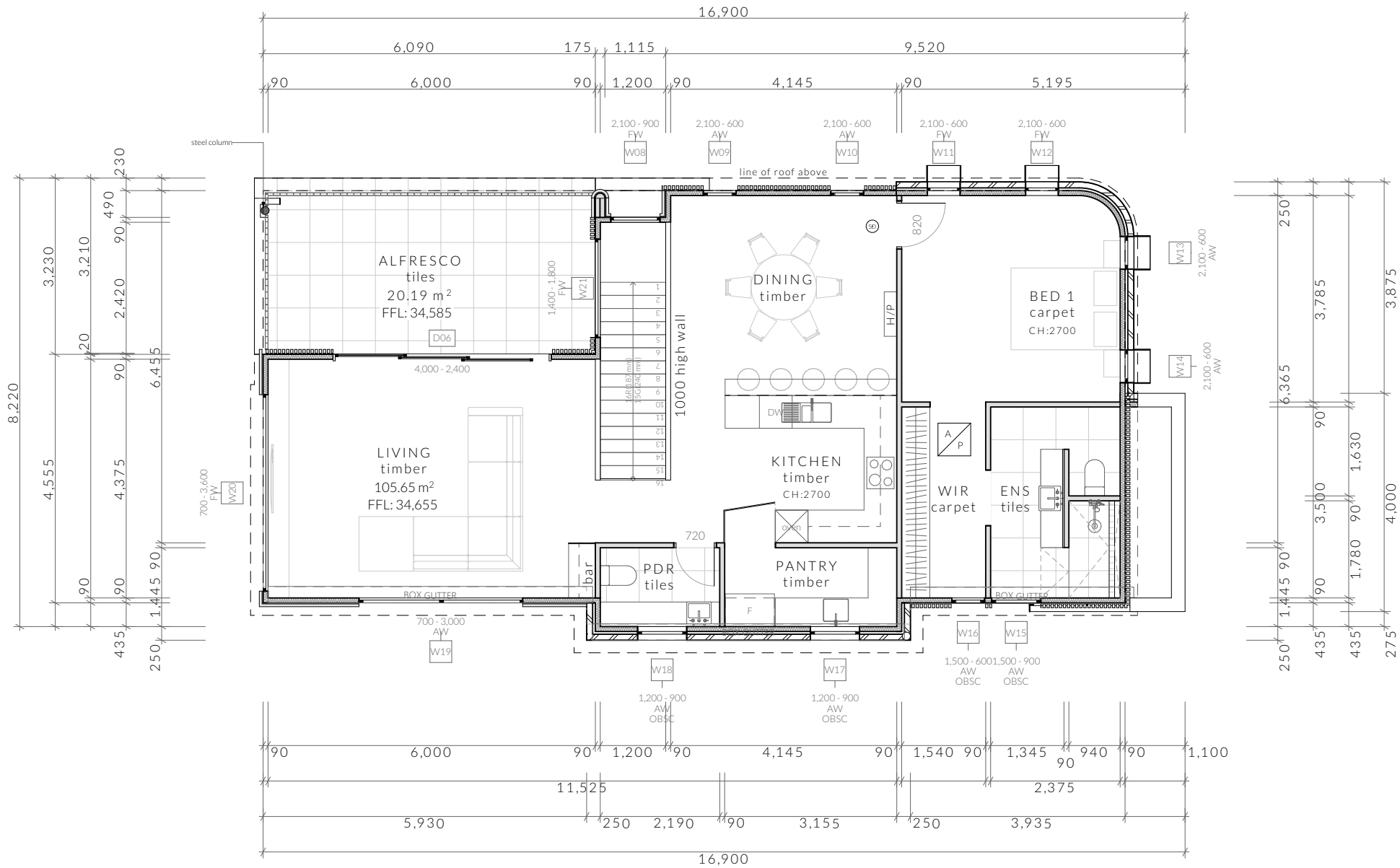
Openable windows greater than 4m above ground level are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m.

Note: Paved Areas

All paths and patios to fall away from dwelling.

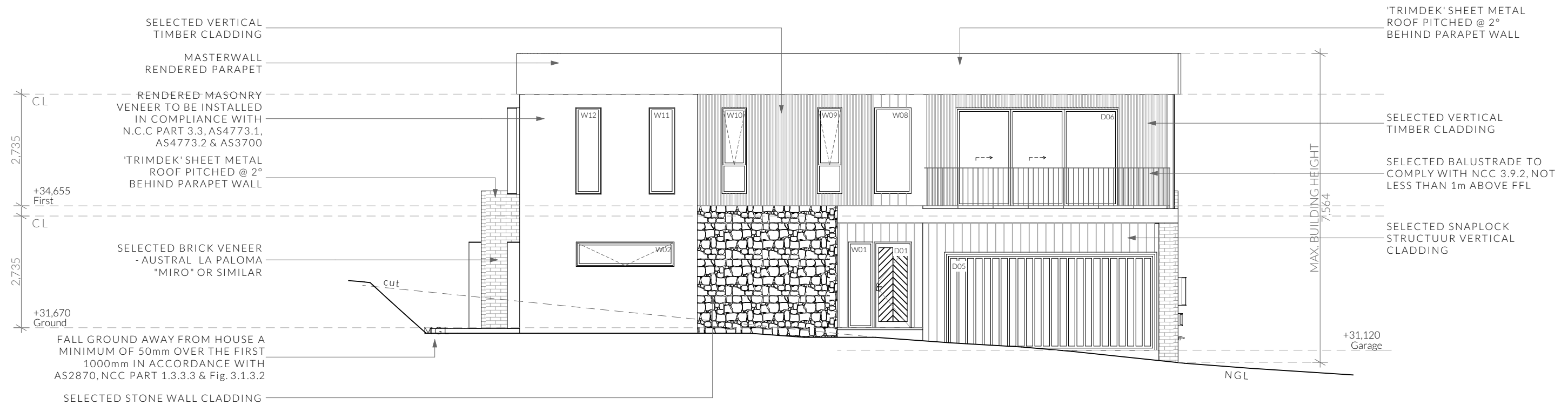
Note: Stair Construction

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
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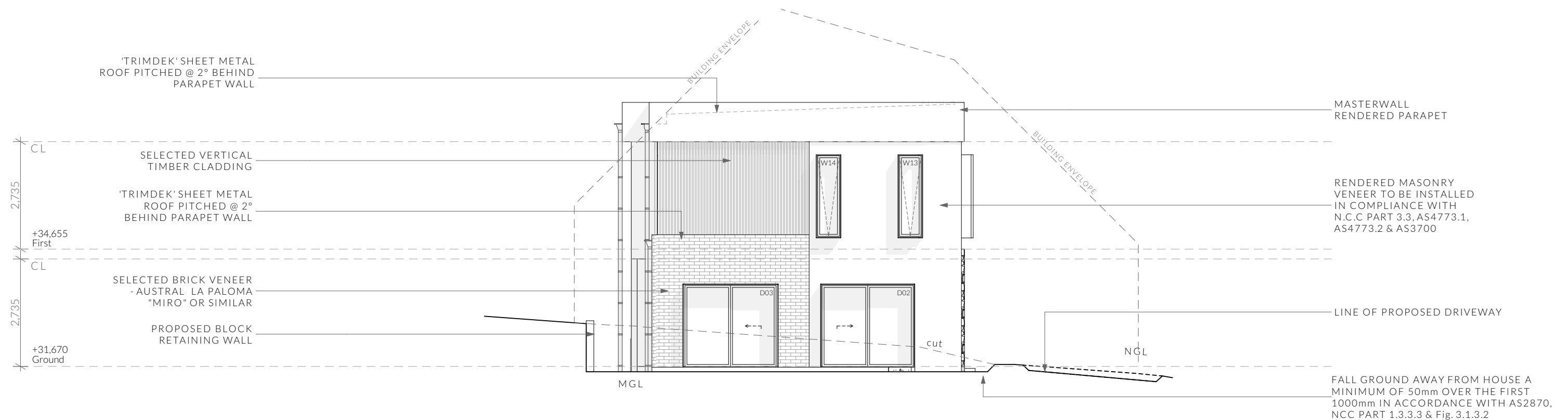


Floor Areas

Lower Floor	127.39m ²
Upper Floor	105.69m ²
Total Floor Area	233.08m ²
Deck	20.19m ²



U 1 - North Elevation

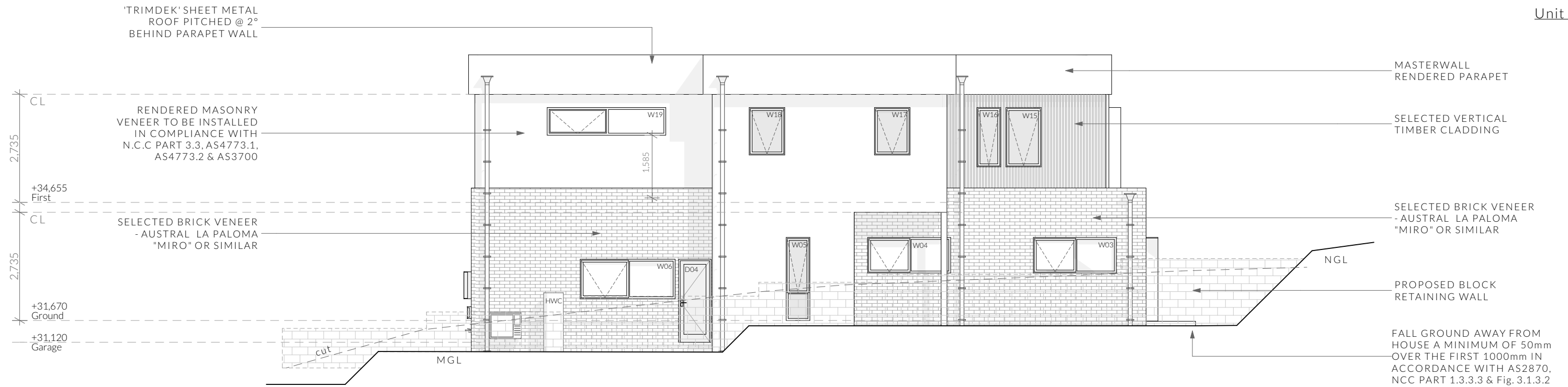


U 1 - East Elevation

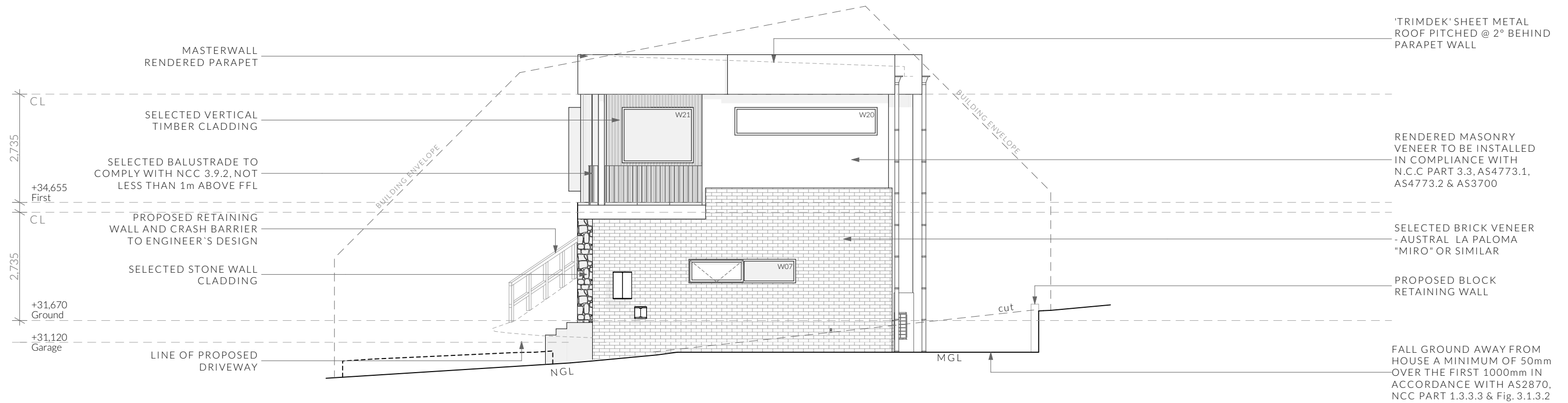
NOTE
Clearances between cladding and ground shall comply with 3.5.4.7 of the current N.C.C and shall be a minimum clearance of:
- 100mm in low rainfall intensity areas or sandy, well-drained areas; or
- 50mm above impervious areas that slope away from the building; or
- 150mm in any other case.

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	Scale: 1:100 @ A3 Pg. No: A1.03	Proposal: Multiple Dwellings Client: James Jubb Address: 36 Loatta Road, Lindisfarne	Date: 19/05/22 Drawn by: JRD Job No: Pinn 150-2021 Engineer: TBA Building Surveyor: TBA	Issue Date DA 01 19.05.2022 DA 02 22.07.2022 DA 03 02.12.2022	Description DA first issue RFI response RFI response - retaining wall revs	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.	



U 1 - South Elevation



U 1 - West Elevation

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:
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- 150mm in any other case.

As per N.C.C part 3.9.2,
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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	Scale: 1:100 @A3 Pg. No: A1.04	Proposal: Multiple Dwellings Client: James Jubb Address: 36 Loatta Road, Lindisfarne	Date: 19/05/22 Drawn by: JRD Job No: Pinn 150-2021 Engineer: TBA Building Surveyor: TBA	Issue Date DA 01 19.05.2022 DA 02 22.07.2022 DA 03 02.12.2022	Description DA first issue RFI response RFI response - retaining wall revs	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.	bdoo BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

- A

P
- Access Panel

AJ

SD

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.

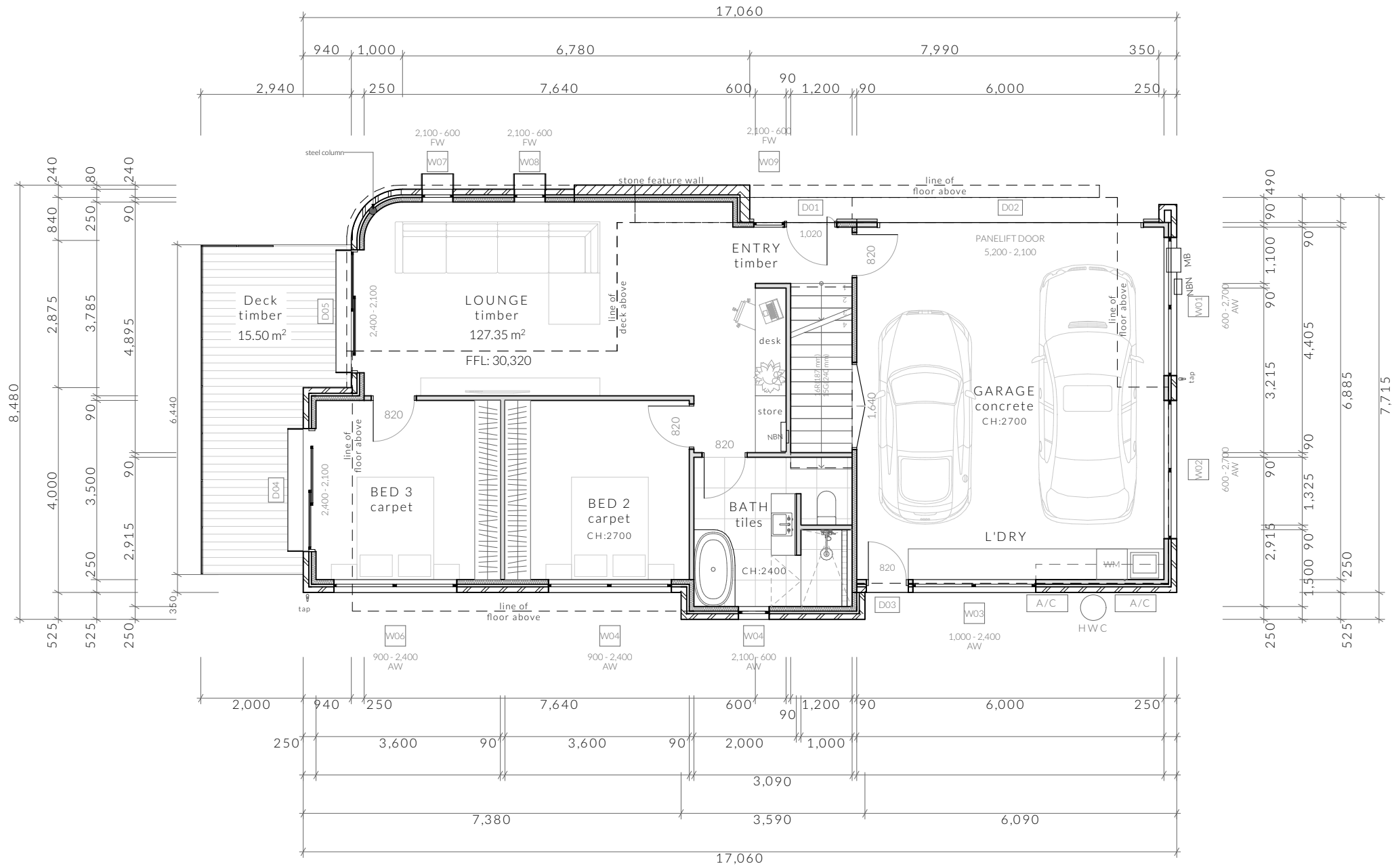
Note: Stair Construction

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



Floor Areas

Lower Floor	127.35m ²
Upper Floor	103.63m ²
Total Floor Area	230.98m ²
Deck	16.87m ²

- A

P

Access Panel
- AJ

Articulation Joint
- SD

Smoke Alarm

Construction of sanitary compartments 3.8.3.3 of current NCC

The door to a sanitary compartment must -

- open outwards; or
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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

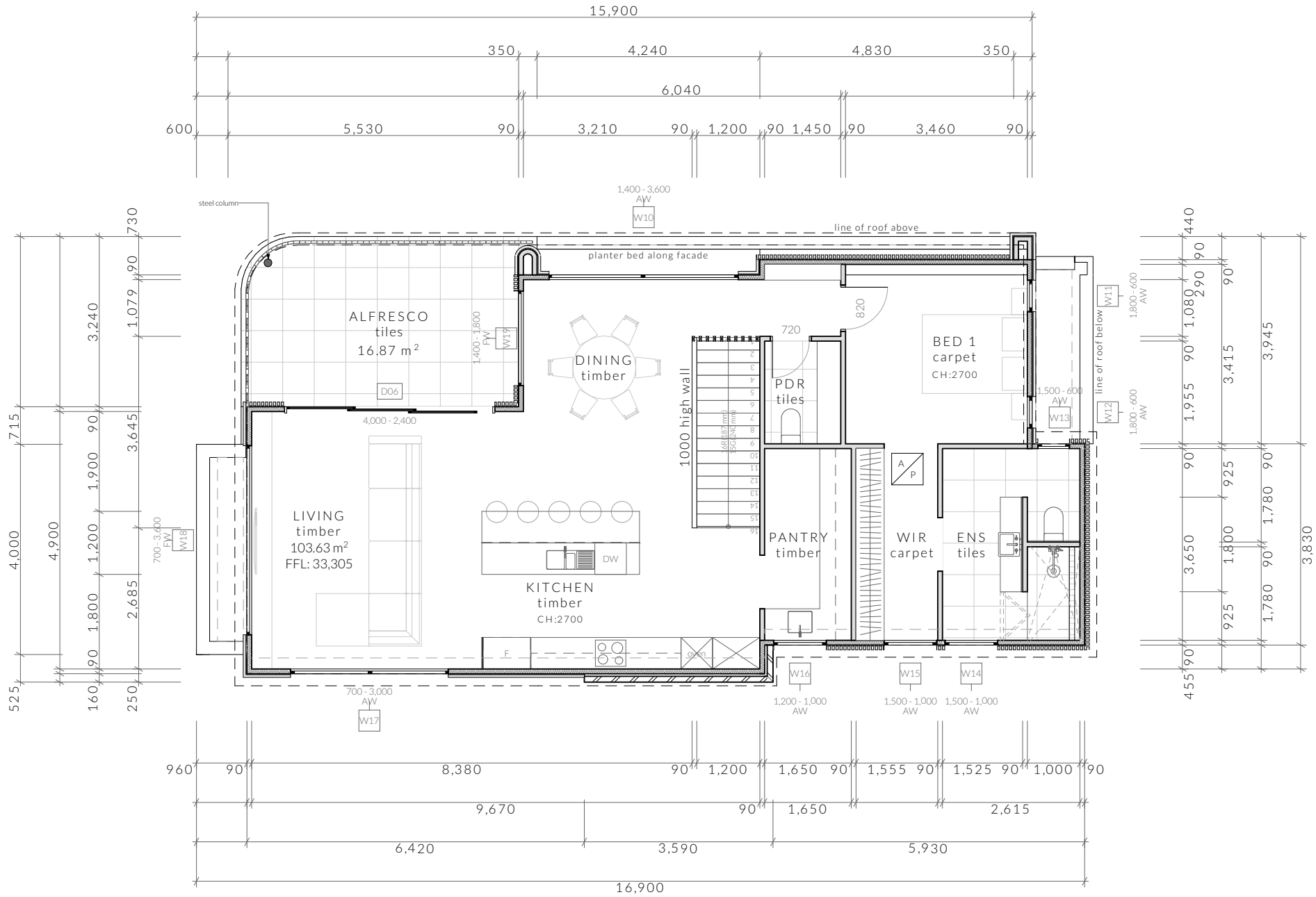
Openable windows greater than 4m above ground level are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m.

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Note: Stair Construction

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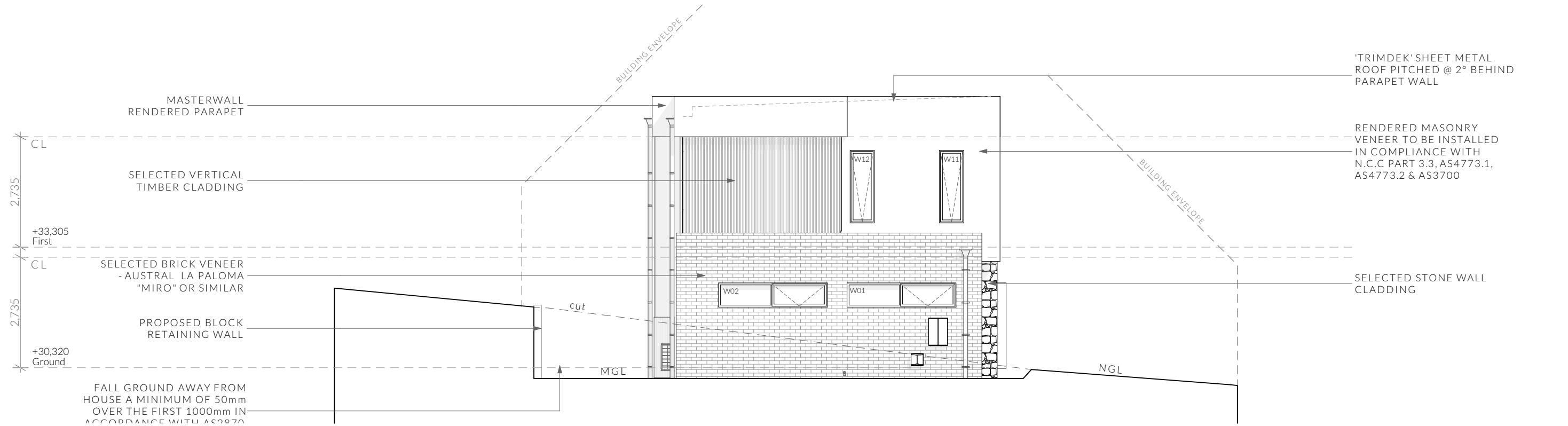


Floor Areas

Lower Floor	127.35m ²
Upper Floor	103.63m ²
Total Floor Area	230.98m ²
Deck	16.87m ²



U 2 - North Elevation



U 2 - East Elevation

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 Abernatt Way, Cambridge 7170
03 6248 4218
admin@pinnacledrafting.com.au
www.pinnacledrafting.com.au

U2 - Elevations

Revision: DA - 03
Approved by: JRD

Scale:
1:100 @ A3
Pg. No:
A2.03

Proposal: Multiple Dwellings
Client: James Jubb
Address: 36 Loatta Road, Lindisfarne

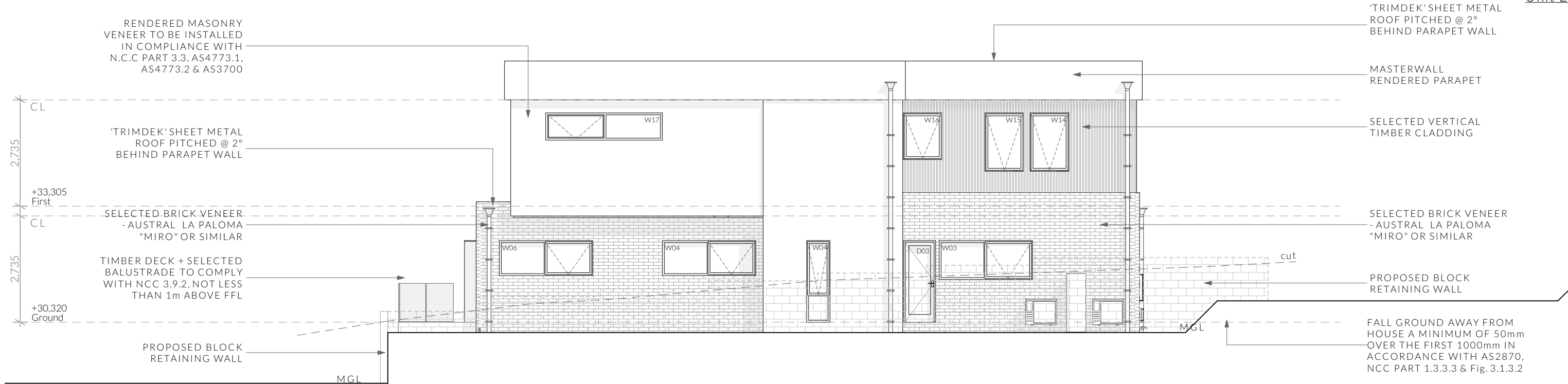
Date: 19/05/22
Drawn by: JRD
Job No: Pinn 150-2021
Engineer: TBA
Building Surveyor: TBA

Issue Date
DA 01 19.05.2022
DA -02 22.07.2022
DA -03 02.12.2022

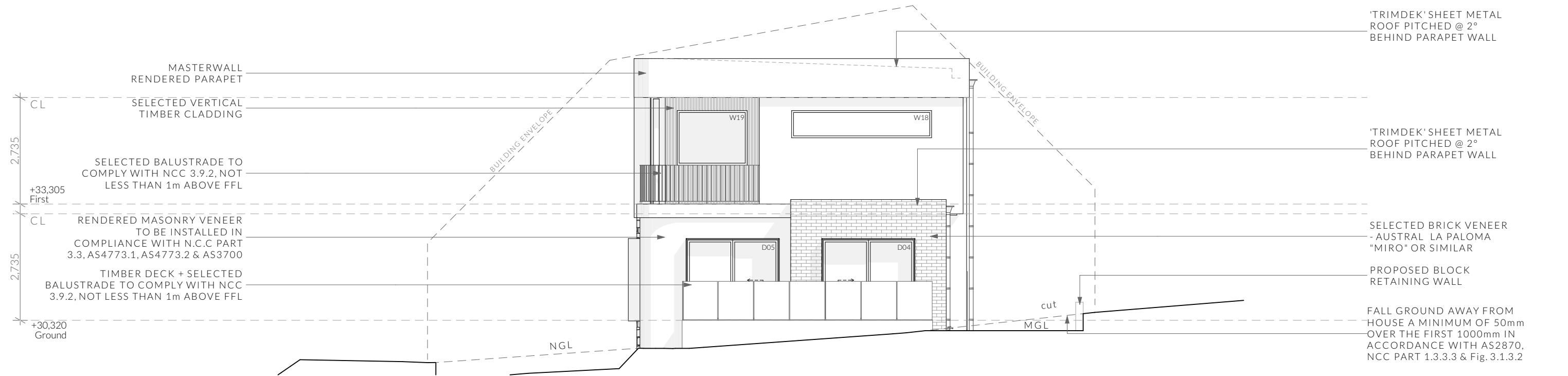
Description
DA first issue
RFI response
RFI response - retaining wall
revs

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U 2 - South Elevation



U 2 - West Elevation

NOTE
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PINNACLE	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	U2 - Elevations	Scale: 1:100 @A3 Pg. No: A2.04	Proposal: Multiple Dwellings Client: James Jubb Address: 36 Loatta Road, Lindisfarne	Date: 19/05/22 Drawn by: JRD Job No: Pinn 150-2021 Engineer: TBA Building Surveyor: TBA	Issue Date DA 01 19.05.2022 DA -02 22.07.2022 DA -03 02.12.2022	Description DA first issue RFI response RFI response - retaining wall revs		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.	

- A

P
- Access Panel

AJ

SA

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.

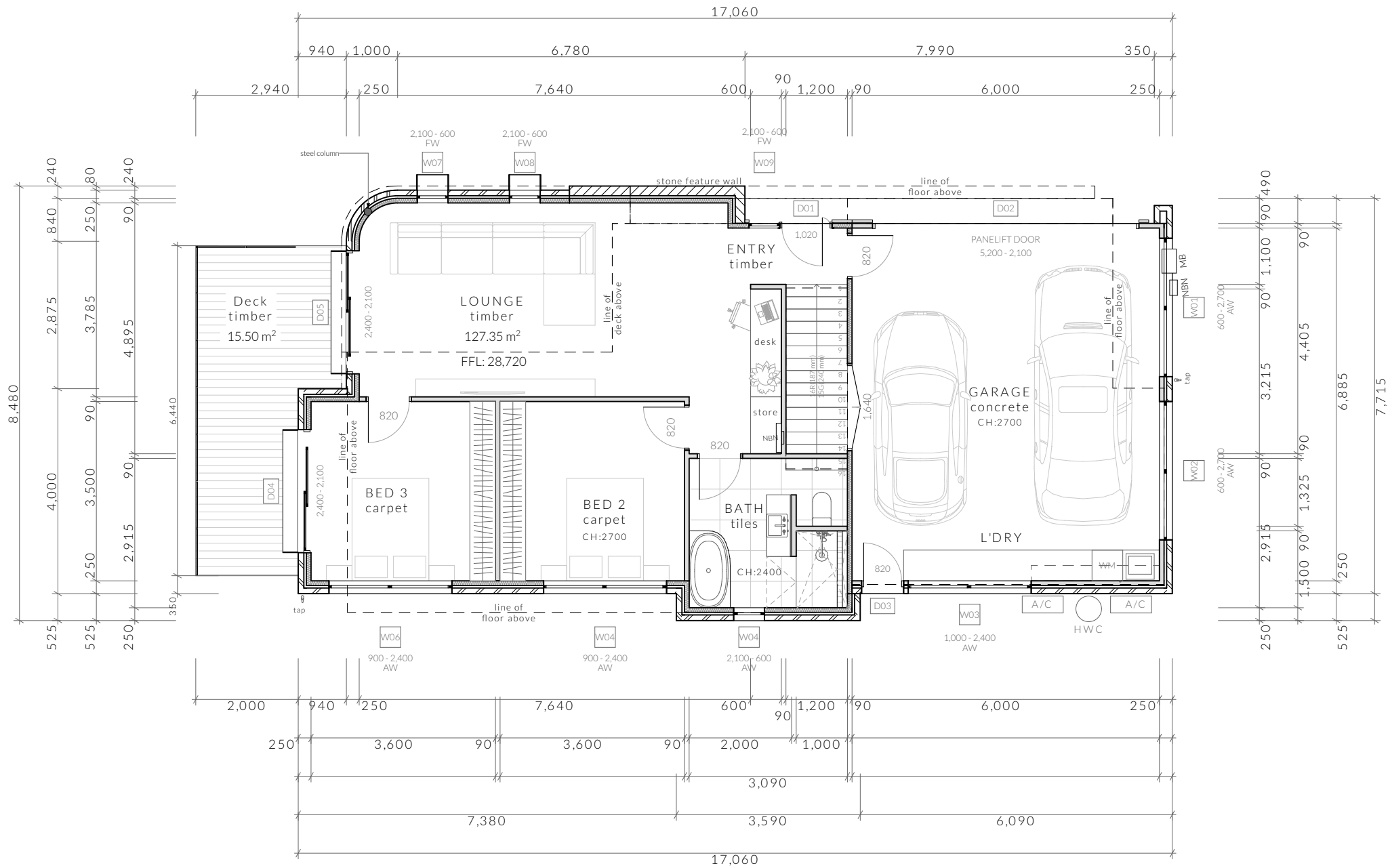
Note: Stair Construction

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



Floor Areas

Lower Floor	127.35m ²
Upper Floor	103.63m ²
Total Floor Area	230.98m ²
Deck	16.87m ²

- A

P
- Access Panel
- AJ
- Articulation Joint
- SD
- Smoke Alarm

Construction of sanitary compartments 3.8.3.3 of current NCC

The door to a sanitary compartment must -

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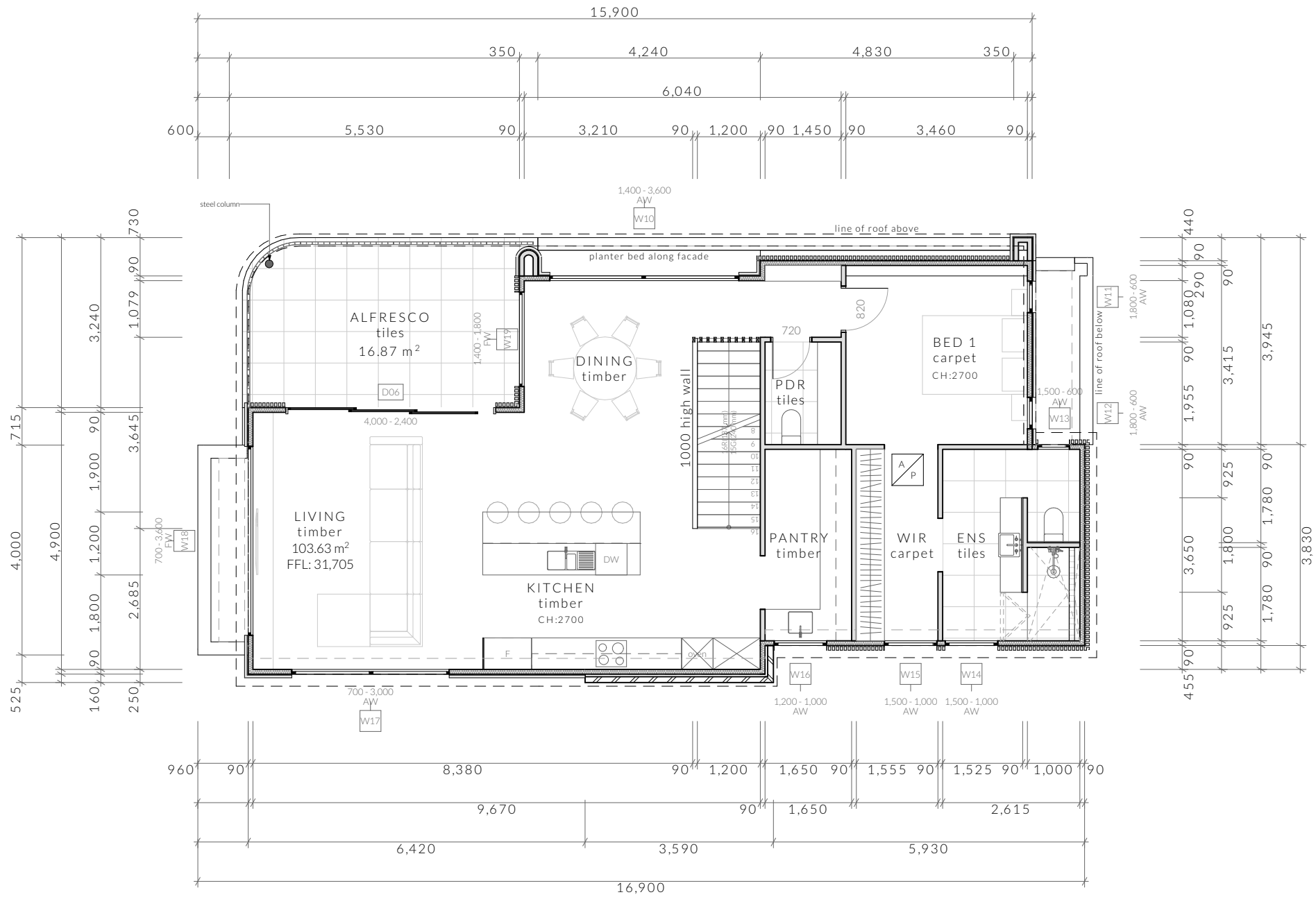
Note: Stair Construction

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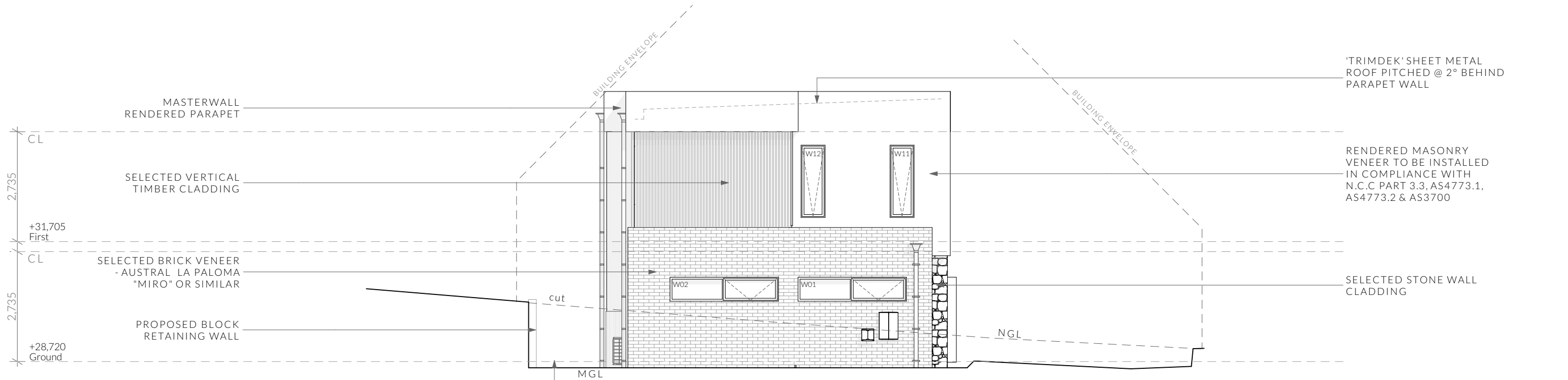
Upper Floor Plan - U 3

Floor Areas

Lower Floor	127.35m ²
Upper Floor	103.63m ²
Total Floor Area	230.98m ²
Deck	16.87m ²



U 3 -North Elevation



U 3 - East Elevation

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:

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

PINNACLE

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03 6248 4218
admin@pinnacledrafting.com.au
www.pinnacledrafting.com.au

U3 - Elevations

Revision: DA -03
Approved by: JRD

Scale: 1:100 @A3
Pg. No: A3.03

Proposal: Multiple Dwellings
Client: James Jubb
Address: 36 Loatta Road, Lindisfarne

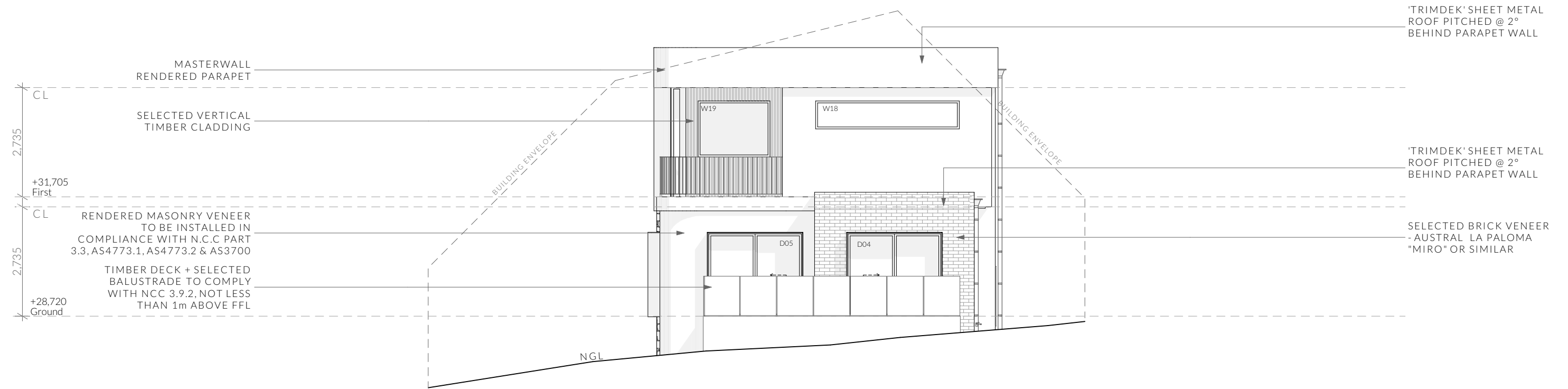
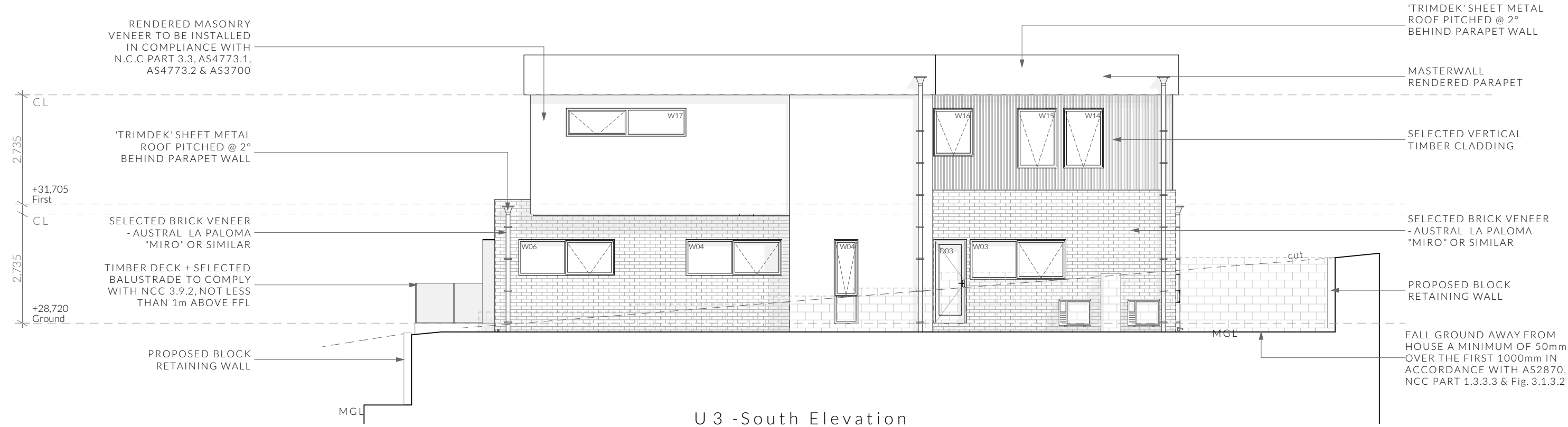
Date: 19/05/22
Drawn by: JRD
Job No: Pinn 150-2021
Engineer: TBA
Building Surveyor: TBA

Issue Date
DA 01 19.05.2022
DA -02 22.07.2022
DA -03 02.12.2022

Description
DA first issue
RFI response
RFI response - retaining wall
revs

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NOTE
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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	U3 - Elevations	Scale: 1:100 @A3 Pg. No: A3.04	Proposal: Multiple Dwellings Client: James Jubb Address: 36 Loatta Road, Lindisfarne	Date: 19/05/22 Drawn by: JRD Job No: Pinn 150-2021 Engineer: TBA Building Surveyor: TBA	Issue Date DA 01 19.05.2022 DA -02 22.07.2022 DA -03 02.12.2022	Description DA first issue RFI response RFI response - retaining wall revs	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.	

- A

P
- Access Panel
- AJ
- Articulation Joint
- SD
- 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

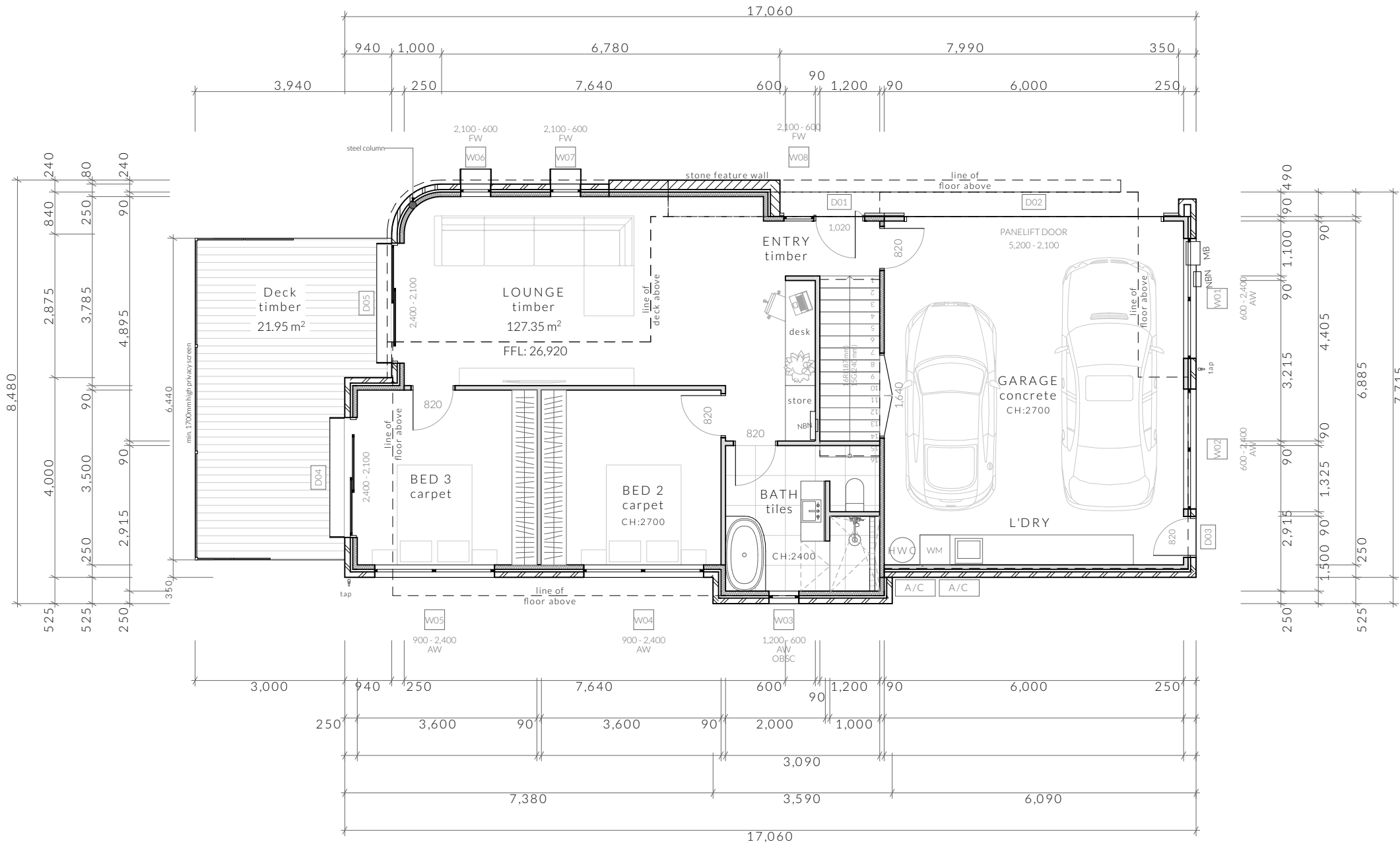
Openable windows greater than 4m above ground level are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m.

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



Floor Areas

Lower Floor	127.35m ²
Upper Floor	103.63m ²
Total Floor Area	230.98m ²
Deck	16.87m ²

- A

P

Access Panel
- AJ

Articulation Joint
- SD

Smoke Alarm

Construction of sanitary compartments 3.8.3.3 of current NCC

The door to a sanitary compartment must -

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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

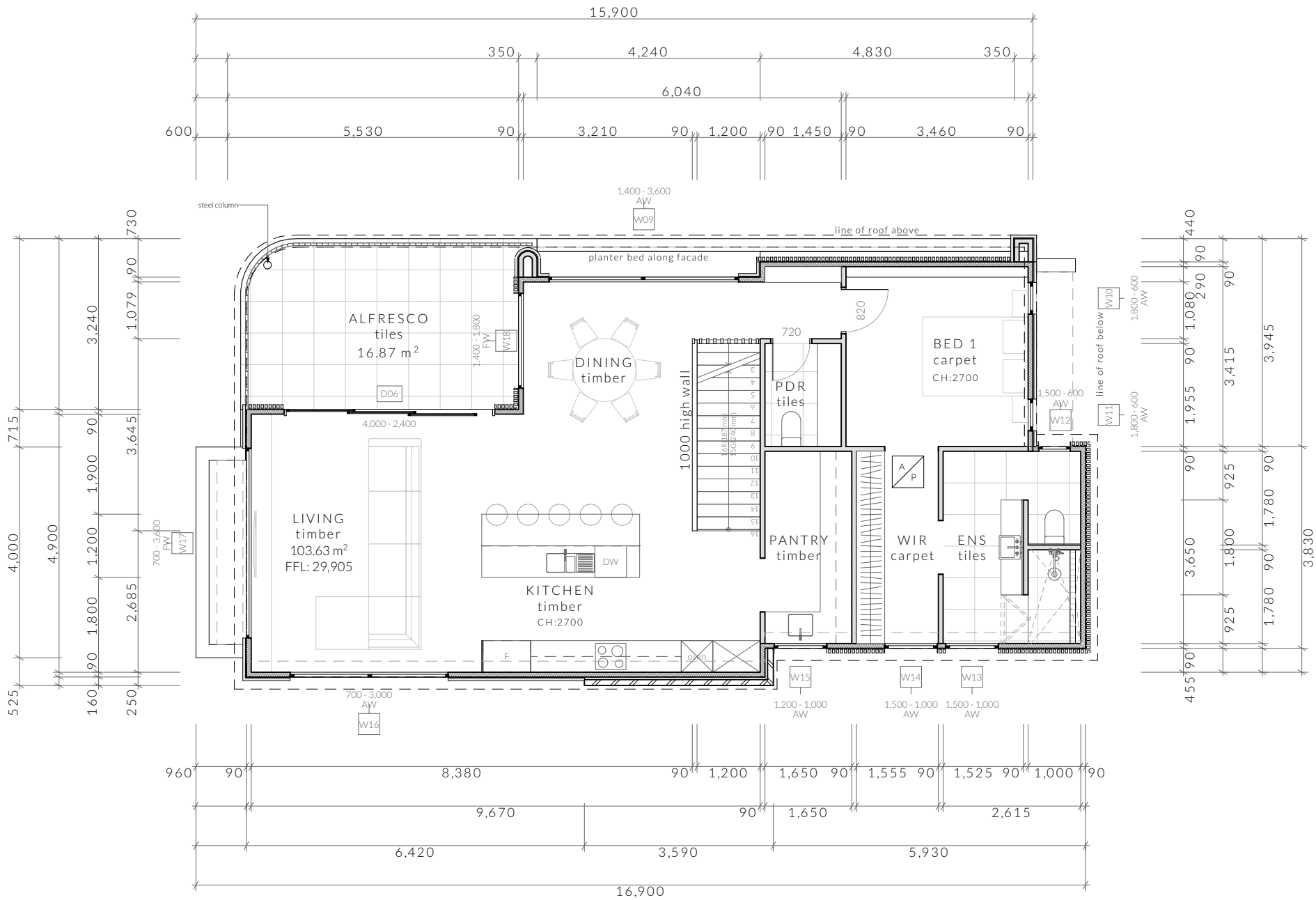
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Note: Paved Areas

All paths and patios to fall away from dwelling.

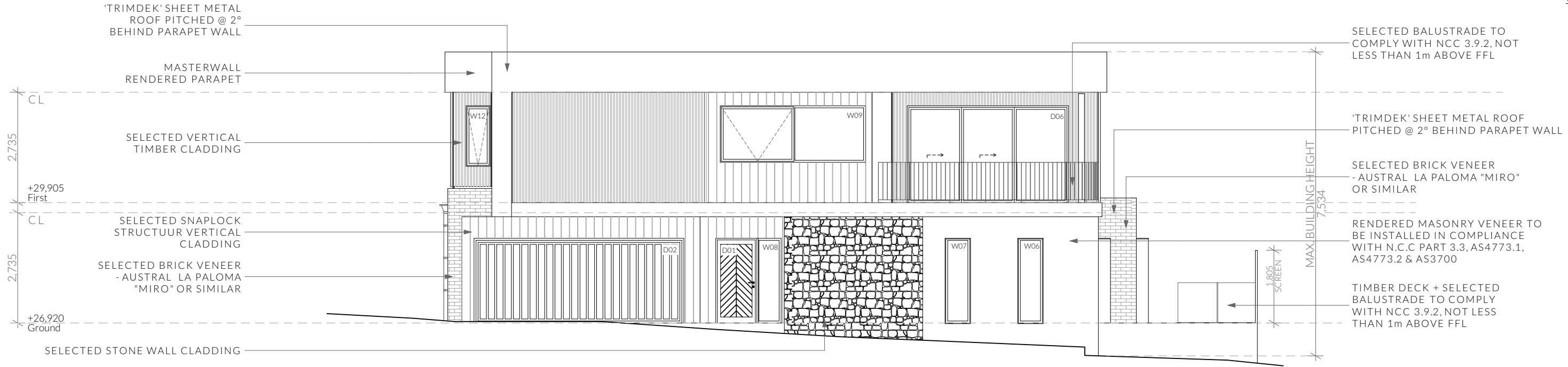
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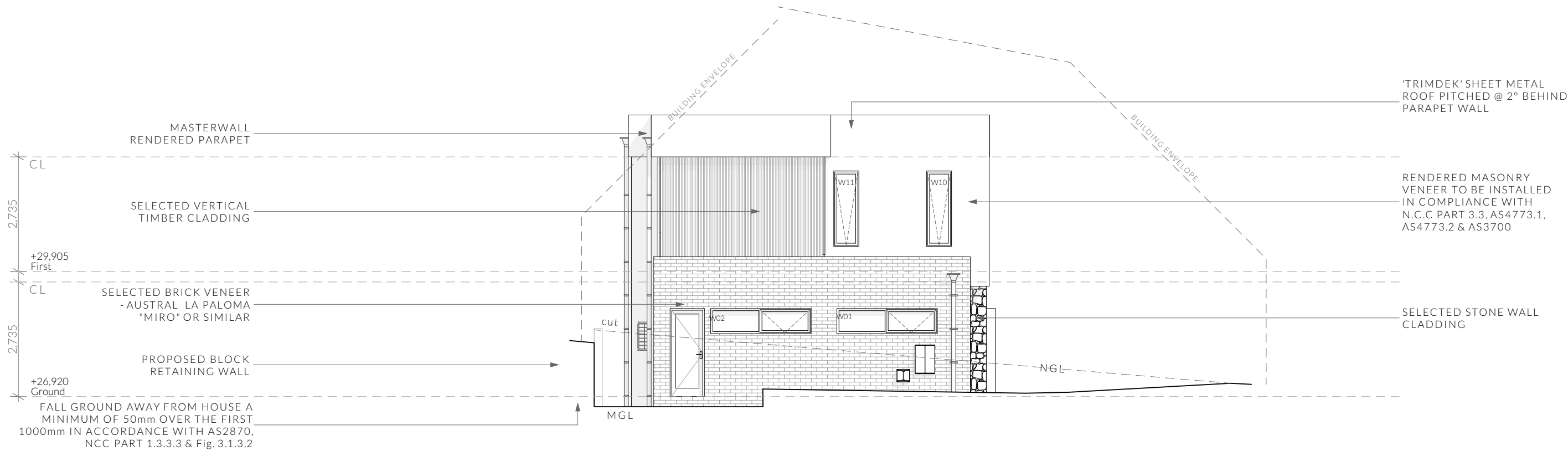


Floor Areas

Lower Floor	127.35m ²
Upper Floor	103.63m ²
Total Floor Area	230.98m ²
Deck	16.87m ²



U 4 - North Elevation

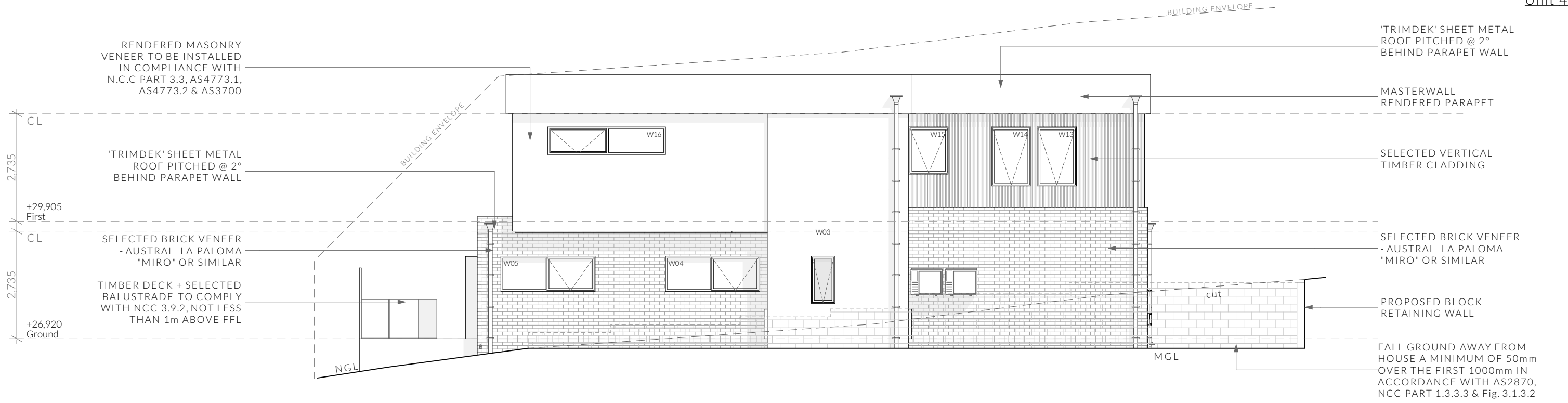


U 4 - East Elevation

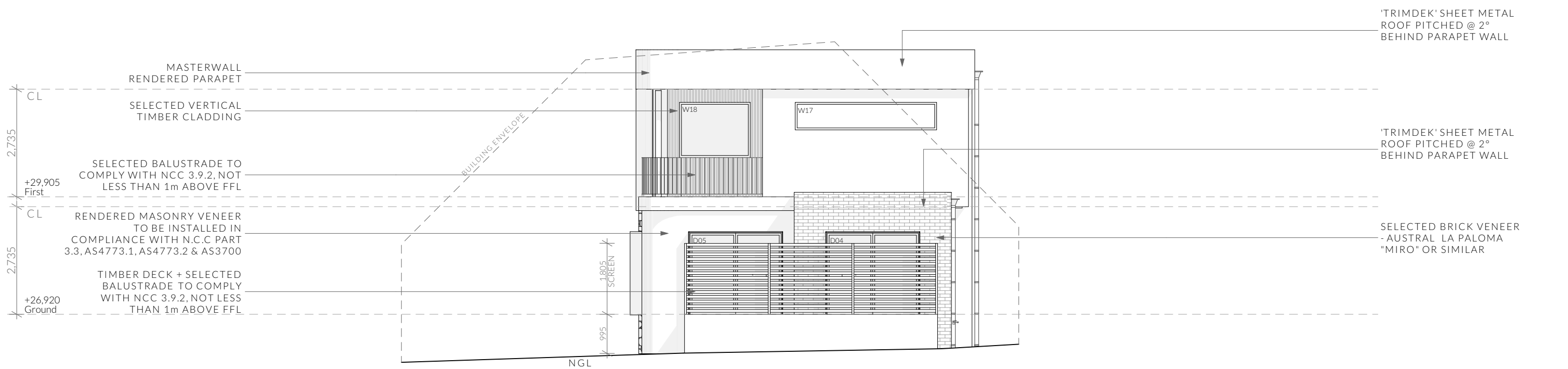
NOTE
Clearances between cladding and ground shall comply with 3.5.4.7 of the current N.C.C and shall be a minimum clearance of:
- 100mm in low rainfall intensity areas or sandy, well-drained areas; or
- 50mm above impervious areas that slope away from the building; or
- 150mm in any other case.

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	U4 - Elevations	Scale: 1:100 @A3 Pg. No: A4.03	Proposal: Multiple Dwellings Client: James Jubb Address: 36 Loatta Road, Lindisfarne	Date: 19/05/22 Drawn by: JRD Job No: Pinn 150-2021 Engineer: TBA Building Surveyor: TBA	Issue Date DA 01 19.05.2022 DA -02 22.07.2022 DA -03 02.12.2022	Description DA first issue RFI response RFI response - retaining wall revs		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.	



U 4 - South Elevation



U 4 - West Elevation

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.
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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.

Legend

- General Waste Bin
- Recycling Bin
- Green Waste Bin
- 1.2m to 2.1m Paling Fence
- 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
- Sensor lighting



**RESIDENTIAL UNIT
DEVELOPMENT AT
36 LOATTA ROAD,
LINDISFARNE**

**TRAFFIC
IMPACT
ASSESSMENT**

Hubble Traffic
August 2022

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1. Introduction

Pinnacle Drafting and Design has engaged Hubble Traffic on behalf of the developer, to prepare an independent Traffic Impact Assessment, to consider the traffic impacts of a four-unit development at 36 Loatta Road, Lindisfarne (development site).

A development application was submitted by the developer to the Clarence City Council, who have requested further information in a letter dated 10 June 2022. This assessment quantifies and evaluates the traffic impact on the surrounding local network and provides a response to Code C3.5.1 - Traffic generation at a vehicle crossing, level crossing or new junction.

This assessment has been prepared to satisfy the requirements of Austroads, Guide to Traffic Management Part 12: Traffic Impacts of Developments 2019, and referred to the following information and resources:

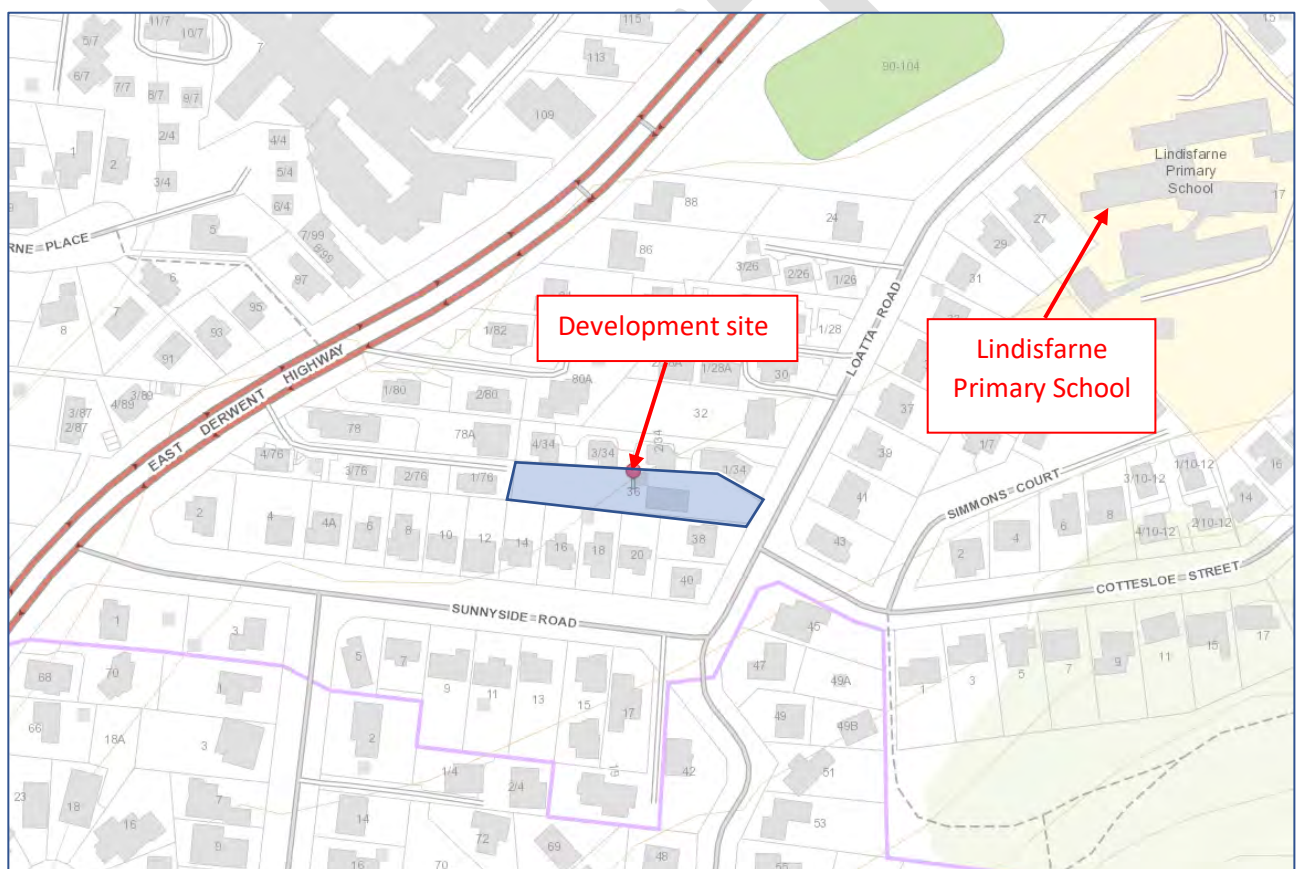
- Tasmanian Planning Scheme (Clarence City Council)
- Road Traffic Authority NSW (RTA) Guide to Traffic Generating Developments
- Australian Standards AS2890 parts 1, 2 and 6
- Austroads series of Traffic Management and Road Design
 - Part 4: Intersection and crossings, General
 - Part 4a: Unsignalised and Signalised Intersections
 - Part 12: Traffic Impacts of Development
- Google Earth imagery
- Land Information Services Tasmania (LIST)
- Autoturn Online vehicle turning software, and
- Department of State Growth reported crash database.

2. Site Description

The development site is located at 36 Loatta Road, Lindisfarne, within an established residential area. The nearest arterial road is the East Derwent Highway (highway), with traffic generated by the development having two principal routes to connect with the highway, either using Ballawinnie Road, or travelling along Sunnyside Road, Kaoota Road, and Ronnie Street to use the traffic signals at the highway.

Facilities within close proximity to the development site include Lindisfarne Primary School, a strip shopping centre along the highway opposite Ballawinnie Road, Lindisfarne Village located within 1.7 kilometres, and Eastlands shopping precinct within 2.5 kilometres. The highway is served by a high frequency public transport service to and from the city.

Diagram 2.0 – Extract from the LIST land information database



3. Development proposal

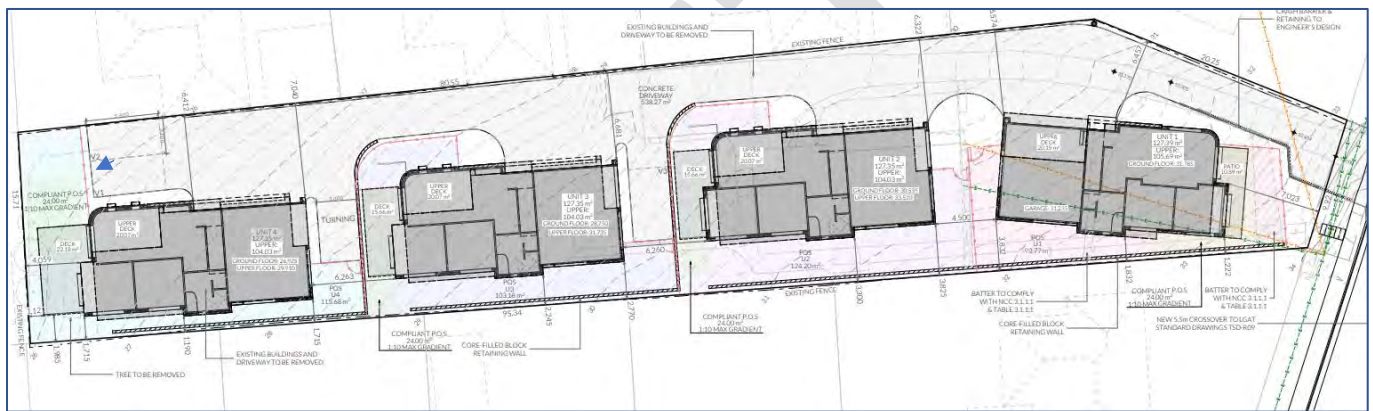
The developer has advised that the existing residential dwelling will be demolished, and that the development will consist of four two-storey three-bedroom standalone residential units.

All of the units will have a double garage, and three visitor parking spaces will be provided within the development site.

The existing property access onto Loatta Road will be reused and widened to accommodate two-way traffic movements.

Residents will be required to take their waste-bin to the road for collection.

Diagram 3.0 Proposed layout



4. Trip generation by this development

A trip in this report is defined as a one-way vehicular movement from one point to another, excluding the return journey. Therefore, a return trip to and from a land use is counted as two trips.

To determine the number of trips likely to be generated by this development, reference has been taken from the RTA Guide to Traffic Generating Developments (RTA Guide), section 3.3 residential housing. The RTA Guide recommends that for medium density units with three or more bedrooms:

- daily vehicle trips between 5 and 6.5 per unit
- weekday peak hour trips between 0.5 and 0.65 per unit.

Table 4.0 – Expected number of vehicle trips

Unit Type	Number of Building Type	RTA trip generation rate	Expected daily trips	Expected weekday peak hour trips
Three bedrooms	4	5 to 6.5 daily trips 0.5 to 0.65 weekday peak hour trips	26	3
Total			26	3

The four residential units are expected to generate 26 daily trips, which includes three trips during the two peak hour periods. Light vehicles (less than 5.5 metres in length) associated with urban residential living, are expected to be the principal type of vehicle generated from the development site.

The property has an existing standalone residential house and using the RTA Guide for residential generation rates, this existing property would generate seven daily vehicle movements, with one vehicle movement in each of the peak periods. For assessment purposes the existing traffic generation will not be considered, and this assessment will consider the worst-case scenario, where the development will generate 26 daily vehicle trips, with three trips occurring in each of the peak hour periods.

5. Existing road network and traffic conditions

As discussed earlier, traffic generated by the development site has two main routes to connect with the highway. The first route is using Ballawinnie Road, which is expected to be used in the morning for motorists travelling towards the city, as it is the shortest and most direct route. However, in the evening motorists returning from the city, are expected to use the route involving the Ronnie Street traffic signals, Kaoota Road, and Sunnyside Road.

5.1 Loatta Road characteristics

Based on the surrounding local street network, Loatta Road would function as a local residential street. The road extends from the southern side of Gordons Hill Road (without intersecting) in a south westerly direction, parallel to the highway, then terminates in a cul-de-sac adjacent to Gordons Hill Nature Recreation Area.

The street is of an urban road standard, with a sealed 8.2-metre-wide bitumen surface, with concrete kerb and gutters, 1.4-metre-wide concrete footpaths on both sides, and street lighting. Residential properties are along both sides of the street and have their own off-street parking, with the street width providing for on-street visitor parking.

The Lindisfarne Primary School is located nearby, generating school traffic movements during periods when students arrive and leave.

The road gradient adjacent to the development site is around eight percent.

Photograph 5.1 – Typical cross section of Loatta Road adjacent to the development site



5.2 Ballawinnie Road, Sunnyside Road, Kaoota Road, and Ronnie Street

Each of these streets have similar road characteristics to Loatta Road, being located within an established residential area, and constructed to a typical urban road standard. Based on the surrounding local street network, the streets would operate as a local residential street.

5.3 East Derwent Highway

The highway is part of the State Road network managed by the Department of State Growth, and under the Tasmanian State Road hierarchy, is classified as a Category 3 road, which is a Regional Feeder Road. The function of the highway is to connect regional and urban areas with the Category 1 and 2 roads and is suitable to carry large volumes of passenger vehicles, particularly commuter vehicles during the peak periods. Development traffic would seek to connect to the highway by the easiest and quickest route.

5.4 Existing traffic flows on the surrounding local streets

To assess the traffic impact of vehicles generated from the development site, it is important to understand the level of traffic performance on the surrounding streets, and this is achieved by evaluating the existing traffic flows. Manual traffic surveys were undertaken in August 2022, to coincide with the expected peak commuter traffic flows at Loatta Road, Kaoota Road, and Ballawinnie Road, between 7:30am to 8:30am and 4:30pm to 5:30pm.

The traffic surveys found the three streets are lightly trafficked, with the highest two-way traffic flows operating along Kaoota Road, probably associated with motorists accessing the Ronnie Street traffic signals. The two-way flow along Loatta Road in the morning peak is twice the flow of the evening peak, it can be assumed the morning peak includes vehicles accessing the nearby primary school.

Table 5.4 - Results of the recent manual traffic surveys of surrounding local streets

	Morning Peak Hour			Afternoon Peak Hour		
	Northbound	Southbound	Total	Northbound	Southbound	Total
Loatta Road	40	64	108	22	30	52
Kaoota Road	24	118	142	104	74	178
	Westbound	Eastbound		Westbound	Eastbound	
Ballawinnie Road	62	36	98	16	16	32

5.5 Speed limit on the surrounding local streets

Due to the residential development, the urban 50 km/h default speed limit applies by traffic regulation on all the surrounding streets, on school days a 40 km/h speed limit operates on the streets surrounding the primary school, to coincide when students arrive and leave.

5.6 Available sight distance from the development site

It is important that motorists entering and leaving the development site have suitable sight distance, so they can enter and leave in a safe and efficient manner. Austroads Guide to Road Design part 4a provides guidance on sight distance and is based on the operating speed of approaching vehicles.

Due to the location of the development site access, available site distance is required of any approaching vehicle from Loatta Road, Sunnyside Road or Cottesloe Street. Available sight distance for vehicles leaving the development site was undertaken on-site, based on the driver being 1.05 metres above the driveway surface with approaching vehicles being 1.2 metres high, with available sight distance measuring:

- 130 metres looking left along Loatta Road
- 46 metres looking right to the intersection with Sunnyside Road
- 92 metres looking right as Loatta Road continues, and
- 37 metres looking opposite to the intersection with Cottesloe Street.

Diagram 5.6 – Street configuration around the development site at 36 Loatta Road



Photograph 5.6A – Driver’s view from the development site looking right (Cottesloe Street opposite intersection with Sunnyside Road and continuation of Loatta Road)



Photograph 5.6B – Driver’s view from the development site looking left (Loatta Road)



To determine the required Safe Intersection Sight Distance (SISD), it is necessary to quantify the operating speed of approaching vehicles. For vehicles approaching on Loatta Road from the left (from Ballawinnie Road) and those approaching from the cul-de-sac, an operating speed of 50 km/h would be expected. However, for vehicles approaching from Sunnyside Road and Cottesloe Street, the operating speed would be significantly lower, as vehicles must give way at the junction, and then undertake either a left or right turn onto Loatta Road.

The table below quantifies the direction of the approaching vehicle, the likely operating speed, including any reduction due to a vehicle turning at a junction, and the required SISD.

Table 5.6 – Approach operating speed and required SISD

Direction from Development Site	Approach Speed (km/h)	Available Sight Distance (metres)	Rationale for reduction in approach speed	SISD (metres)
Loatta Rd (looking left)	50	130	none	90
Loatta Rd (looking right)	50	92	none	90
Sunnyside Road (looking right)	30	46	Approaching vehicles turning left at junction	47
Cottesloe Street (looking opposite)	30	37	Approaching vehicles turning right at junction	47

The on-site inspection found that the sight line from the development access to a vehicle turning right from Cottesloe Road was 37 metres, which is less than the required SISD of 47 metres for an operating speed of 30 km/h. The sight restriction is caused by a tree located on the corner of Loatta Road and Cottesloe Road, as shown in photograph 5.6A.

The above SISD calculations are based on the driver having a reaction time of 1.5 seconds, plus 3 seconds of observation time, with these parameters being generous for an urban street environment.

Slightly reducing the observation time from 3 to 2 seconds (retaining 1.5 second reaction time) reduces the SISD requirement for vehicles approaching the access at 30 km/h, from 47 to 39 metres, demonstrating there should be sufficient sight distance between a vehicle leaving the development site, and a vehicle turning right from Cottesloe Road, without the need for the tree to be removed.

Overall, the assessment found there is adequate sight distance at the development access based on the prevailing operating speed of approaching vehicles, to ensure vehicles can enter and leave in a safe and efficient manner, without impacting other users.

5.7 Reported road crashes

The Department of State Growth maintains a database of reported road crashes. A check of this database found that no crashes have been reported in Loatta Road adjacent to the development site, in the last five years. This indicates motorists are not experiencing any difficulty with negotiating the street network.

7. Traffic Impact generated by additional vehicle movements

As estimated in section 4 of this assessment, the four units are expected to generate 26 daily vehicle trips, with three of these trips likely to occur in each of the peak hour periods. This section will quantify and evaluate the additional traffic trips on the surrounding streets, based on all of the morning trips using Ballawinnie Road, and all the evening trips returning using the Ronnie Street traffic signals, Kaoota Road, and Sunnyside Road.

7.1 Traffic impact to surrounding streets

Any new development in urban areas can be concerning to local residents, and it can be difficult to argue that a traffic increase is reasonable. The RTA Guide has considered this matter and provided an environment performance standard which can be used to evaluate the likely impact on residential amenity. An extract from the RTA Guide is shown below in diagram 7.1 and relates to urban street environments, providing maximum peak hour environmental goals.

For the purpose of this assessment, Loatta Road, Ballawinnie Road and Kaoota Road are considered as local residential streets, with the RTA Guide suggesting 200 to 300 vehicle movements per peak hour is acceptable from a residential amenity perspective.

The development trips have been assigned to the surrounding street network in the last two columns in table 7.1, demonstrating the additional development trips will not cause any adverse residential amenity impact, as the two-way traffic flows will remain under 200 vehicles per peak hour.

Table 7.1 – Existing and predicted peak hour two-way traffic flows

Road	Existing two-way flows		Predicted two-way flows	
	Morning	Evening	Morning	Evening
Loatta Road	108	52	111	52
Kaoota Road	142	178	142	181
Ballawinnie Road	98	32	101	32

Diagram 7.1 – Extract from the RTA Guide for residential amenity

Table 4.6 Environmental capacity performance standards on residential streets			
Road class	Road type	Maximum Speed (km/hr)	Maximum peak hour volume (veh/hr)
Local	Access way	25	100
	Street	40	200 environmental goal 300 maximum
Collector	Street	50	300 environmental goal
			500 maximum

Note: Maximum speed relates to the appropriate design maximum speeds in new residential developments. In existing areas maximum speed relates to 85th percentile speed.

7.2 Traffic capacity of surrounding street network

A further traffic consideration is the lane capacity of the surrounding streets to cater for the additional development trips. The RTA Guide provides level of service (LOS) for lane capacity based on the directional peak hour traffic flow, with five levels ranging from A to E.

From the recent manual traffic survey data contained in table 5.4, with the directional traffic flows on the surrounding streets being significantly less than 200 vehicles per peak hour, it can be assessed the streets are operating at the highest level of service (LOS A).

LOS A is the highest level of traffic efficiency and indicates free flow traffic conditions, where individual drivers are unaffected by the presence of others in the traffic stream, and have the freedom to select a desired speed and to manoeuvre freely.

Additional development trips will not cause the directional flow to reach 200 vehicles per hour, demonstrating the surrounding street network has sufficient traffic capacity to absorb the traffic increase, without causing a deterioration in the level of traffic efficiency.

Extract 7.2 – RTA Guide for level of service for urban streets

Urban road peak hour flows per direction		
Level of Service	One Lane (veh/hr)	Two Lanes (veh/hr)
A	200	900
B	380	1400
C	600	1800
D	900	2200
E	1400	2800

7.3 Traffic entering and leaving the development site

There is an existing concrete crossover leading to the development site, which will be widened to accommodate two-way traffic movements.

7.4 Sight distance for vehicles leaving the development site

This traffic assessment found there is sufficient sight distance at the development access for vehicles to enter and leave in a safe and efficient manner, and the intensification of vehicles using the access is not expected to cause any adverse impact to current users.

7.5 Road safety on the surrounding road network

There have been no crashes reported on Loatta Road in the last five years and the small increase in traffic movements generated by the development is not expected to change the current crash risk.

8. Planning scheme

8.1 C3 Road and Railway Assets Code

C3.5.1 Traffic Generation at a vehicle crossing, level crossing or new junction

The development site is currently occupied by a residential dwelling, that will be demolished to allow for the construction of four standalone three-bedroom units, while retaining the existing access to Loatta Road.

It is predicted that the development site could generate a total of 26 daily vehicle movements, with three of the movements occurring in each of the two peak periods. The traffic generation is based on the generation rates from the RTA Guide and is considered appropriate for the site.

Performance criteria	Assessment
To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions:	
a) The increase in traffic caused by the use;	The increase in traffic movements will be low, with this assessment determining the development is expected to generate 26 daily vehicle trips, with three of the trips expected in each of the peak hour periods.
b) The nature of the traffic generated by the use,	The development is for residential units, and vehicles generated by the development will be light vehicles (less than 5.5 metres in length) associated with urban residential living. This type of vehicle is compatible with existing vehicles using the surrounding street network, and not expected to cause any adverse impact to existing users.
c) The nature and efficiency of the access or junction;	The development site already has an existing access to Loatta Road, the access will be widened to a minimum 5.5 metres wide, to accommodate two-way traffic movements. There is sufficient available sight distance for the prevailing operating speed of approaching vehicles, so that vehicles can enter and leave the development site in a safe and efficient manner, without impacting other road users.
d) The nature and category of the road;	Loatta Road is considered a local residential street constructed to a high urban road standard, suitable to accommodate residential traffic movements. Although the nearby Lindisfarne Primary School generates additional traffic movements during the periods when students arrive and leave, the recent manual traffic survey found the street is lightly trafficked.
e) The speed limit and traffic flow of the road;	The speed limit along Loatta Road is the urban default 50 km/h. This assessment found additional development trips during the peak periods can easily be absorbed without causing adverse impact to the traffic flow or residential amenity. This assessment also found the surrounding streets, Ballawinnie Road and Kaoota Road, also have sufficient capacity to absorb additional vehicle trips without causing deterioration in traffic flow or residential amenity.

f) Any alternative access to a road;	There is no alternative access.
g) The need for the use;	Urban infill in established residential areas is an excellent method to increase the supply of housing, while optimising the current infrastructure and community facilities.
h) Any traffic impact assessment; and	An independent traffic impact assessment found no reason for this development not to proceed.
i) Any written advice received from the road authority.	Aware of none.

Attachment 4



Photo 1: Site viewed from Loatta Road



Photo 2: Site viewed from the rear (western) boundary facing west towards existing dwelling.



Photo 3: Site viewed facing the rear(western boundary)



Photo 4: Private open space associated with 18 Sunnyside Road, Lindisfarne.

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2022/033251 – 15 DILLON STREET, BELLERIVE - ADDITIONS AND ALTERATIONS TO DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions and alterations to a dwelling at 15 Dillon Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport Code, Safeguarding of Airports Code and the Bellerive Bluff Specific Area Plan under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which was extended with the consent of the applicant until 22 March 2023.

CONSULTATION

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

- On-street parking;
- Residential amenity;
- Inconsistent with the character of the area;
- Solar access and overshadowing impacts;
- Loss of views;
- Drainage; and
- Lack of access to the rear of the site in the event of a fire.

RECOMMENDATION:

A. That the Development Application for Additions and Alterations to Dwelling at 15 Dillon Street, Bellerive (CI Ref PDPLANPMTD-2022/033251) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.

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

DEVELOPMENT APPLICATION PDPLANPMTD-2022/033251 - 15 DILLON STREET, BELLERIVE - ADDITIONS AND ALTERATIONS TO DWELLING /contd...

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background on file concerning the assessment of the application.

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 acceptable solutions and relies on performance criteria of applicable standards.

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 C2.0 – Parking and Sustainable Transport Code;
- Section C16.0 – Safeguarding of Airports Code; and
- CLA-S21.0 – Bellerive Bluff Specific Area Plan.

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

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

The site is a 635m² lot which contains a 1920's single storey, weatherboard dwelling and outbuilding. The site has a moderate slope falling to the south-west. The location of the site is shown in the Attachments.

3.2. The Proposal

Application is made for alterations and additions to the existing dwelling. The proposal involves the reconfiguration of the ground floor and a 36m² addition to the rear of the dwelling to extend a bedroom, add an ensuite and walk-in-wardrobe. The dwelling will also be extended by adding an upper floor level that will be 46m² and consist of a utility room and bathroom.

The upper storey addition would have a maximum height of 7.4m above existing ground level and would be rendered in a dark grey colour finish.

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 applicable acceptable solutions of the General Residential Zone and Parking and Sustainable Transport Code, Safeguarding of Airports Code and the Bellerive Bluff Specific Area plan, with the exception of the following.

Bellerive Bluff Specific Area Plan

- **CLA-S21.7.1 A1** – buildings must have a setback from a frontage of not less than 4.5m. The proposed deck will have a 4m setback from the frontage.

Clause	Performance Criteria	Assessment
S21.7.1 P1	<i>“Buildings must have a setback from a frontage that is compatible with the existing dwellings in the street, having regard to:</i>	The proposed 4m front setback of the proposed deck is compatible with the existing buildings in the streetscape, particularly those at 11 and 14 Dillon Street, and 8 Buchanan Street, that has a frontage to Dillon Street and a garage with a 0m setback. Furthermore, 31 King Street that also has a frontage to Dillon Street, has a setback of approximately 3m.
	<i>(a) the relevant established precinct characteristics and the objectives identified in the local area objectives;</i>	The characteristics of the River Face Precinct states dwellings typically contain verandahs to provide an adequate transitional space between the street and the internal privacy of the dwelling. Therefore, it is considered the proposed front deck can act as a pseudo verandah that will support this characteristic of the precinct and further support passive surveillance and engagement of the street.
	<i>(b) any topographical constraints;</i>	Not applicable, it is not considered there are any topographical constraints.

	(c) <i>any existing development on-site; and</i>	The subject site contains an existing dwelling that currently has a front setback of 5.3m. The proposed change in architectural detail results in the addition of the dwelling to intrude into the existing front setback, given the siting of the existing dwelling. However, the proposed partially covered deck is assessed as being in harmony with the front setbacks of other dwellings within the street.
	(d) <i>The extent to which the variation visually impacts an immediately adjoining property identified in the Local Historic Heritage Code within its streetscape setting.”</i>	Not applicable, there are no adjoining heritage listed properties.

- **CLA-S21.7.1 A2 – Setbacks and Building Height**

Acceptable Solution A2 (b) and (d) are not met, because the proposed extension includes wall heights greater than 3.5m and the proposed extension building height is greater than 5.5m. Accordingly, the proposal is considered against Performance Criteria P2.

Clause	Performance Criteria	Assessment
S21.7.1 P2	<i>“The siting and scale of a dwelling must:</i>	
	(a) <i>Not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i>	The proposed development is considered to not cause an unreasonable loss of amenity to adjoining properties because:
	(i) <i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i>	The proposed development is orientated in a north-west to south-east alignment, with overshadowing impacts to the property located to the south-west, 15a Dillon Street. Sun shadow diagrams have been provided with the application.

		<p>These diagrams demonstrate the degree of shadowing cast by the proposed development upon the adjoining dwelling.</p> <p>A review of the shadow diagrams demonstrates the adjoining dwelling to the south-west, would have shadow cast over the side elevation facing the development during the morning on 21 June (Winter solstice). This would involve a small sunroom and two of the north facing lounge room windows on the upper floor. However, the windows of both rooms facing the proposed development are high sill windows (highlight windows) that would only be impacted during the early morning and would be clear of shadow cast for the majority of the day.</p> <p>The sunroom also contains a sliding glass door that faces the front (north-west orientation), which would receive some shadowing during the morning. However, this glazed door would still receive sunlight during the afternoon.</p> <p>Therefore, the proposed development is not considered to cause an unreasonable impact upon an adjoining dwelling.</p>
	<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i></p>	<p>From the plans submitted for the development, the private open space of 15a Dillon Street is shown to be at the rear of the dwelling, where there is a paved courtyard and upper storey terrace.</p>

		<p>These two areas will not be impacted by the shadowing of the proposed development, due to their location being on the opposite side of the dwelling away from the development.</p> <p>The property at 15a Dillon Street also has a front facing deck, that could be considered as part of its private open space. However, this deck would only receive morning shadowing on 21 June leaving the remainder of the day clear of shadow cast from the development.</p> <p>Therefore, overshadowing from the proposed development to the private open space of 15a Dillon Street is considered to have minimal impact.</p>
	<i>(iii) overshadowing of an adjoining vacant property; or</i>	Not applicable – there is no adjoining vacant property.
	<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i>	<p>The immediate area is largely characterised by single dwellings on each lot with a combination of single and double-storey built form.</p> <p>The proposed upper storey extension would have the biggest impact on visual amenity of the proposed development. The proposed upper floor extension occupies approximately half of the front elevation and about one third of the side elevations. The upper storey addition would be centrally located on the existing dwelling, have a floor area of 46m² and be rendered in dark grey to blend into the surroundings. The roof design would consist of a gable roof with a 15-degree gradient to be consistent with the existing roofline.</p>

		<p>The proposed second storey addition is consistent with the scale of the dwellings on the adjoining properties to the south-west and north-east, which both contain two storey dwellings.</p> <p>The elevated position of adjoining dwellings to the north-east relative to the location of the proposed addition will further mitigate against visual impact, in terms of bulk and scale of the proposed development.</p> <p>The external finishes to the proposed extension being a white render on the rear extension to match the existing weatherboards, and a dark grey render for the upper storey, are considered to not result in significant visual impacts when viewed from adjoining properties.</p>
	<p><i>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area;</i></p>	<p>Applying a circle with a 100m radius from the centre of the subject site, is considered to define the area appropriate for comparison.</p> <p>For example, the proposed 0.3m side setback of bedroom 2 and the 0m side setback of the garage is compatible with the side setbacks of the dwellings located at 12 and 15a Dillon Street and 33a King Street, which all have side setbacks less than 1m.</p> <p>Furthermore, within this area, side boundary setbacks range from 0m at 33a King Street to 9m at 22 Abbott Street.</p>

		Accordingly, as the proposed side boundary setbacks fall within this range, the proposal is considered consistent with the pattern of established properties in the area.
	<p>(c) <i>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>	Not applicable - there are no solar installations on adjoining properties.
	(ii) <i>another dwelling on the same site; and</i>	Not applicable - there is no other dwelling on the site.
	<p>(d) <i>have regard to:</i></p> <p>(i) <i>the relevant established precinct characteristics and the objectives identified in the local area objectives;</i></p>	Please refer to the detailed assessment against the River Precinct Local Area Objectives in Table 1 below.
	(ii) <i>any topographical constraints;</i>	Not applicable – the proposed design is not impacted by the site topography.
	(iii) <i>any existing development on-site;</i>	<p>The subject site contains a moderately sized, 1920's dwelling with a large outbuilding at the rear of the lot.</p> <p>The existing dwelling has determined the location and style of the proposed additions.</p>
	(iv) <i>development built up to the boundary should avoid the appearance of conjoined terraces or side by side town houses; and</i>	The proposed garage that would be built up to the side north-eastern boundary will not present as a conjoined terrace or side by side town houses due to the nature of the building being a garage associated with the dwelling. The resulting development will still present as a single dwelling with attached garage.

	<i>(v) the extent to which the variation visually impacts on immediately adjoining property identified in the Local Historic Heritage Code within its streetscape setting.”</i>	Not applicable – no immediately adjoining property is listed in CLA- C6.0 Local Historic Heritage Code, Table C6.1 Local Heritage Places.
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Table 1 - Assessment against Local Area Objectives - CLA- S21.3.3.1 River Face Precinct

Clause	Local Area Objectives	Assessment
CLA-S21.3.3.1	<i>“To enable development consistent with the following established precinct characteristics:</i>	
(a)	<i>freestanding dwellings centrally located on generous lots (often with skillion additions at the rear) set back from the street edge, with strongly expressed foundation walls setback generously from side boundaries. Buildings are generally single level incorporating medium to strongly pitched roofs, typically with verandahs, which provide a transition in scale. Sub-floor foundation walls accommodate site grade, and thus avoids site cutting.</i>	<p>The existing 1920’s dwelling in its current form does not meet this set of characteristics by not being centrally located on the lot, not having strongly expressed foundation walls that are setback generously from side boundaries, and not having a strongly pitched roof.</p> <p>Therefore, an extension to this dwelling that would meet these characteristics would be considered unreasonable and out of character with the existing dwelling’s architectural form.</p> <p>Acknowledging the existing dwelling and proposed development may differ from the characteristics of the River Face Precinct, there are characteristics of the proposal that are in harmony with the objectives.</p>

		<p>This includes maintaining the dwelling as a freestanding dwelling, keeping the exposed foundation wall along the north-west front corner that accommodates the site grade, inclusion of a pseudo front verandah and the incorporation of subfloor elements along the south-western elevation to avoid site cutting.</p>
(b)	<p><i>additions to existing properties, especially 'rooms in the roof', if whole floors are added, reflect the characteristic pattern of consolidation and consequent impact on existing view-scapes from adjacent properties.</i></p> <p><i>To enable siting, massing and design of new development and additions to existing housing stock to support the achievement of:</i></p> <ul style="list-style-type: none"> <i>(a) freestanding building identity consolidated in response to the natural rise of the headland location;</i> <i>(b) set back from the street edge and step with the grade rather than cut into the site;</i> <i>(c) location centrally on the site presenting single storey elements and entry to the street;</i> 	<p>The current form of the existing dwelling underpinned the upper storey design and roof pitch, with the current front roof pitch being 15 degrees. To replicate the precinct's characteristic of steeply pitched roofs with the appearance of "rooms in the roof" would be uncharacteristic of this 1920's dwelling and would increase the height and bulk of the upper floor extension, as per the examples provided in Attachment 4. The proposed lower pitch roof of the proposed upper storey reduces impacts on the existing views.</p> <p>However, the proposed dwelling additions do support the achievement of the following with respect to siting, mass and design:</p> <ul style="list-style-type: none"> • The proposed additions will maintain a freestanding building identity; • The dwelling itself will maintain a generous front setback of 5.3m, with only the front deck encroaching on the frontage setback; • Elements of the original single storey dwelling will be maintained from the street view.

	<p>(d) <i>second storey development which is not individually dominant but present as 'rooms in the roof' accommodated through medium to strongly pitched roof forms;</i></p> <p>(e) <i>continued visual connectivity to the water and the landscape horizons of the city region and the Wellington Range beyond; and</i></p>	<p>This will be to the south-eastern side of the upper floor extension;</p> <ul style="list-style-type: none"> As discussed above, the upper storey extension, while not considered individually dominant, does not present as “rooms in the roof” through medium to strongly pitched roof forms. The original design submitted for the upper floor extension contained a skillion roof, however the applicant modified this roof shape to maintain the characteristics of the existing dwelling and to apply a greater roof gradient; The Bellerive Bluff Precinct Neighbourhood Character and Urban Design Framework Study 2016 by Leigh Woolley, from which this Specific Area Plan has been derived from, states “views assisted by the topography, especially rising ground, these are offered along street alignments and sometimes across existing properties”. <p>The proposed extensions will not unreasonably impact the views of the water and beyond from the surrounding streets. The only across property impact the proposed development will have is upon the adjoining property at 1/17 Dillon Street, whereby the upper floor extension will interrupt the direct view of the water, city and mountain.</p>
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	<p>(f) <i>not uniformly increasing the bulk of existing housing stock, with additions providing a stepping of scale allowing an acknowledgment of the initial primary structure.”</i></p>	<p>However, views are further discussed in the study as being between buildings and sometimes over adjacent dwellings and is recognised that as dwellings are redeveloped the impact will be a loss or diminution of views. Therefore, it is evident that views are acknowledged within the bluff although not protected;</p> <ul style="list-style-type: none"> • The proposed additions provide a stepping of scale with the majority of the additions to be located behind the front façade of the original dwelling. The proposed design is assessed as not uniformly increasing the bulk of the existing building as a result.
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5. REPRESENTATION ISSUES

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

5.1. On-street Parking

Concern was raised by the representations that the proposed development could compromise available on-street parking during the construction period, and this could risk compromising access to adjacent properties.

- **Comment**

The proposed development incorporates a single-car garage, and two vehicles are able to park on the site within the existing driveway area at the north-eastern part of the site. The Parking and Sustainable Transport Code requires the provision of two parking spaces for a single dwelling, and this requirement is met by the proposal.

Should there be an issue arising in relation to possible future obstruction of neighbouring accesses, this is a matter appropriately resolved between landowners. This issue is therefore not of determining weight.

5.2. Residential Amenity associated with the Height, Scale, Bulk and Overall Site Coverage of the Proposed Development

The representations raise concerns that the proposed development would detrimentally impact residential amenity in the area, in terms of the height, scale and bulk of the proposed addition.

- **Comment**

The proposal is considered to meet the relevant tests of the Scheme in relation to the impact of the location of the site within the Bellerive Bluff Specific Area, as articulated by Clauses CLA-S21.7.1(P1) and (P2). For these reasons, it is considered that this issue is not of determining weight.

5.3. Inconsistent with the Character of the Area

A representor raised concern that the upper storey extension would be out of keeping with the area.

- **Comment**

As discussed above, while the design of the development is not completely in keeping with the Bellerive Bluff Specific Area Plan, it is considered that the proposal provides an appropriate design response to the existing dwelling. Furthermore, the proposed development, especially the addition of the second storey, is compatible with many surrounding dwellings that have undergone redevelopment in more recent years. This includes 5 and 19 Dillon Street, 4 and 6 Abbott Street, 6 and 8 Buchanan Street and 8 Gunning Street.

5.4. Solar Access and Overshadowing Impacts

Concern is raised by the representations that the proposed development would have a detrimental impact upon solar access to nearby residential land use. Additional concerns exist in relation to the accuracy of the submitted shadow diagrams.

- **Comment**

The Bellerive Bluff Specific Area Plan Clause CLA-S21.7.1 A2 prescribes the building height requirements for the development, and the proposal does not comply with the acceptable solutions. It does, for the reasons discussed in Section 4 of this assessment, satisfy the associated performance criteria, P2, in that there would be in excess of three hours of sunlight at winter solstice available to the habitable areas and outdoor living areas of the adjacent dwelling.

The submitted shadow diagrams have been considered in detail, and there have been no inaccuracies identified as part of the assessment. While it is acknowledged that the development would have some impact upon solar access at winter solstice, this impact is not considered an unreasonable impact in terms of the tests of the Scheme, and therefore does not justify refusal of the proposal.

5.5. Loss of Views

One representor raised concern that the proposed development will affect their views of the river, hills and mountain.

- **Comment**

The issue of visual impact and visual connectivity to the water and beyond has been previously discussed in the assessment of clause CLA-S21.7.1 Setbacks and building heights, in particular Table 1 earlier in this report. The application is considered to comply with the performance criteria for this standard for the reasons given.

There are no planning scheme provisions specifically requiring the retention of private views and therefore this issue has no determining weight.

5.6. Drainage

The representations raise concerns that the proposed development would compromise drainage within the area, and risk possible damage to adjacent properties.

- **Comment**

The proposed development is for additions to an existing dwelling, which is connected to Council's existing stormwater drainage network. The proposal satisfactorily demonstrates that the additions and associated stormwater can be readily absorbed by the existing stormwater network, and that there is unlikely to be an impact to any adjacent sites in terms of an increase in the volume of flows. This issue is therefore not of determining weight in relation to the proposal.

5.7. Lack of Access to the Rear of the Site in the event of a Fire

The representations raise concerns regarding loss of access to the rear of the site in the event of a fire, in that the proposal would cover a large proportion of the front (north-eastern) part of the site. There is also concern raised that access to neighbouring properties would be lost by the proposed site coverage should a fire occur.

- **Comment**

Access to the rear of the site in the event of a fire (together with fire separation) is not a relevant consideration under the Scheme, but a matter addressed as part of the assessment of a future building application for the site.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

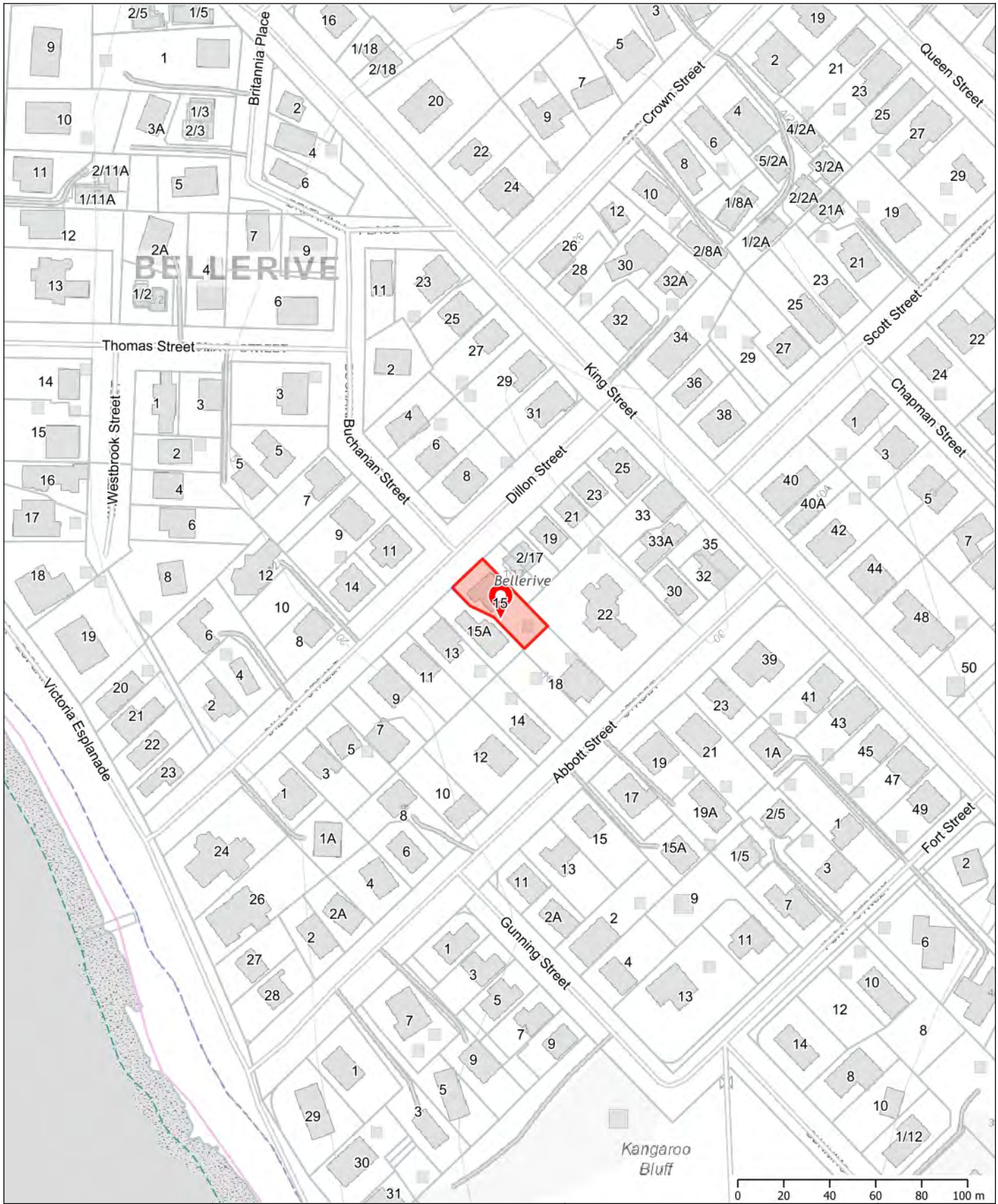
There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant Council Policy.



9. CONCLUSION

The proposal is for the development of additions and alterations to a dwelling at 15 Dillon Street, Bellerive. The proposal satisfies the relevant requirements of the Scheme and is therefore recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (7)
3. Site Photo (1)
4. Examples of Roofs (1)

Ross Lovell
MANAGER CITY PLANNING



	<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>7/03/2023</p> <p>1:2257</p>	
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GENERAL NOTES:

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SMEEKES DRAFTING PTY LTD STANDARD BUILDING NOTES, SHEETS STANDARD-001 TO 014.
2. WRITTEN DIMENSIONS TO TAKE PRECEDENCE OVER SCALE.
3. BUILDER TO VERIFY ALL BOUNDARY CLEARANCES AND SITE SET-OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
4. ALL CONSTRUCTION WORK SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS.
5. TIMBER FRAMING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF AS 1684.2 "TIMBER FRAMED CONSTRUCTION". T.P. DECK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLICATION FROM THE TIMBER PROMOTION COUNCIL "TIMBER DECKS - DESIGN AND CONSTRUCTION MANUAL".
6. FOOTINGS AND SLABS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF AS 2870 "RESIDENTIAL SLABS AND FOOTINGS".
7. PLUMBING AND DRAINAGE SHALL BE IN ACCORDANCE WITH AS 3500.2 AND AS 3500.3 "THE NATIONAL PLUMBING AND DRAINAGE CODE". FIT ADJUSTABLE TEMPERING VALVES TO ALL ABLUTIONS IN ACCORDANCE WITH AS 1529 "CODE OF PRACTICE OF HOUSEHOLD TYPE HOT WATER SUPPLY SYSTEMS".
8. WATER PROOFING OF WET AREAS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF AS 3740 "WATERPROOFING OF WET AREAS IN RESIDENTIAL BUILDINGS".
9. ELECTRICAL INSTALLATION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF AS/NZS 3000 "WIRING RULES". SMOKE ALARMS SHALL BE INSTALLED IN ACCORDANCE WITH TASMANIAN FIRE SERVICE AND AS 3786 "SMOKE ALARMS".
10. GLAZING SHALL BE IN ACCORDANCE WITH AS 1288 "GLASS IN BUILDINGS - SELECTION AND INSTALLATION", WINDOWS TO COMPLY WITH AS 2047 "WINDOWS IN BUILDINGS - SELECTION AND INSTALLATION".
11. MIN. R5.1 INSULATION TO CEILING. MIN. R2.5 INSULATION TO ALL EXTERNAL WALLS.
12. ALL STEELWORK SHALL BE IN ACCORDANCE WITH AS 4100 "STEEL STRUCTURES".

SITE DATA:

LAND TITLE REF. No. : LOT 2 ON SEALED PLAN 174915
CLIMATE ZONE : ZONE 7
DESIGN WIND SPEED : T.B.A.
SOIL CLASSIFICATION : T.B.A.
BAL RATING : N/A

EXISTING BUILDING AREAS:

EXISTING DWELLING (UNALTERED) : 33.0m²
EXISTING GARAGE/WORKSHOP : 36.0m²

TOTAL : 69.0m²

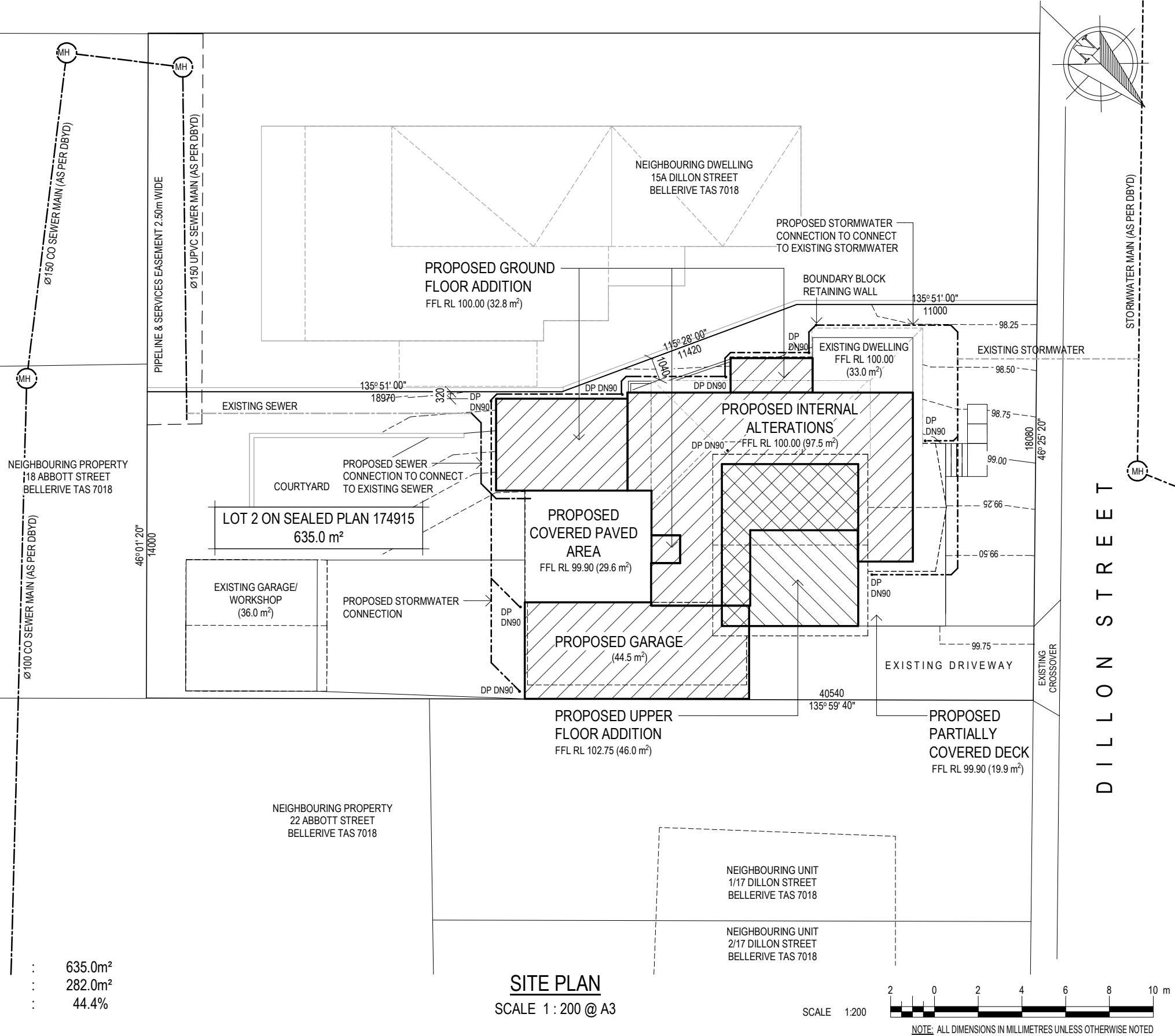
PROPOSED BUILDING AREAS:

PROPOSED ADDITIONS
GROUND FLOOR : 32.8m²
UPPER FLOOR : 46.0m²
PROPOSED INTERNAL ALTERATIONS : 97.5m²
PROPOSED GARAGE : 44.5m²
PROPOSED COVERED PAVED AREA : 29.6m²
PROPOSED DECK : 19.9m²

TOTAL : 270.3m²

SITE COVERAGE:

LOT SIZE : 635.0m²
TOTAL FOOTPRINT : 282.0m²
SITE COVERAGE : 44.4%



SITE PLAN

SCALE 1 : 200 @ A3

SCALE 1:200

NOTE: ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE NOTED

REV.	DESCRIPTION	REFERENCE	DESIGNED	M. CUBILE	CLIENT	C. & F. ATTRILL
0	ISSUED FOR PRELIMINARY PLANNING ASSESSMENT	10-11-2022	DRAWN	M. CUBILE	TITLE	PROPOSED INTERNAL ALTERATIONS & ADDITIONS
1	ISSUED FOR CLIENT REVIEW	28-11-2022	CHECKED	A. WOEHLE		15 DILLON STREET, BELLERIVE TAS 7018
2	ISSUED FOR DEVELOPMENT APPROVAL	21-12-2022				PROPOSED SITE PLAN
3	RE-ISSUED TO CLARENCE CITY COUNCIL TO ADDRESS RFI.	10-2-2023			DRG	ATTRILL
					No.	002
					SCALE	1:200
					A3	

STAIRS / HANDRAIL NOTES:

- CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
- TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSINGS.
- RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.
RISER (R) MAX. 190 - MIN. 115
GOING (G) MAX. 355 - MIN. 240
SLOPE RELATIONSHIP
2R + G MAX. 700 - MIN. 550
- INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4.

WALL LEGEND:

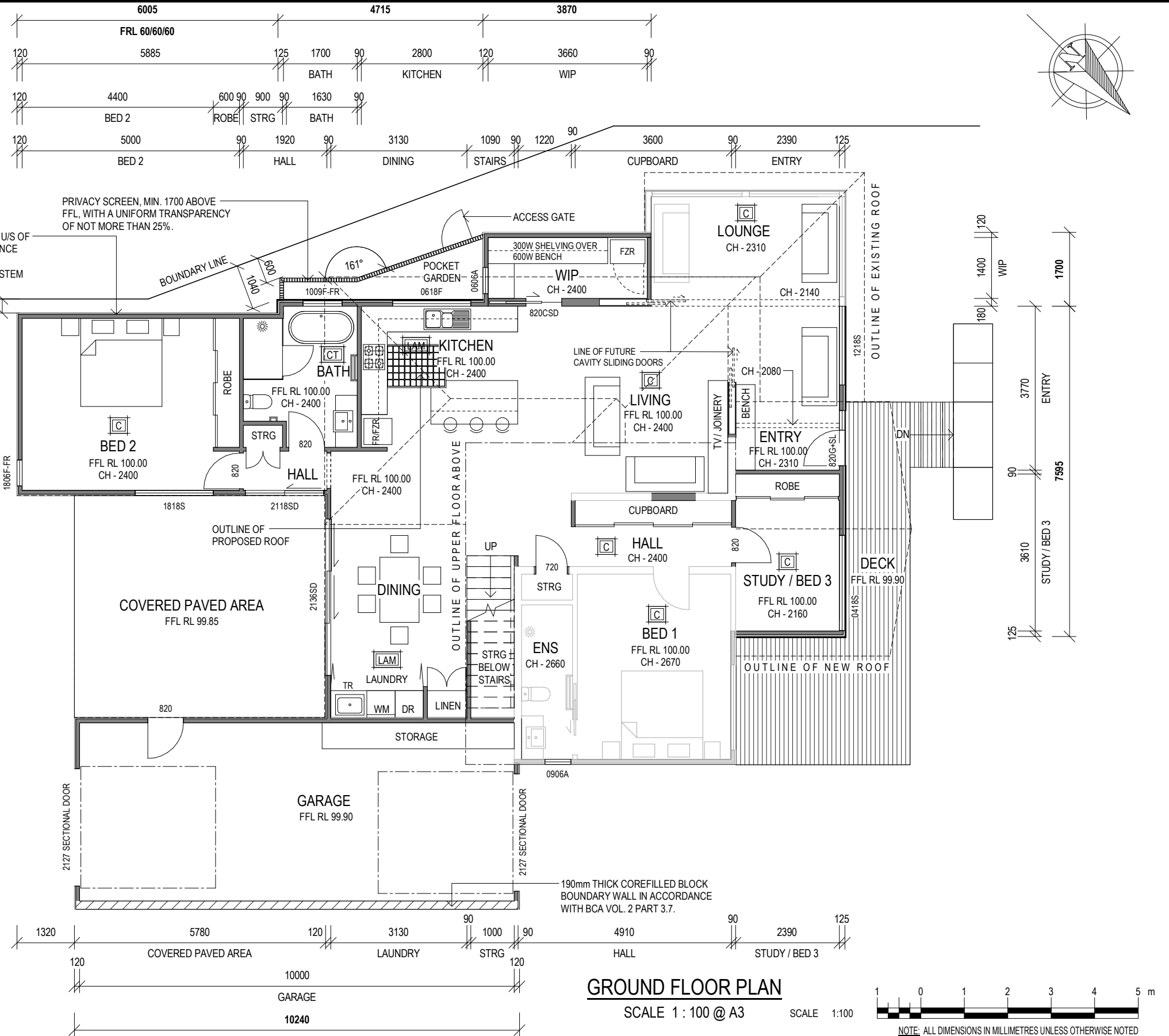
- EXISTING
- PROPOSED

FLOOR FINISHES LEGEND:

- CARPET
- CERAMIC TILES
- NATURAL CONCRETE
- POLISHED CONCRETE
- TIMBER FLOOR BOARDS
- TIMBER VINYL / LAMINATE FLOORING

DOOR AND WINDOW LEGEND:

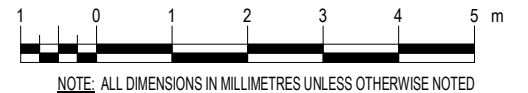
- 15 09 A
- A - AWNING
 - BF - BIFOLD DOOR
 - C - CASEMENT
 - F - FIXED
 - FR - FROSTED GLAZING
 - GB - GLASS BRICK
 - L - LOUVRE
 - S - SLIDING
 - SD - SLIDING DOOR
 - STKSD - STACKING TYPE SLIDING DOOR



GROUND FLOOR PLAN

SCALE 1 : 100 @ A3

SCALE 1:100



NOTE: ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE NOTED

REV.	DESCRIPTION	REFERENCE	DESIGNED	M. CUBILE	CLIENT	C. & F. ATTRILL
0	ISSUED FOR PRELIMINARY PLANNING ASSESSMENT	10-11-2022	DRAWN	M. CUBILE	TITLE	PROPOSED INTERNAL ALTERATIONS & ADDITIONS
1	ISSUED FOR CLIENT REVIEW	28-11-2022	CHECKED	A. WOEHLE		15 DILLON STREET, BELLERIVE TAS 7018
2	ISSUED FOR DEVELOPMENT APPROVAL	21-12-2022				PROPOSED GROUND FLOOR PLAN
3	RE-ISSUED TO CLARENCE CITY COUNCIL TO ADDRESS RFI.	10-2-2023			DRG	ATTRILL
					No.	005
					SCALE	1:100
					A3	

STAIRS / HANDRAIL NOTES:

1. CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
2. TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSINGS.
3. RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.
RISER (R) MAX. 190 - MIN. 115
GOING (G) MAX. 355 - MIN. 240
SLOPE RELATIONSHIP
2R + G MAX. 700 - MIN. 550
4. INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4.

WALL LEGEND:

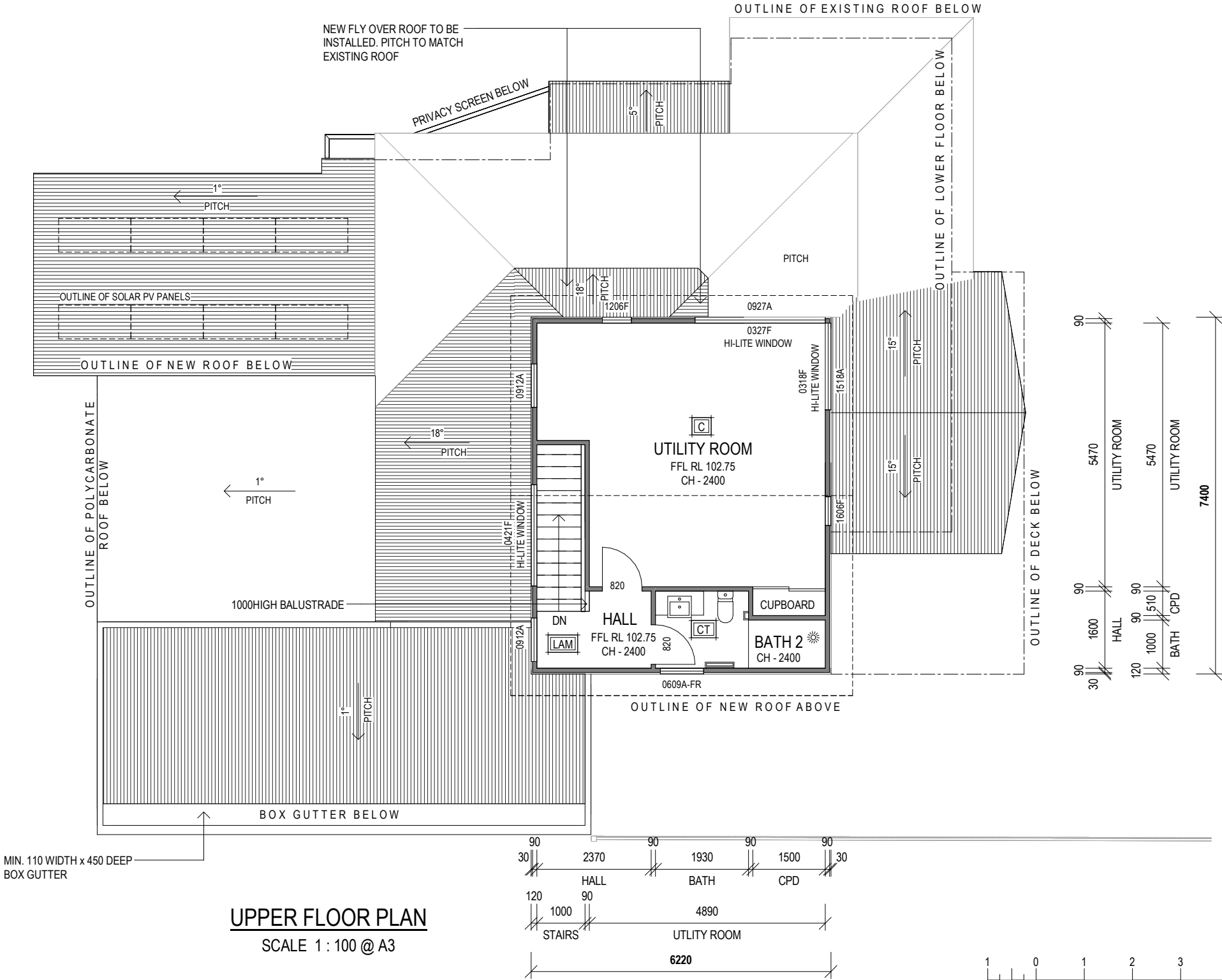
- EXISTING
PROPOSED

FLOOR FINISHES LEGEND:

- C - CARPET
CT - CERAMIC TILES
NC - NATURAL CONCRETE
PC - POLISHED CONCRETE
TFB - TIMBER FLOOR BOARDS
LAM - TIMBER VINYL / LAMINATE FLOORING

DOOR AND WINDOW LEGEND:

- 15 09 A
TYPE
WIDTH (900)
HEIGHT (1500)
- A - AWNING
BF - BIFOLD DOOR
C - CASEMENT
F - FIXED
FR - FROSTED GLAZING
GB - GLASS BRICK
L - LOUVRE
S - SLIDING
SD - SLIDING DOOR
STKSD - STACKING TYPE SLIDING DOOR

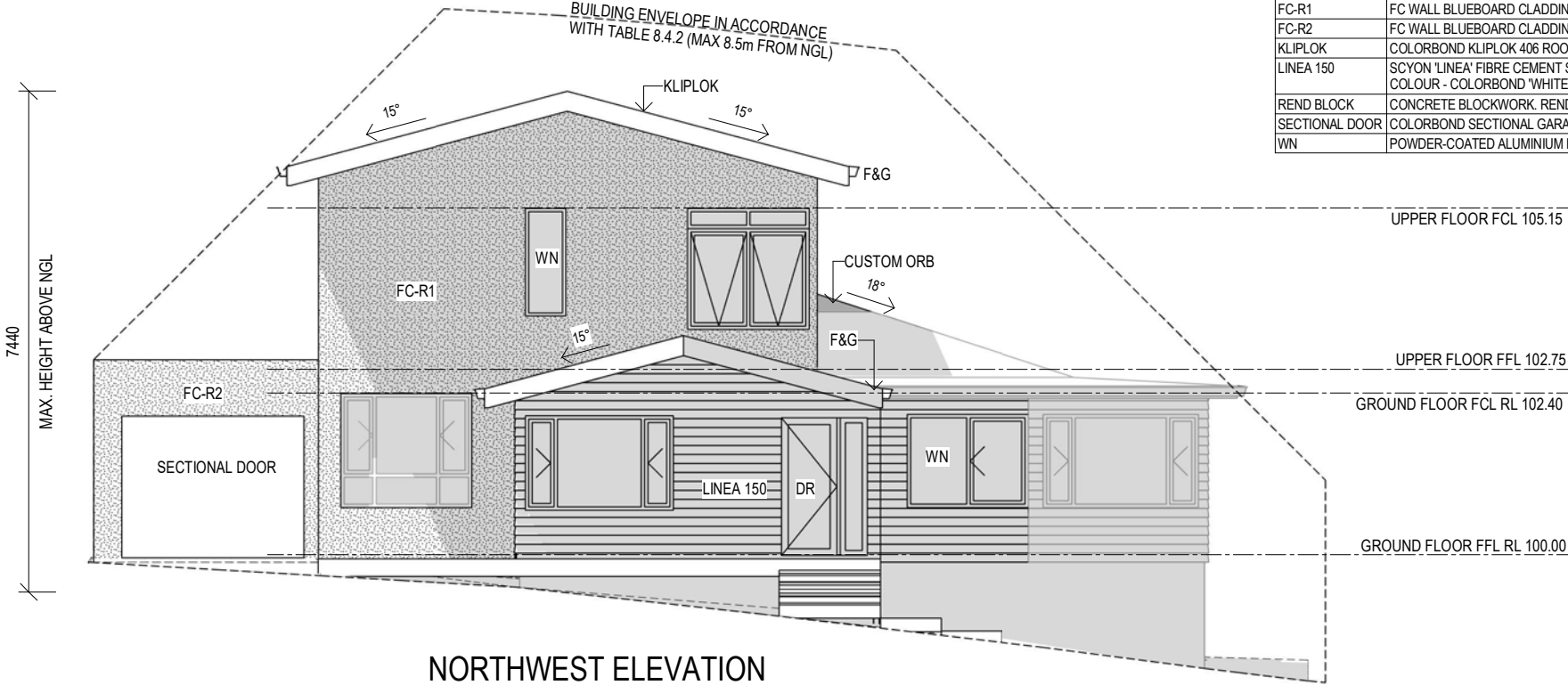


UPPER FLOOR PLAN
SCALE 1 : 100 @ A3

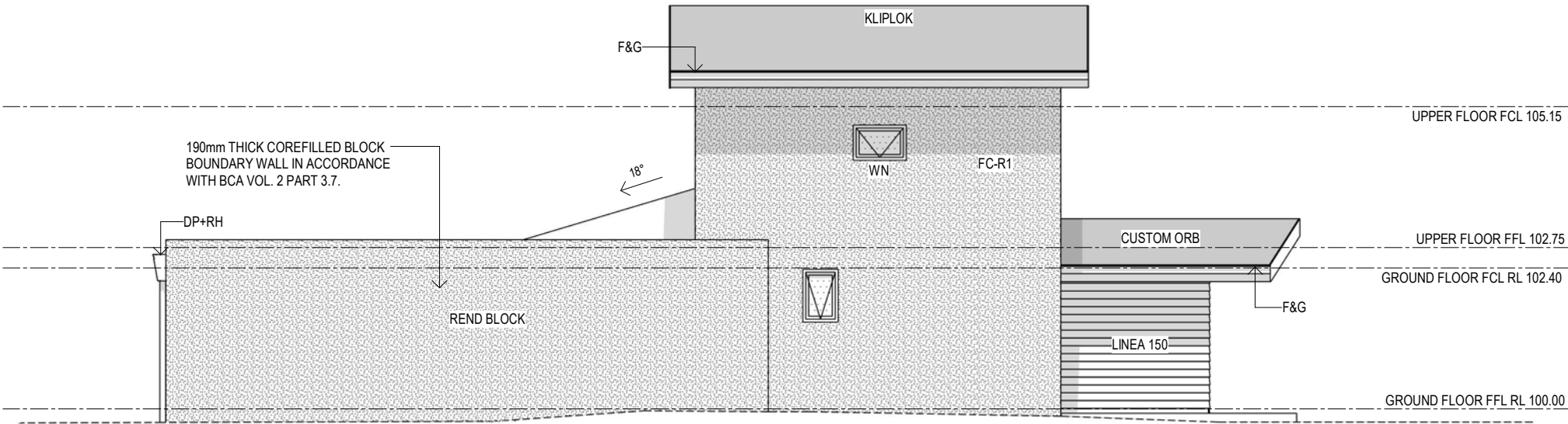
REV.	DESCRIPTION	REFERENCE	DESIGNED	M. CUBILE	CLIENT	C. & F. ATTRILL
0	ISSUED FOR PRELIMINARY PLANNING ASSESSMENT	10-11-2022	DRAWN	M. CUBILE	TITLE	PROPOSED INTERNAL ALTERATIONS & ADDITIONS
1	ISSUED FOR CLIENT REVIEW	28-11-2022	CHECKED	A. WOEHLE		15 DILLON STREET, BELLERIVE TAS 7018
2	ISSUED FOR DEVELOPMENT APPROVAL	21-12-2022				PROPOSED UPPER FLOOR PLAN
3	RE-ISSUED TO CLARENCE CITY COUNCIL TO ADDRESS RFI.	10-2-2023			DRG	ATTRILL
					SHT.	006
					SCALE	1 : 100
						A3

STAIRS / HANDRAIL NOTES:

1. CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
2. TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSINGS.
3. RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.
RISER (R) MAX. 190 - MIN. 115
GOING (G) MAX. 355 - MIN. 240
SLOPE RELATIONSHIP
2R + G MAX. 700 - MIN. 550
4. INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4.



CUSTOM ORB	COLORBOND CUSTOM ORB ROOF SHEETING. COLOUR - COLORBOND 'MONUMENT'
DP+RH	RAINWATER HEAD WITH DOWNPIPE. COLOUR - COLORBOND 'MONUMENT'
DR	POWDER-COATED ALUMINIUM FRAMED DOOR. COLOUR - 'SHALE GREY'
F&G	COLORBOND METAL FASCIA & GUTTER SYSTEM. COLOUR - COLORBOND 'MONUMENT'
FC-R1	FC WALL BLUEBOARD CLADDING. RENDER FINISH. COLOUR - COLORBOND 'BASALT'
FC-R2	FC WALL BLUEBOARD CLADDING. RENDER FINISH. COLOUR - 'WHITE OR SIMILAR'
KLIPLOK	COLORBOND KLIPLOK 406 ROOF SHEETING. COLOUR - COLORBOND 'MONUMENT'
LINEA 150	SCYON 'LINEA' FIBRE CEMENT SHEET EXTERNAL WALL CLADDING (SMOOTH WEATHERBOARD 150mm). COLOUR - COLORBOND 'WHITE OR SIMILAR'
REND BLOCK	CONCRETE BLOCKWORK. RENDER FINISH. COLOUR - COLORBOND 'MONUMENT'
SECTIONAL DOOR	COLORBOND SECTIONAL GARAGE DOOR. COLOUR - COLORBOND 'MONUMENT'
WN	POWDER-COATED ALUMINIUM FRAMED WINDOW. COLOUR - 'SHALE GREY'



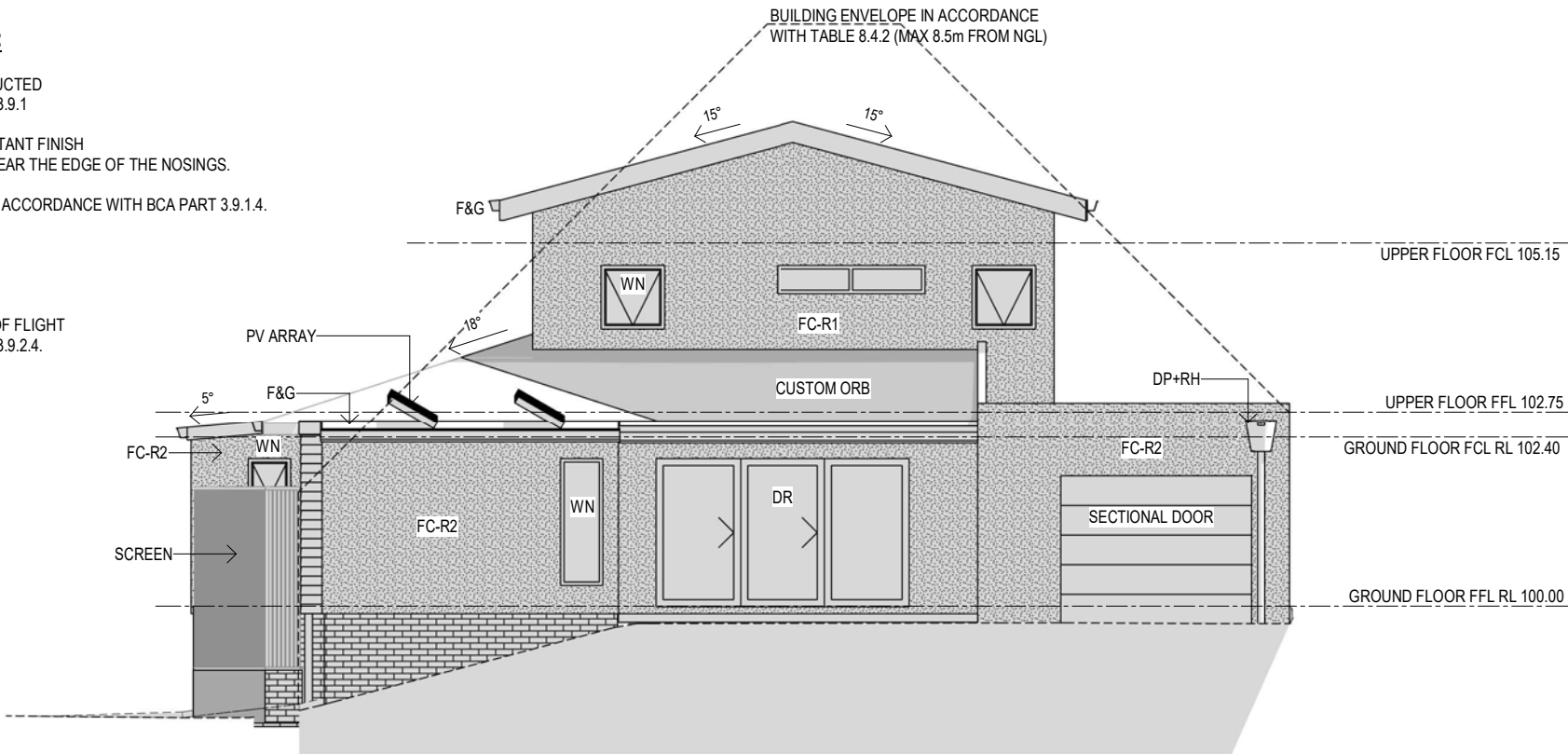
NORTHEAST ELEVATION
SCALE 1 : 100 @ A3



REV.	DESCRIPTION	REFERENCE	DESIGNED	M. CUBILE	SMEEKES DRAFTING PTY LTD	CLIENT	C. & F. ATTRILL
0	ISSUED FOR PRELIMINARY PLANNING ASSESSMENT	10-11-2022	DRAWN	M. CUBILE	ABN 89 056 706 640	TITLE	PROPOSED INTERNAL ALTERATIONS & ADDITIONS
1	ISSUED FOR CLIENT REVIEW	28-11-2022	CHECKED	A. WOEHLE	2/17 Bayfield Street, Rosny Park, TAS 7018		15 DILLON STREET, BELLERIVE TAS 7018
2	ISSUED FOR DEVELOPMENT APPROVAL	21-12-2022			Office Phone: (03) 6234 6185		PROPOSED ELEVATIONS 1 OF 2
3	RE-ISSUED TO CLARENCE CITY COUNCIL TO ADDRESS RFI.	10-2-2023			Email: admin@smeekeedrafting.com	DRG	ATTRILL
					Website: www.smeekeedrafting.com	No.	008
					Building Designer Licence Nos. 723026951, 695791616 & 402845150		SCALE 1:100
							A3

STAIRS / HANDRAIL NOTES:

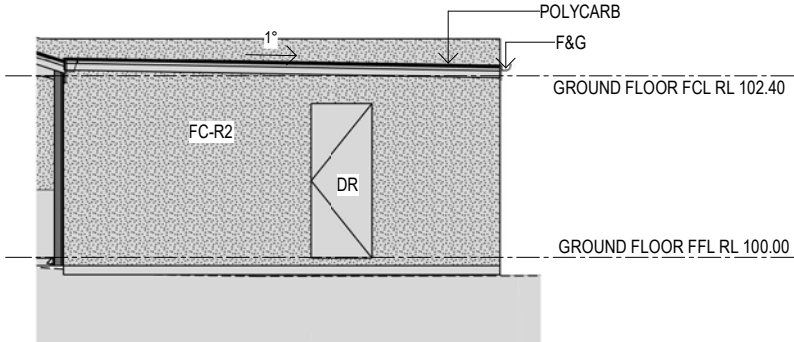
1. CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
2. TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSINGS.
3. RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.
RISER (R) MAX. 190 - MIN. 115
GOING (G) MAX. 355 - MIN. 240
SLOPE RELATIONSHIP
2R + G MAX. 700 - MIN. 550
4. INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4.



SOUTHEAST ELEVATION

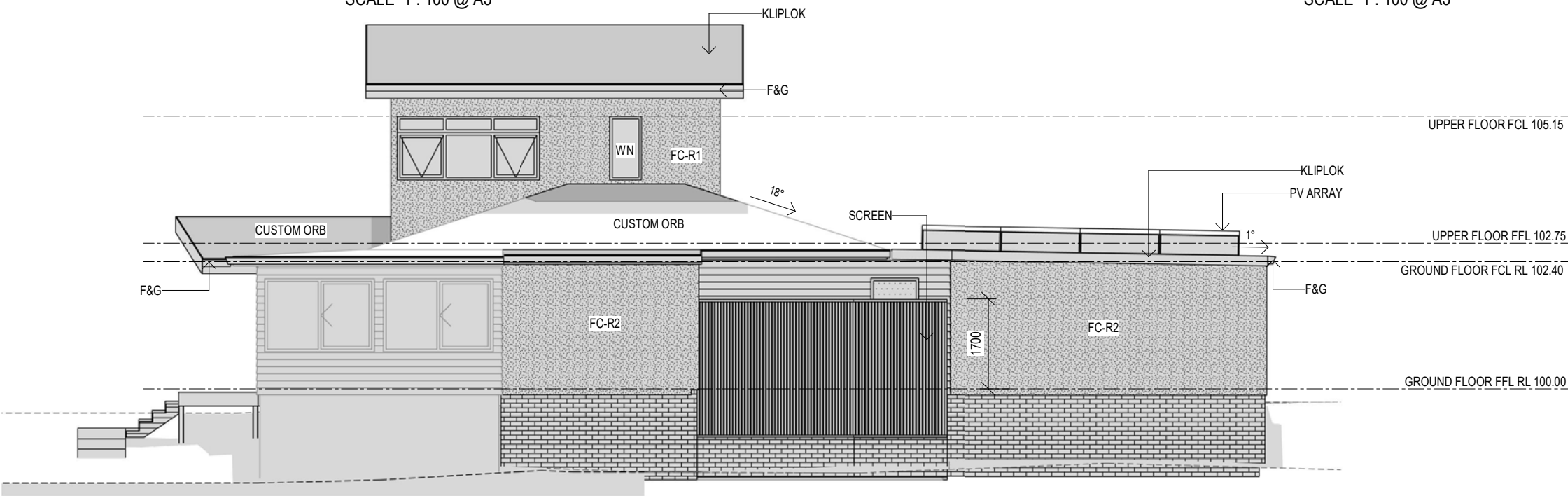
SCALE 1 : 100 @ A3

CUSTOM ORB	COLORBOND CUSTOM ORB ROOF SHEETING. COLOUR - COLORBOND 'MONUMENT'
DP+RH	RAINWATER HEAD WITH DOWNPIPE. COLOUR - COLORBOND 'MONUMENT'
DR	POWDER-COATED ALUMINIUM FRAMED DOOR. COLOUR - 'SHALE GREY'
F&G	COLORBOND METAL FASCIA & GUTTER SYSTEM. COLOUR - COLORBOND 'MONUMENT'
FC-R1	FC WALL BLUEBOARD CLADDING. RENDER FINISH. COLOUR - COLORBOND 'BASALT'
FC-R2	FC WALL BLUEBOARD CLADDING. RENDER FINISH. COLOUR - 'WHITE OR SIMILAR'
KLIPOK	COLORBOND KLIPOK 406 ROOF SHEETING. COLOUR - COLORBOND 'MONUMENT'
POLYCARB	POLYCARBONATE ROOFING.
PV ARRAY	SOLAR PHOTO VOLTANIC ARRAY
SCREEN	ALUMINIUM PRIVACY SCREEN. MIN 1700H ABOVE THE FFL WITH A UNIFORM TRANSPARENCY OF NOT MORE THAN 25%. TO OWNER'S CHOICE.
SECTIONAL DOOR	COLORBOND SECTIONAL GARAGE DOOR. COLOUR - COLORBOND 'MONUMENT'
WN	POWDER-COATED ALUMINIUM FRAMED WINDOW. COLOUR - 'SHALE GREY'



SOUTHWEST ELEVATION - 'GARAGE'

SCALE 1 : 100 @ A3

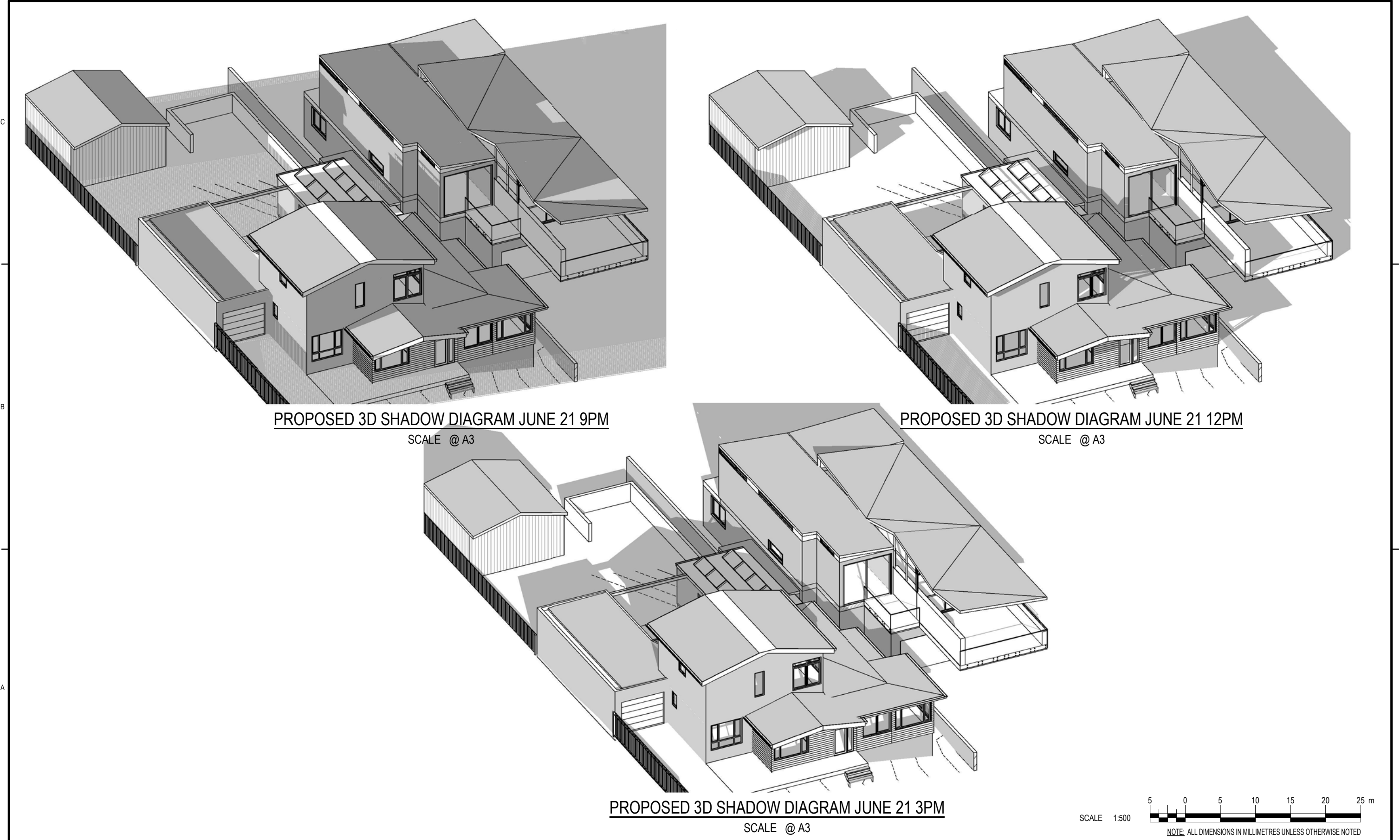



SOUTHWEST ELEVATION

SCALE 1 : 100 @ A3



REV.	DESCRIPTION	REFERENCE	DESIGNED	M. CUBILE	SMEEKES DRAFTING PTY LTD	CLIENT	C. & F. ATTRILL
0	ISSUED FOR PRELIMINARY PLANNING ASSESSMENT	10-11-2022	DRAWN	M. CUBILE	ABN 89 056 706 640	TITLE	PROPOSED INTERNAL ALTERATIONS & ADDITIONS
1	ISSUED FOR CLIENT REVIEW	28-11-2022	CHECKED	A. WOEHLE	2/17 Bayfield Street, Rosny Park, TAS 7018		15 DILLON STREET, BELLERIVE TAS 7018
2	ISSUED FOR DEVELOPMENT APPROVAL	21-12-2022			Office Phone: (03) 6234 6185		PROPOSED ELEVATIONS 2 OF 2
3	RE-ISSUED TO CLARENCE CITY COUNCIL TO ADDRESS RFI.	10-2-2023			Email: admin@smeeke drafting.com	DRG	ATTRILL
					Website: www.smeeke drafting.com	No.	009
					Building Designer Licence Nos. 723026951, 695791616 & 402845150	SHT.	009
						SCALE	1 : 100
						A3	



REV.	DESCRIPTION	REFERENCE	DESIGNED	M. CUBILE	SMEEKES DRAFTING PTY LTD ABN 89 056 706 640 2/17 Bayfield Street, Rosny Park, TAS 7018 Office Phone: (03) 6234 6185 Email: admin@smeeke drafting.com Website: www.smeeke drafting.com Building Designer Licence Nos. 723026951, 695791616 & 402845150	CLIENT	C. & F. ATTRILL
0	ISSUED FOR PRELIMINARY PLANNING ASSESSMENT	10-11-2022	DRAWN	M. CUBILE		TITLE	PROPOSED INTERNAL ALTERATIONS & ADDITIONS 15 DILLON STREET, BELLERIVE TAS 7018
1	ISSUED FOR CLIENT REVIEW	28-11-2022	CHECKED	A. WOEHLE			
2	ISSUED FOR DEVELOPMENT APPROVAL	21-12-2022					
3	RE-ISSUED TO CLARENCE CITY COUNCIL TO ADDRESS RFI.	10-2-2023					
REFER TO COVER SHEET ATTRILL-000			 BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA			DRG	PROPOSED 3D SHADOW DIAGRAMS
						No.	ATTRILL
						SHT.	018
						SCALE	A3

15 DILLON STREET, BELLERIVE



Photo 1: Site viewed from adjacent front boundary, looking east.



Photo 2: Site viewed from Dillon Street, looking southeast.



Photo 3: Site viewed from adjacent front boundary, looking northeast.

Attachment 4

Examples of steeply pitched roofs with 'rooms in the roof' within
Bellerive Bluff



**7.3 SECTION 37 AND 40T COMBINED SCHEME AMENDMENT APPLICATION
– PROPOSED BOUNDARY ADJUSTMENT (PDPDPAMEND-2022/028710) –
457 AND 469 ROKEBY RD, HOWRAH****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for the Planning Authority to consider the application made for a combined draft Amendment to the Clarence Local Provisions Schedule (LPS) and a development application for a boundary adjustment.

The application is made under sections 37 and 40T of the *Land Use Planning and Approvals Act 1993* (LUPAA), which allow for a request to the Planning Authority to be simultaneously considered an amendment to the Clarence Local Provision Schedule (LPS) and a planning permit that could not be issued unless the Clarence LPS was amended as required.

This is the first step of the statutory process for Council to amend the LPS and decide whether to approve or refuse a planning permit application. The Planning Authority may agree to initiate the application for a draft amendment, with or without modifications and recommend approval of the draft permit application. If the application is successful, the next step of is public exhibition where any representations received are reported back to the Planning Authority.

The Planning Authority must consider the merit of the representations received, and whether it is of the opinion that the application should be modified because of the representations. The effect any modification will have on the Planning Authorities recommendation is then reported to the Tasmanian Planning Commission. The Commission is the final decision maker, and after considering the application, with or without hearings will approve or refuse the application.

The attached report is in two parts.

Part A – Proposed Draft Amendment to the Clarence Local Provision Schedule.

The draft LPS Amendment is to rezone all of the land involved in the proposed boundary adjustment to Local Business zone and apply a new Specific Area Plan (SAP) over the land in the south east corner of 469 Rokeby Road, Howrah, including the access strip to Savoy Place.

The site currently has a mix of zones, and this proposal aims to have one zone over the majority site, and a Specific Area Plan with use and development controls more reflective of the current operation of the site.

The proposed rezoning to Local Business is considered to:

- provide certainty and clarity to those wishing to invest in the site and facilitate further economic development;
- enable the boundary adjustment with adjoining land to the north, north-west to align the property boundaries with actual existing uses at the site, and
- improve local business services/offers, reducing the need for additional vehicular trips further afield.

Part B – Proposed development of the site.

The amendment would facilitate a boundary adjustment between four lots, including 469 Rokeby Road, 457 Rokeby Road and two road parcels to the north of these two lots, administered by the Department of State Growth.

Accompanying this report are the following documents:

- Attachment 1 – Location Plan;
- Attachment 2 – Draft Instrument of Certification;
- Attachment 4 – Boundary Adjustment proposal plans;
- Attachment 5 - Detailed Assessment of the boundary adjustment;
- Attachment 6 - Summary Table of zone uses, and
- Attachment 7 – Site photos.

RELATION TO EXISTING POLICY/PLANS

The land is zoned Local Business, General Residential and Utilities under the Tasmanian Planning Scheme - Clarence. It is also subject to Parking and Sustainable Transport, Road & Railway Assets, Natural Assets, Flood-Prone Hazard Area, Bushfire-Prone Areas, and Safeguarding of Airports codes.

The proposed boundary adjustment is currently prohibited under the scheme as it would involve changing lot boundaries that currently align with zone boundaries.

Section 37 of the *Land Use Planning and Approvals Act 1993* (the Act) provides for Council to consider a request to amend a Local Provision Schedule (LPS).

Section 40T of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

LEGISLATIVE REQUIREMENTS

The report has been prepared considering the requirements of the Act and applicable standards of the planning scheme and details the basis and reasons for the recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendations. Broadly, the Planning Authority can either: (1) adopt the recommendation or (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision 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 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

A planning authority that has prepared a draft amendment of an (LPS) must consider whether it is satisfied that the draft amendment of an LPS meets the section 34 LPS criteria.

In accordance with section 38 of the Act, Council is required to make a decision in relation to a request within 42 days after receiving the request, or a longer period allowed by the Tasmanian Planning Commission (the Commission). The decision timeframe for this request expires on 20 March 2023.

CONSULTATION

Applications made under section 37 and section 40T under the Act are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment and boundary adjustment proposal of the site in accordance with section 40G of the Act.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That pursuant to Section 40D (a) (i) of the Land Use Planning and Approvals Act 1993, the Planning Authority agrees to prepare Amendment PDPSPAMEND-2022/028710 to the Clarence Local Provision Schedule to:
- rezone a portion of 457 Rokeby Road, and the General Residential zones area of 469 Rokeby Road Howrah, identified as Certificates of Title Volume 159207 Folio 2 and Folio 1, from General Residential Zone to Local Business Zone;
 - rezone a portion of two State Growth administered road parcels Howrah, identified as Certificates of Title Volume 222887 Folio 1, and Certificate of Title Volume 169915 Folio 1 from Utilities Zone to Local Business Zone; and
 - apply a Specific Area Plan, namely CLA-S23.0 469 Rokeby Road, Howrah Specific Area Plan to the south east portion of 469 Rokeby Road, Howrah.
- B. That having decided to agree to the amendment, the Planning Authority pursuant to Section 40F (a) (b) of the Land Use Planning and Approvals Act 1993, certifies that the draft amendment meets the requirements of this Act subject to the following modifications:
- Modifying the numbering to reflect the existing LPS structure where the draft SAP would be identified as CLA-S23.0 469 Rokeby Road Specific Area Plan,
 - Modifying the structure of CLA-S23.5 Use Table to align with the Commission Practice Note 8 – Draft LPS written document: technical advice,
 - Modifying the SAP to include CLA-S23.6.1 Use Standard to achieve the intent with regards to the Savoy Place access strip, and
 - Modifying the SAP by noting that CLA-S23.7 Development Standards for Buildings and Works is not used in this specific area plan.
- C. That pursuant to Section 40G of the Land Use Planning and Approvals Act 1993, the Planning Authority places the draft amendment and permit on public exhibition for a period of 28 days.

D. That pursuant to Section 40Y of the Land Use Planning and Approvals Act 1993, the Planning Authority agrees to grant a permit for a boundary adjustment at 457 and 469 Rokeby Road Howrah, and Acquired Road parcels identified as Certificate of Title Volume 222887 Folio 1, and Certificate of Title Volume 169915 Folio 1, subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN F5 – PART 5 AGREEMENT
 - To only allow vehicular access to the new lot created by the boundary adjustment, solely by the existing access from Ploughman Road.
3. PROP 4 – CROWN TRANSFER
 - Crown land to be transferred to owner of 469 Rokeby Road.
4. ENG M8 – Easements.
5. ENG M8A – Service Easements.
6. LAND 5 – Subdivision Landscaping
 - For the access strip from Savoy Place to the subject site, to provide a sealed shared bicycle/pedestrian path, appropriate baffled lighting, with appropriate plantings and irrigation to ensure a safe non-vehicular access space.
7. LAND 3 – Landscape Bond (Commercial).
8. The development must meet all required Conditions of Approval specified by TasWater notice dated 25 October 2022 (TWDA 2022/01990-CCC).

ADVICE

- (a) ADVICE 1 – Permit Expiry Advice.
- (b) ADVICE 14 – Building Advice.
- (c) TasNetworks has a high voltage line running along the property boundary line of 457 and 469 Rokeby Road Howrah. The developer should contact TasNetworks to discuss safe approach distances and clearances to electricity infrastructure for any development and be aware that restrictions apply to building within electricity easements and wayleaves.

TasNetworks recommend that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades, they may require to their electricity supply due to this development.

- (d) The Certificate of Title contains several private covenants. Compliance with the covenants is the landowner's legal responsibility and may prevent or alter the ability to act upon this permit.
- E. That the details and conclusions included in the Associated Report be recorded as the reasons for the Planning Authority's decision in respect of this matter.

ASSOCIATED REPORT – PART A

1. BACKGROUND

- 1.1** At the time of the 2015 Clarence Interim Planning Scheme (CIPS), the subject land known as:
- 457 Rokeby Road, Howrah was zoned General Residential;
 - 469 Rokeby Road, Howrah was zoned General Residential and Local Business; and
 - The State Growth administered road lots (the road lots) Volume 222887 Folio 1 and Volume 169915 Folio 1 were zoned Utilities.
- 1.2** The zoning conversion from CIPS to the Tasmanian Planning Scheme Clarence (the Scheme) was generally on a “like for like” basis. Accordingly, the subject site is currently zoned General Residential, Local Business and Utilities.
- 1.3** A representation made on behalf of the land owner of 469 Rokeby Road, Howrah was received during the public consultation process associated with the transition to the Scheme. The Commission decision in relation to the representation was in line with council's submission that the proposed revisions raise natural justice concerns and should be considered through an amendment to the relevant planning scheme.
- 1.4** The application for the amendment to rezone the subject site (PDPSAMEND-2020/012595) was submitted to Council on 25 September 2020 at which time CIPS2015 was the applicable scheme.

This application was cancelled on 6 December 2021 as the application had not been finalised, because the Act does not provide any transitional provisions for such applications to retain their validity once the Tasmanian Planning Scheme – Clarence was enacted on 13 October 2021. The revised application for a combined zone consolidation and subdivision application was also cancelled with a partial refund to the applicant.

- 1.5** The current application for an amendment to the (LPS) and a boundary adjustment was lodged with Council on 20 June 2022.

2. PROPOSAL IN DETAIL

2.1. Draft LPS Amendment

The proposal includes the:

- Removal of the split zoning (36% General Residential zone and 64% Local Business zone) on 469 Rokeby Road, Howrah so that the entire lot is zoned Local Business;
- Rezoning those portions of 457 Rokeby Road, Howrah and the road lots (Volume 222887 Folio 1 and Volume 169915 Folio 1) involved in the proposed boundary adjustment from General Residential zone, and Utilities zone to Local Business Zone;
- Provision of a new SAP on the south-eastern section of 469 Rokeby Road (currently zoned General Residential) to create planning controls that will be in substitution for and in addition to the Local Business Zone controls.

2.2. Proposed Development

The boundary adjustment seeks to realign the north-western boundaries of 469 Rokeby Road with the adjacent land so that small sections of land, are added to 469 Rokeby Road and removed from 457 Rokeby Road and the two road lots, as shown in the proposal plans in Attachment 3.

The subject site (that is all four land parcels in their entirety) has an area of approximately 1.55ha, however the land proposed to be included in the Local Business Zone to facilitate the boundary adjustment involves only 7428m², with 469 Rokeby Road, comprising the main land area.

3. SITE DESCRIPTION AND SURROUNDING AREA

3.1. Identification.

The subject land is shown in Figure 1.



Figure 1: Aerial image of subject site (Source LIST map)

The following table lists the relevant properties and zoning details:

Property Address	Title Reference	Owner(s) Name	Total Land Area (m ²)	Existing Zoning
469 Rokeby Road, Howrah	159207/1	Ruthven Rokeby Road Pty Ltd	6888	Local Business and General Residential
457 Rokeby Road Howrah	159207/2	Department of State Growth	5221	General Residential

Property Address	Title Reference	Owner(s) Name	Total Land Area (m²)	Existing Zoning
Not Applicable (Road lot)	222887/1	The Crown	2888	Utilities
Not Applicable (Road lot)	169915/1	The Crown	641	Utilities

The proposal includes Crown Land administered by the Department of State Growth. Crown landowner consent for the lodgement of the application has been provided.

3.2. Planning Controls

The subject site is zoned General Residential, Local Business and Utilities under the Scheme and subject to the following codes:

- C1.0 - Signs Code;
- C2.0 - Parking and Sustainable Transport Code;
- C3.0 - Road and Railway Assets Code;
- C7.0 - Natural Assets Code;
- C12.0 - Flood-Prone Areas Hazard Code;
- C13.0 - Bushfire-Prone Areas Code; and
- C16.0 - Safeguarding of Airports Code.

3.3. Existing Use and Development

The subject site contains existing residential development on both 457 and 469 Rokeby Road, Howrah. In addition, the land at 469 Rokeby Road is developed with a Bottle Shop, Grocery/Food Market, a Plant Nursery, and an associated car parking area. The road lots are developed as part of Rokeby Road and Ploughman Road, road reserves and provide the vehicle access to 457 Rokeby Road, and 469 Rokeby Road, Howrah.

3.4. Surrounding Land

Surrounding land is zoned General Residential zone to the west, south and east, with Utilities zone to the north. Further to the west and south-west, areas of land are zoned Community Purpose, Low Density Residential, Open Space, and Landscape Conservation. To the south-east there is a larger lot, zoned Utilities for TasWater infrastructure.

It is noted that to the north of Rokeby Road, the land is zoned General Business forming part of the Glebe Hill Neighbourhood Centre Specific Area Plan. To the north-west is land zoned Future Urban Growth, Residential and Open Space.

The development on this surrounding land is predominantly residential, comprising single or 2 multiple dwellings per lot.

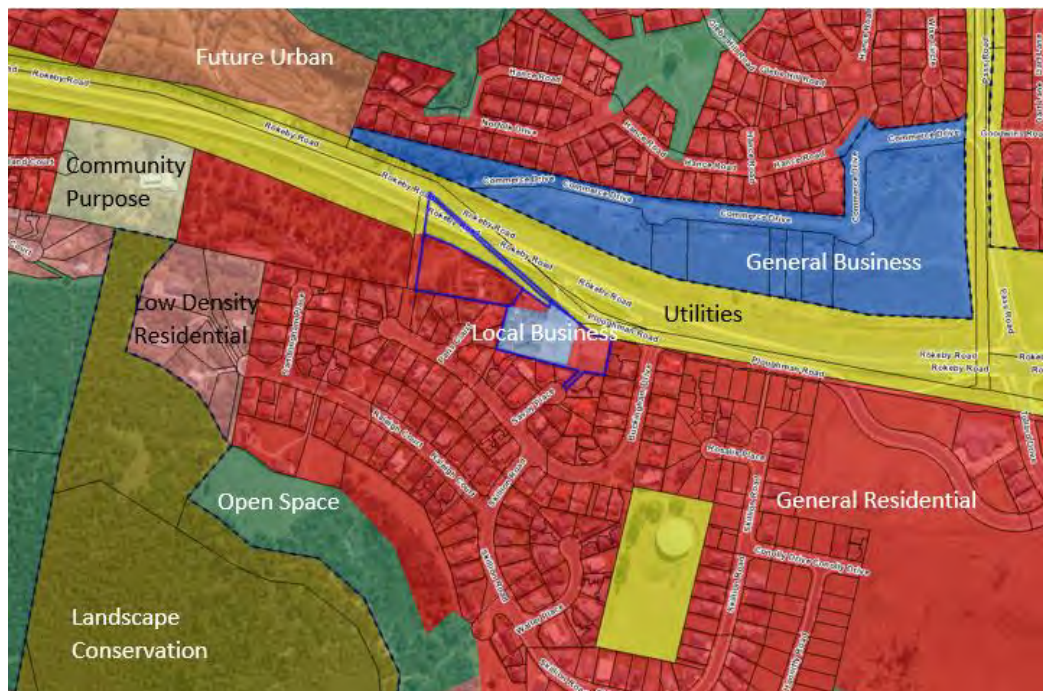


Figure 2: Surrounding Land zoning, subject site outlined in blue (Source: LIST map)

3.5. Natural and Cultural Values

The north-western areas of land of 457 Rokeby Road and the two road lots are shown as being within the Priority Vegetation overlay, however the Land Information System Tasmania (LIST) records the vegetation as Urban Area – denoting modified land. The overlay does not extend onto any of the land to be included in the boundary adjustment nor onto 469 Rokeby Road as shown in Figure 3.

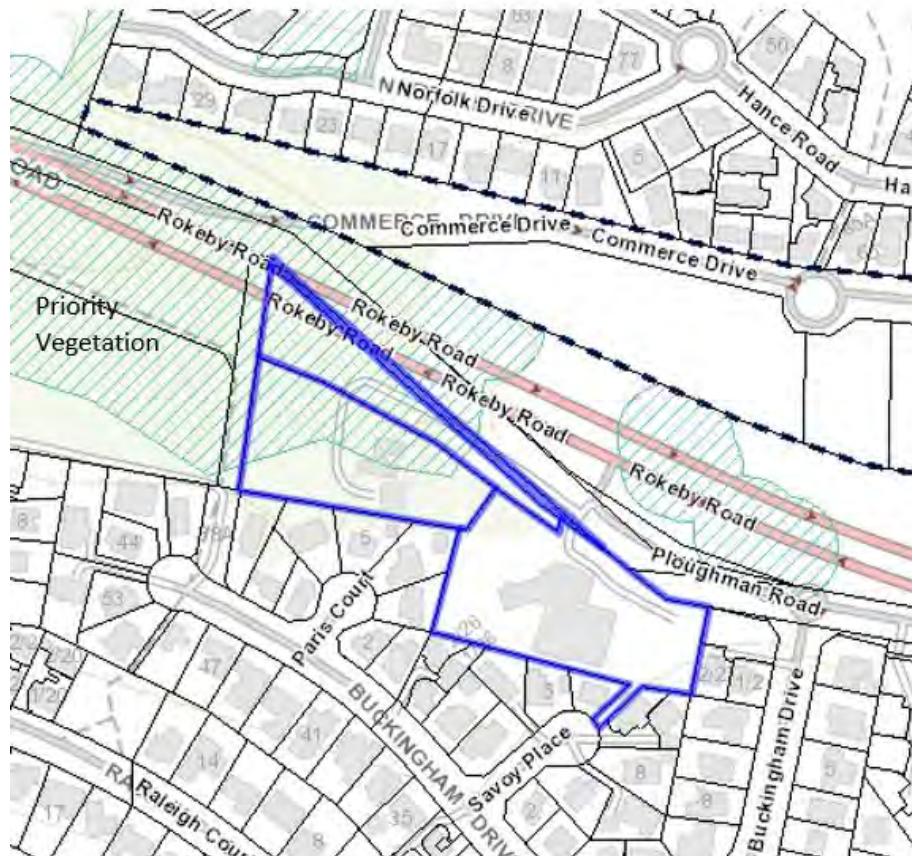


Figure 3: Subject site outlined in blue, Priority Vegetation Overlay Green Hashed area (Source; LIST map)

The land slopes from the south-east to the north-west and the natural topography and vegetation has been disturbed due to the development of the Rokeby Road corridor and existing development on surrounding lots.

The Flood-Prone Hazard Area overlay is similarly located on the north-western areas of 457 Rokeby Road and the two acquired road parcels, leaving 469 Rokeby Road clear of this hazard as shown in Figure 4.

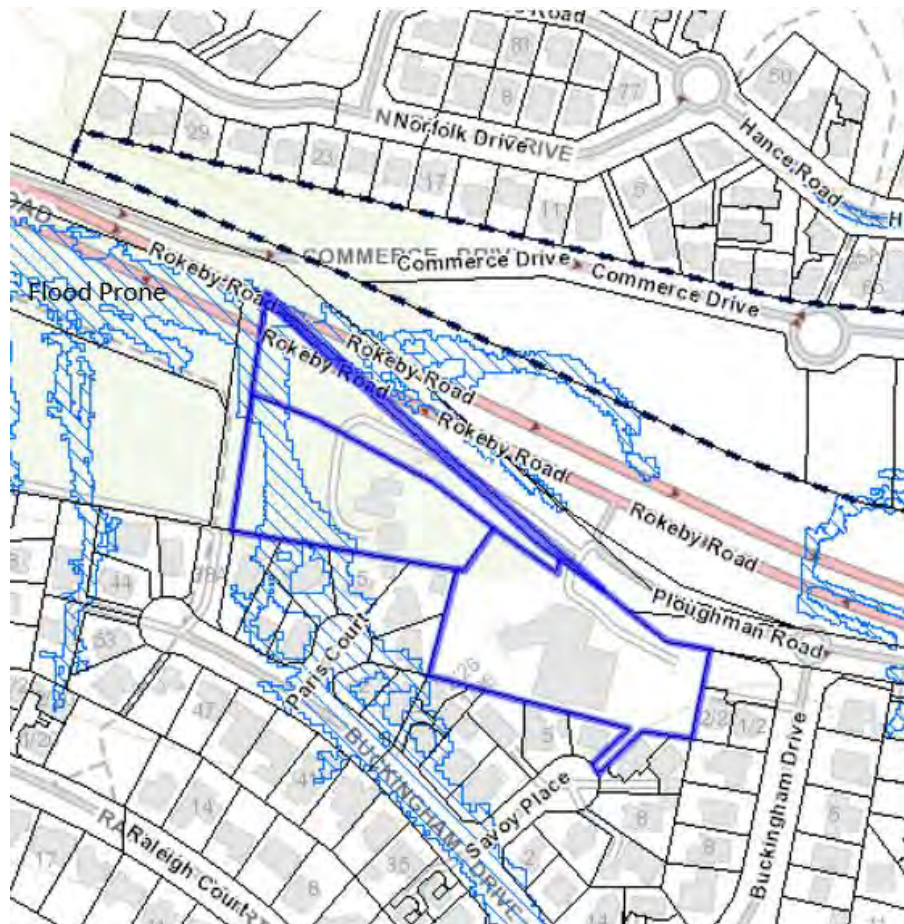


Figure 4: Subject site outlined in blue, Flood Prone Hazard Area in blue hashed area (Source LIST map)

The majority of the subject site is impacted by the Road and Railway Assets Code, reflecting the site's proximity to a major road corridor, namely Rokeby Road, which is classified as a level 3 road in the State Road Hierarchy as shown in Figure 5.

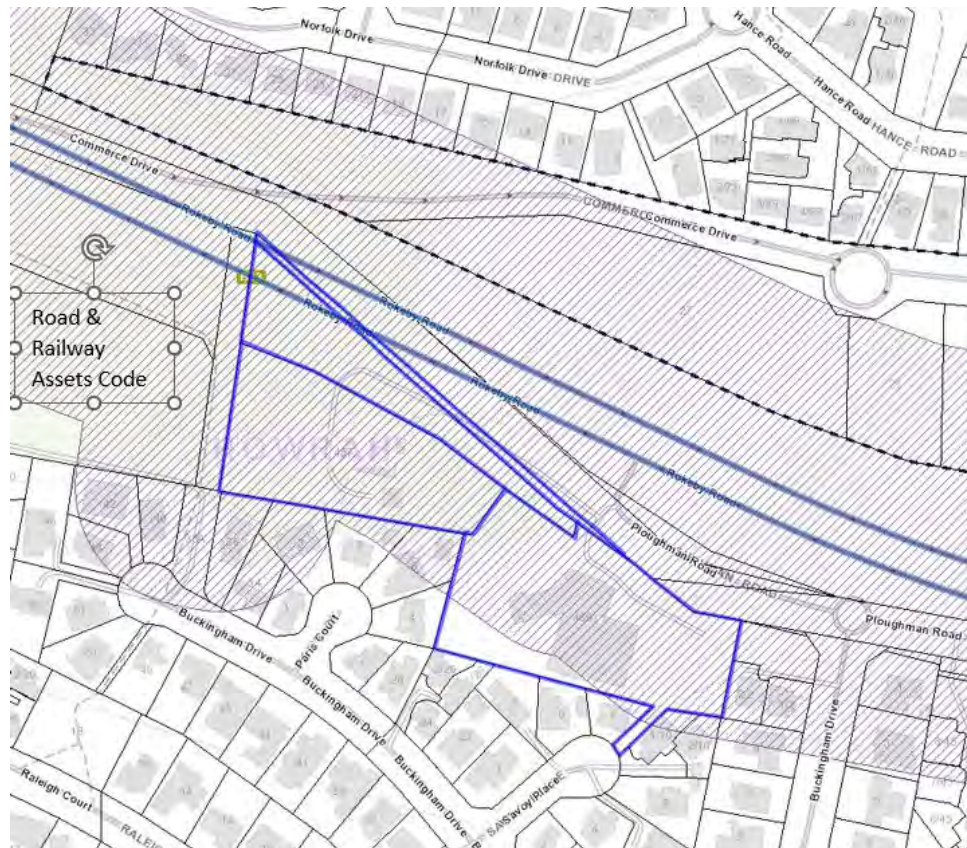


Figure 5: Subject site outlined in blue with Road & Railway Assets Code overlay shown in the purple hashed area (Source: LIST map)

Within the subject site, the Bushfire-Prone Areas Code only applies to the entire area of 457 Rokeby Road and the larger of the two road lots, identified as Volume 222887 Folio 1 as shown in Figure 6.

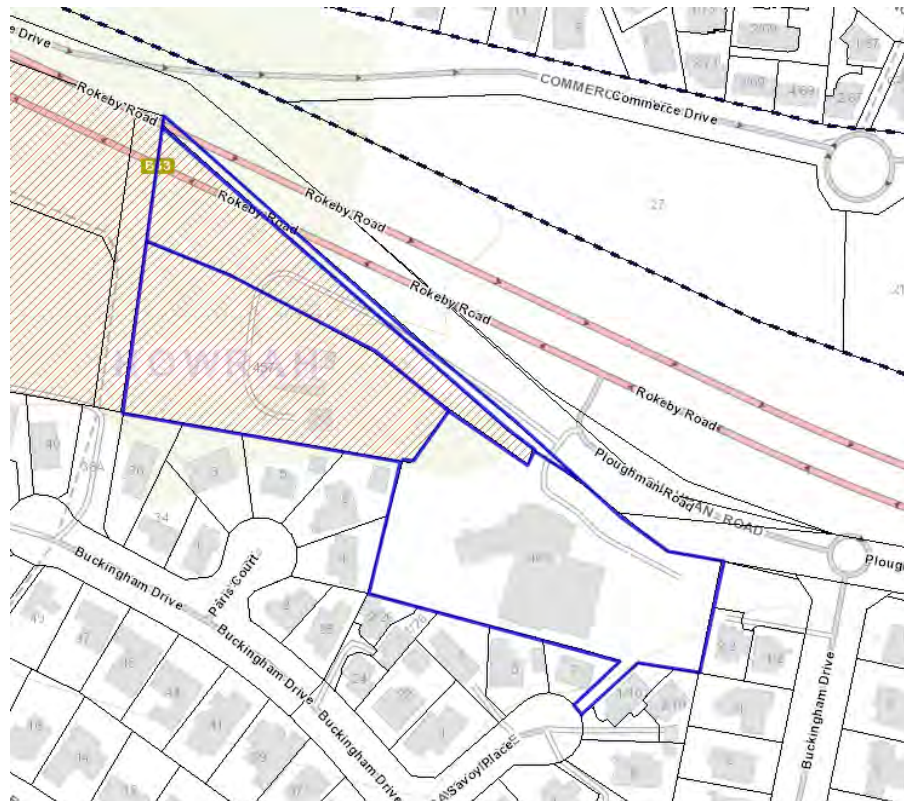


Figure 6: Subject site outlined blue with the Bushfire-Prone Area Code overlay shown in the in brown hashed area (Source: LIST map)

The 147m Australian Height Datum (AHD) Obstacle Limitation Surface layer (OLS) of the Safeguarding of Airports code, applies to all of the land within the subject site.

A desktop Aboriginal Heritage Property Search undertaken for 469 Rokeby Road, Howrah did not identify any apparent risk of impacting registered Aboriginal relics.

3.6. Covenants, Easements, Title Considerations

The title information for 469 Rokeby Road, Howrah (Volume 159207, Folio 1) includes several Easements for TasWater and Council services. There are also fencing provisions, and several notifications of scanned dealings, which will need to be transferred to the new titles post the proposed boundary adjustment. It is further noted that recently the property at 469 Rokeby Road, Howrah was advertised for sale and is currently under contract, with a Priority Notice registered on the title. The prospective purchasers will be aware of the current application based on the recently completed 337 Certificate search on the property.

4. INFRASTRUCTURE PROVISION

- 4.1.** 457 and 469 Rokeby Road, Howrah are within the TasWater full-service area for water and sewerage infrastructure. The two acquired road parcel are not serviced.
- 4.2.** Council stormwater infrastructure is located to the east, south and west of the subject site.
- 4.3.** Vehicular and pedestrian access to 457 and 469 Rokeby Road is provided via Ploughman Road, the service road leading off Rokeby Road. Pedestrian access is also currently provided from Savoy Place to 469 Rokeby Road.
- 4.4.** There is existing TasNetworks overhead infrastructure located along the northern boundary of the subject site which may create restrictions on future development by way of electricity easements and wayleaves.

5. HISTORY

- 5.1.** At the time of the *Eastern Shore Planning Scheme 1963*, 469 Rokeby Road, Howrah was zoned Rural and was smaller in area. The surrounding land was zoned Residential. With the implementation of the *Clarence Planning Scheme 2007*, 469 Rokeby Road, Howrah was rezoned to Local Business. In 2006 the land area was increased by adhering 12 Savoy Place, Howrah to 469 Rokeby Road, Howrah. The property was again increased in size by the approved subdivision (SD-2009/48) with 457 Rokeby Road, Howrah, resulting in the current lot shape.
- 5.2.** During both boundary changes the land at 12 Savoy Place and 457 Rokeby Road retained Residential zoning, resulting in the current split zoning scenario of the property.

6. STATUTORY IMPLICATIONS

- 6.1.** Council's assessment of this proposal must involve consideration of Part 3A (Local Provisions Schedules) and 3B (Amendments of Local Provisions schedules) of the Act, including any representations received, the contents and criteria of the LPS, the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS), the State Policies and the objectives of Schedule 1 of the Act.
- 6.2.** The Planning Authority may, in response to a request by a person or by its own motion, initiate an amendment to the LPS that applies to a Municipal Area. Under s.40T of the Act, an application can also be made to the Planning Authority for issue of a draft permit that could not otherwise be issued, unless the LPS was amended as requested.
- 6.3.** The Act requires that a Planning Authority must be satisfied that the draft Amendment to the LPS will further the objectives of the Resource Management and Planning System, is in accordance with applicable State Policies and satisfies the Act's LPS criteria.
- 6.4.** The Planning Authority must decide whether to initiate the draft LPS Amendment and approve a draft permit within 42 days from the day it receives a valid request. The request must be in a form approved by the Planning Authority and the Commission and be signed by the landowners, in this case the property owners of 469 Rokeby Road, Howrah and the Crown (for the land at 457 Rokeby Road and the two road lots).
- 6.5.** Should the Planning Authority agree to prepare an amendment, Section 40F (2) (b) of the Act provides that if the Planning Authority considers that the proposal does not meet the requirements of Section 34 (LPS Criteria) of the Act, then the draft amendment must be modified so that it meets the requirements.
- 6.6.** There is no appeal process available to an applicant for rezoning if the Planning Authority refuses the initial request. The applicant may ask the Commission to review the process leading to the decision, but not the merits of that decision.

- 6.7.** The Planning Authority can request additional information within 28 days of receiving a valid request. The applicant has five years to provide the additional information, or the application will lapse.
- 6.8.** The request before the Planning Authority, for a combined draft LPS amendment and development application was received on 4 July 2022. Additional information was requested on 5 August 2022. The signed Owner's Consent Forms were received on 31 January 2023 (469 Rokeby Road owner Commission form, if applicant is not the owner), and 19 July 2022 (Minister for Infrastructure and Transport).
- 6.9.** The key steps in approval of a combined amendment and permit process under the Land Use Planning and Approvals Act 1993 are:
- Under s.40t of the Act, the Planning Authority is to agree, or refuse to agree, to the request and, if they agree, certify that the draft LPS Amendment meets the requirements of s.32 and s.34 of the Act "LPS Criteria" and determine the draft conditions for a permit.
 - Within seven days of a decision, the Planning Authority must forward to the Tasmanian Planning Commission (the Commission) a copy of the application and any documentation submitted, the Instrument of Certification, a copy of the Planning Authority's decision and a copy of any draft permit granted under the decision.
 - The Planning Authority must publicly exhibit the draft LPS Amendment, permit and application documentation for a period of not less than 28 business days and not greater than two months, including a minimum of two notices in the local newspaper.
 - Under s.40K and S.42 of the Act, any public representations received in response to the public exhibition are reported back to the Planning Authority. The Planning Authority reports on any representation made, to the Commission, making comment as to their merits, and may include recommendations on modifications to the draft LPS Amendment and draft permit conditions.

- The Commission may conduct a hearing to consider the issues raised by the draft LPS amendment and development application and through representation.
- Within three months of the Planning Authority providing the draft amendment and certificate, the Commission will make the final determination of the application for the draft LPS amendment and development, unless a later date is approved by the Minister.
- The Commission's decision is final and cannot be appealed to the Tasmanian Civil and Administrative Tribunal (TASCAT).

7. ASSESSMENT OF PROPOSED LPS AMENDMENT AGAINST THE LEGISLATIVE REQUIREMENTS

7.1. When considering a draft amendment and development application, assessment must be undertaken under s.32 and s.34 of the Act to determine whether the requirements of the Act have been met. This includes:

- Avoiding potential land use conflict with use and development permissible under the Planning Scheme;
- Being where practicable, consistent with the State Planning Policies and the relevant regional land use strategy; and
- Having regard to the impact on the region in terms of environment, economic and social outcomes.

The legislative requirements are addressed in this section of the report.

The development proposal must be assessed by the Planning Authority against the applicable Scheme provisions, in this case *General Provision 7.3 Adjustment of a Boundary* with conditions and permits drafted accordingly, or the application is refused. Refer to part B of this report.

7.2. The Draft Amendment Application
Planning Scheme Implications

The land is subject to the provisions of the Tasmanian Planning Scheme – Clarence and is currently zoned, Local Business, General Residential and Utilities as shown in Figure 2. The planning scheme provides a list of permissible use classes in the zones, some with qualifications.

The draft LPS Amendment seeks to rezone the land to Local Business Zone, this would allow the boundary adjustment to occur in the north west corner of 469 Rokeby Road, Howrah, with the adjacent land titles as shown in Figure 7.

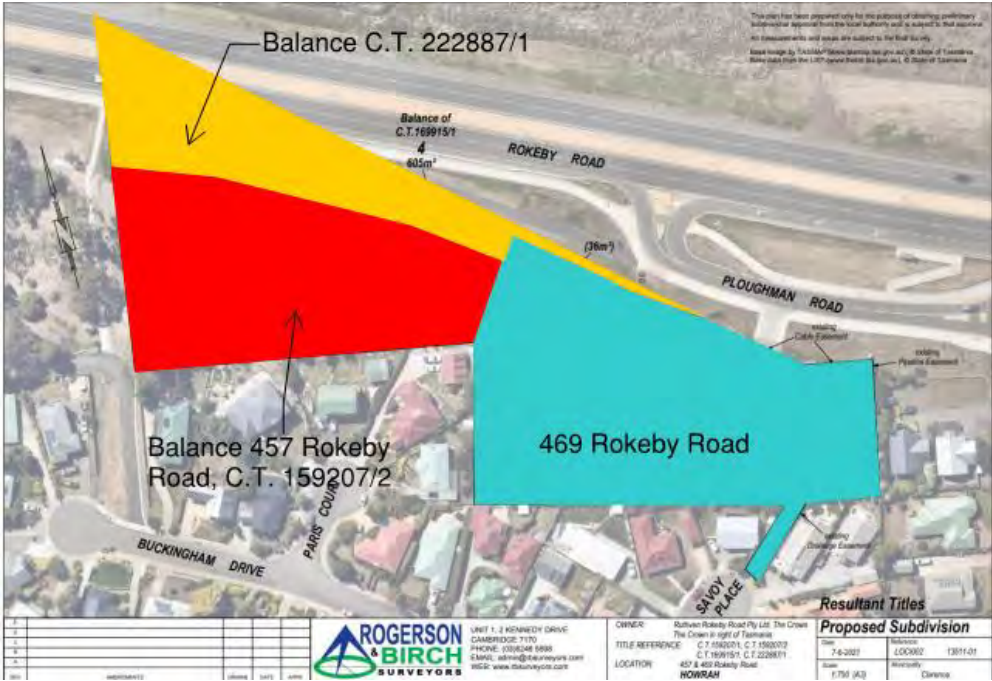


Figure 7: Proposed zoning post the draft Amendment (blue Local Business Zone, red Residential Zone, and yellow Utilities Zone).

The draft LPS Amendment also seeks to apply a SAP over the land within the south east area of 469 Rokeby Road, currently zoned General Residential as shown in Figure 8 and Figure 9. The SAP provisions will substitute for and are in addition to those within the Local Business Zone.

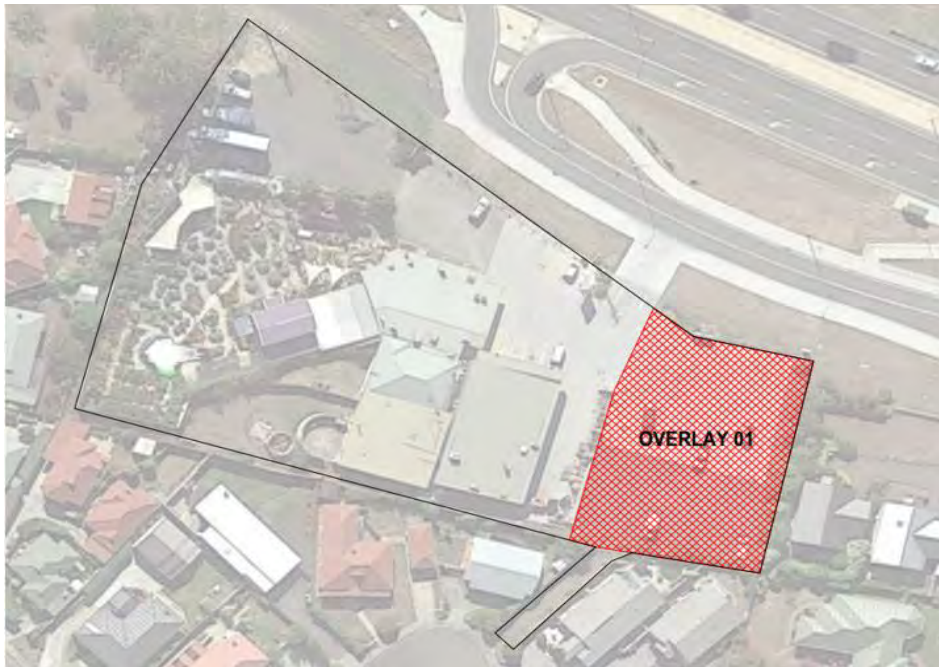


Figure 8: Proposed SAP overlay area 01



Figure 9: Proposed SAP overlay area 02

Analysis of Use Table

Attachment 5 describes the permissibility for various use classes in the Local Business zones and provides a comparison with the existing zoning, namely General Residential, Utilities, in addition to the proposed SAP use classes.

The Analysis Table outlines whether a use class is “no permit required”, “permitted” or “discretionary” in the respective zones and outlines any qualifications that may be applicable.

The change from General Residential Zone to Local Business Zone reclassifies some uses from Discretionary to Permitted, or to No Permit Required, with the SAP ameliorating the changes with additional qualifications.

7.3. LPS Draft Amendment Assessment

Section 34(2) of LUPAA requires a relevant planning instrument (in this instance a draft amendment of an LPS) to meet the following criteria:

(a) Contains all the provisions that the SPP’s specify must be contained in the LPS;

The draft amendment relates to land within the Clarence municipal area. The proposal seeks to rezone land zoned General Residential and Utilities to Local Business, and thereby modify the existing Clarence LPS map for the subject site.

The draft amendment also seeks to insert a new SAP (CLA-S23.0 469 Rokeby Road Specific Area Plan) for a portion of the land within 469 Rokeby Road, and thereby modify the existing ordinances of the Clarence LPS.

The proposed amendment is for rezoning land without modification to the code development controls that apply to it. The proposed amendment uses a zone from the suite of zones available under the SPPs (i.e., Local Business Zone).

If certified, all provisions of the Local Business zone will apply to this land along with any other relevant code development controls, and the proposed 469 Rokeby Road SAP provisions.

Accordingly, the proposal is considered to comply with section 34(2) (a).

(b) Be in accordance with section 32;

Section 32 specifies the contents of the LPS. The proposed draft amendment is consistent with the content categories, in that it relates to existing zoning categories [s.32 (e)] and proposes a new Specific Area Plan – CLA-S23.0 469 Rokeby Road Specific Area Plan [s.32 (3) (b)].

Appropriateness of the Local Business Zone

The applicant states that the proposed rezoning would consolidate the entire site within the Local Business Zone and be more reflective of the predominant uses at the site. It is submitted that the existing residential use is obscured by the commercial buildings on the site resulting in a lack of a clearly identifiable street address and access.

The proposed rezoning to Local Business is considered to:

- provide certainty and clarity to those wishing to invest in the site and facilitate further economic development;
- enable the boundary adjustment with adjoining land to the north, north-west to align the property boundaries with actual existing uses at the site, and
- improve local business services/offers, reducing the need for additional vehicular trips further afield.

The applicant considers that the rezoning would not provide for an increased scale of commercial development beyond that of a local centre. *Commission Guideline No. 1 – Local Provision schedule (LPS): zone and code application* (Guideline 1) states that “*The primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible*”.

Guideline 1 provides additional specific Local Business Zone (LBZ) Guidelines as outlined in the following table.

Zone Application Guideline	Response
<p>LBZ 1 <i>The Local Business Zone should be applied to land within urban settlements which provides, or is intended to provide, for the business, commercial and community functions within:</i> (a) <i>local shopping strips; or</i> (b) <i>town centres for some smaller settlements.</i></p>	<p>The subject site is located within an urban settlement. Although comprising only one lot, given the area of land and existing commercial development to date, the site presents as a “local shopping strip”.</p> <p>Rezoning all the land comprising 469 Rokeby Road to Local Business Zone is considered to provide opportunities to further enhance the provision of commercial and community functions on the land and is considered consistent with LBZ 1.</p>
<p>LBZ 2 <i>The Local Business Zone may be applied to:</i> (a) <i>Local Centres and the lower order Minor or Neighbourhood Centres in the Activity Centre Hierarchy under the Southern Regional Land Use Strategy.</i></p>	<p>Based on Table 1: Activity Centre Network in the STRLUS, the subject site would be classified as a Local Centre.</p> <p>Rezoning the land to Local Business Zone is considered consistent with LBZ 2.</p>
<p>LBZ 3 <i>The Local Business Zone may be used for groups of local shops and businesses in existing residential areas where there is a strategic intent to maintain such uses, and the provisions of the surrounding residential zone are not appropriate.</i></p>	<p>The Clarence Activity Centre Strategy (2013) notes that <i>Local Activity Centres provide for convenience needs for residential areas, do not include major anchor tenant and are unlikely to influence the development or structure of an activity centre hierarchy for Clarence, hence they have not been assessed in great detail within this report.</i></p> <p>The strategy identifies <i>shopping strips on Rokeby Road, Mornington Road, Clarence Street and South Arm Road amongst others</i> as Local Activity Centres in Clarence.</p> <p>The strategy makes no specific recommendations in relation to the Local Activity Centres in Clarence, other than to conclude that they do not impact on the Clarence Activity Centre Hierarchy. Therefore, the proposed rezoning is considered consistent with LBZ 3.</p>

<p>LBZ 4 <i>The Local Business Zone should not be used for individual, isolated local shops or businesses within residential areas, unless:</i></p> <p>(a) <i>they are a use, or are of a scale, that is more appropriate for the Local Business Zone and there is an intention to maintain the use; or</i></p> <p>(b) <i>There is strategic intention to expand the existing retail or business area in this locality consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</i></p>	<p>The applicant on behalf of the property owner has submitted that there is a clear intent to maintain the existing uses on the site.</p> <p>Furthermore, given the size of the land and the diverse nature of the existing uses, it is considered that any additional future uses would be of a scale appropriate for the Local Business Zone. Accordingly, the proposal is considered to align with LBZ 4 (a).</p>
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The allowable uses comparison table, provides further support for the rezoning, identifying that there are several uses within the No Permit Required use class that are appropriate for a Local Centre, including:

- Business and Professional Service;
- Food Services, and
- General Retail and Hire.

It is further noted that the Local Business Zone provisions include Use Standards that apply to all uses. These Scheme provisions relate to Hours of Operation, External Lighting, and Commercial Vehicle Movements; with the objective “*That uses do not cause unreasonable loss of amenity to residential zones*”. Therefore, any future uses (including the No Permit Required use) would be assessed against these Use Standards, given 469 Rokeby Road is located within 50m of land zoned General Residential.

As previously stated, a key driver for the draft amendment application is to remove the split zoning on the 469 Rokeby Road property. Potentially this issue could also be resolved by rezoning the entire site to General Residential. However, such an approach would result in significant ‘back zoning’ and would significantly constrain further development of the existing commercial uses at the site.

The proposed rezoning represents conversion of one urban zone to another. The expansion of the Local Business zone can be considered a request to shift the zoning boundary delineation rather than a “rezoning” as such and provides for the minor expansion of the complex but not escalate the scale beyond that of a local centre.

Based on the above, it is concluded that the proposed rezoning to Local Business Zone is consistent with section 32 (2) (a) to (l) inclusive and achieves the Local Business Zone purpose of the Scheme:

“clause 14.1 Zone Purpose

The purpose of the Local Business Zone is:

14.1.1 To provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.

14.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.

14.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.

14.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.”

Appropriateness of the proposed CLA-S23.0 469 Rokeby Road SAP

Section 32 (3) (b) provides for a specific area plan to be included in an LPS and therefore the proposed draft amendment is consistent with the Act.

Section 32 (4) provides the criteria that must be demonstrated to support the inclusion of an SAP as follows:

s.32 (4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if -	Response
<i>(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or</i>	Not Applicable – 469 Rokeby Road is classified as a Local Centre, in the STRLUS Activity Centre Network hierarchy.
<i>(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.</i>	As outlined in this report, the land at 469 Rokeby Road has lot specific zoning legacy. With the significant population growth and residential development in the vicinity of the site, this historical zoning creates a barrier to develop the site to better service the local community. The proposed provisions in the SAP substitute for the Local Business Zone use Table in the south eastern area of the site, to minimise potential adverse residential amenity impacts, while still supporting appropriate Local Centre commercial uses. The SAP also provides an additional use standard relating specifically to the access strip to Savoy Place, so that it is retained as a pedestrian/cycle access only, thereby leveraging this site-specific connection to the surrounding residential area. Accordingly, the draft SAP is considered to respond to the particular economic, social and spatial qualities of 469 Rokeby Road and is consistent with s.32 (4) (b).

Based on the above, it is concluded that the proposed CLA-S23.0 469 Rokeby Road Specific Area Plan is consistent with sections 32 (3) and (4) of the Act.

Drafting of proposed SAP ordinances

Section 32 (5) states that *“An LPS must be in accordance with the structure, if any, that is indicated, or specified, in the SPPs to be the structure to which an LPS is to conform”*.

Section 32 (6) states that *“A provision of an LPS must be in a form, if any, that the SPPs indicate a provision of an LPS is to take”*.

The Commission has provided *Practice Note 5 – Tasmanian Planning Scheme drafting conventions*, and *Practice Note 8 – Draft LPS written document; technical advice* to provide specific guidance on the content and structure of Specific Area Plans.

The draft SAP as submitted was consistent with the required content structure, namely:

- Plan Purpose;
- Application of the Plan;
- Local Area Objectives;
- Definition of Terms;
- Use table;
- Use Standards;
- Development Standards;
- Subdivision Standards; and
- Tables.

The document also included notations on how the SAP provisions related to the Local Business zone, i.e., whether they are used in the SAP, and if so whether they are in substitution for, modification of, or in addition to the Local Business Zone provisions.

However, a review of the document identified that:

- the proposed SAP was incorrectly numbered, namely CLA-S22. This numbering is associated with the Quoin Ridge Specific Area Plan;
- CLA – S22.5 Use Table, was not in the correct format;
- CLA – S22.7 Development Standards for Buildings and Works, was not in accordance with the SPP drafting requirements as there was no clause objective, nor Acceptable Solution nor Performance Criteria Statements; and
- CLA – 22.7 Development Standards for Buildings and Works, refers to allowable uses in the access strip from Savoy Place, and it is considered that the intent of the clause would be better expressed as a Use Standard.

Accordingly, to ensure that the draft amendment is compliant with 32 (5) and (6) of the Act, some modification of the submitted SAP are required.

Potential to modify proposal to bring into compliance

Should the planning authority agree to prepare an amendment, Section 40F(2)(b) of LUPAA provides that if the planning authority considers the proposal does not meet the requirement of Section 34 of LUPAA, then the amendment must be modified so that it meets the requirements.

The proposed SAP has been modified (refer Attachment 2) to bring the draft SAP into compliance with section 32 (5) and (6) of the Act, including:

- Modifying the numbering to reflect the existing Local Provision Structure where the draft SAP would be identified as CLA-S23.0 469 Rokeby Road Specific Area Plan;
- Modifying the structure of CLA-S23.5 Use Table;

- Modifying the SAP to include CLA-S23.6.1 Use Standard to achieve the intent with regards to the Savoy Place access strip; and
- Modifying the SAP by noting that CLA-S23.7 Development Standards for Buildings and Works is not used in this specific area plan.

Conclusion

Based on the above assessment, it is considered that the modified draft LPS amendment, namely the proposed rezoning to Local Business Zone and provision of a Specific Area Plan (as modified), comply with the requirements of s.34(2) (b).

(c) Furthers the objectives set out in Schedule 1 (Part 1 and Part 2);

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Objective	Response
Part 1	
1. <i>The objectives of the resource management and planning system of Tasmania are</i>	
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The draft amendment enables the efficient use of land within an existing urban setting. The land is already developed, is fully serviced and does not include natural resources or ecological processes or genetic diversity that could be promoted.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	The draft amendment resolves a historic zoning anomaly on the site and provides for fair, orderly development of the land by providing consistent provisions on the land.
<i>(c) to encourage public involvement in resource management and planning; and</i>	If the amendment is certified, the application will be advertised for public comment. Any representations received will be considered by the Planning Authority and reported to the Commission, who may hold public hearings into the representations.

Objective	Response
	Ongoing, the proposed zoning and Specific Area Plan, include provisions that would require any discretionary use and development to be publicly notified.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c) ; and</i>	By providing for uniform provisions across the site greater certainty is provided to facilitate use and development appropriate to a Local Centre, servicing the increased population in the general vicinity of the site, resulting in positive economic and social outcomes.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	The proposal has been considered by TasWater, and TasNetworks who have indicated no objection to the draft amendment or the planning permit application (subject to conditions and advice clauses). Crown land owner consent was provided for the lodging of the application.
<p style="text-align: center;">Part 2</p> <p>The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule -</p>	
<i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i>	The proposal is consistent with the STRLUS and the <i>Clarence Activity Centre Strategy 2013</i> in that 469 Rokeby Road is considered a Local Centre, and the proposed draft amendment would enable further use and development of the site in accordance with a Local Centre.
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i>	The draft amendment applies SPP zone and a Specific Area Plan to ensure appropriate land management and development control.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</i>	The site is already developed and does not contain natural values. There are no hazard overlays on the site, and it is fully serviced with water, sewer and stormwater infrastructure. It is considered that the draft amendment will contribute to social and economic effects without adverse impacts on the environment. In fact, by providing the potential for a vibrant Local Centre, readily accessible by walking and cycling, it will contribute to reducing a reliance on vehicles and hence emissions and reliance on fossil fuels.

Objective	Response
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	The draft amendment will provide certainty for future commercial development of the site, at a scale in keeping with a Local Centre, and is considered to align with land use management policies at a State, Regional and Local level.
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	The proposal is a combined amendment to the Clarence LPS and planning permit application. The proposal has been referred to relevant statutory authorities who have indicated no objection to the draft amendment or the planning permit application (subject to conditions and advice clauses).
<i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</i>	The proposed amendment extends the existing Local Business zoning to all of the land associated with 469 Rokeby Road with the draft SAP providing alternative and additional provisions to provide a pleasant, efficient and safe environment for working and living. The draft amendment will ensure additional local services are accessible without the need for a vehicle.
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	There are no known or listed historical, scientific, aesthetic, architectural or special cultural values on the site.
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	The existing infrastructure network is sufficient to service the future commercial development of the land and the proposed boundary adjustment will not negatively impact public infrastructure.

<i>(i) to provide a planning framework which fully considers land capability.</i>	The site is located within an existing urban area and is already developed with commercial uses in addition to residential use. The proposed amendment and boundary adjustment will overcome historical split zoning, so that future use and development is managed within a consistent planning framework.
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Based on the above assessment the draft LPS amendment is considered to further the objectives set out in Schedule 1, as required by s34 (2) (c).

(d) is consistent with each State policy;

Assessment of the amendment against the State Policies is provided in the following table.

State Policy	Response
<i>State Policy on the Protection of Agricultural Land 2009 To conserve and protect agricultural land so that it remains available for the sustainable use and development of agriculture, recognising the particular importance of prime agricultural land. 'Agricultural use' includes use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling, packing or storing of agricultural produce for dispatch to processors or markets and controlled environment agriculture and plantation forestry.</i>	Not Applicable – the subject site does not include any land zoned Agriculture or Rural.
<i>State Coastal Policy 1996 To protect the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection.</i>	Not Applicable - the subject site is located more than 1km from the coast, and accordingly is therefore outside the Coastal Zone as defined in the policy.

<p><i>State Policy on Water Quality Management 1997</i></p> <p><i>To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of the RMPS.</i></p>	<p>The subject site is located within an urban context and is fully serviced by stormwater infrastructure.</p> <p>Accordingly, it is considered that the proposed draft amendment maintains this situation. Any future development would be assessed against the Tasmanian Planning Scheme – Clarence, which has been assessed as compliant with all State Policies.</p>
<p><i>National Environment Protection Measures (NEPMs)</i></p> <ul style="list-style-type: none"> - <i>Statutory instruments that specify national standards for a variety of environmental issues, are also taken to be State Policies in Tasmania.</i> - <i>Administered by Environmental Protection Authority (EPA).</i> 	<p>The draft amendment to extend the Local Business zoning to all of 469 Rokeby Road, will result in any future use and development being assessed against the zone use and development standards, which consider the potential impact on nearby sensitive receivers.</p> <p>The future uses and development facilitated by this proposal are in keeping with a Local Centre, which are considered Level 1 activities and are unlikely to require administration by the EPA.</p> <p>Accordingly, it is considered that the proposed zoning and SAP controls will ensure that the future use and development is aligned with NEPMs.</p>

Based on the above assessment the draft LPS amendment is considered to be consistent with each applicable State policy as required by s34 (2) (d).

(da) satisfies the relevant criteria in relation to the TPPs;

Not Applicable - there are currently no Tasmanian Planning Policies in effect.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situation the land to which the relevant planning instrument relates;

The regional land use strategy for Clarence is the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS). Comments against the STRLUS strategies are provided in this section.

The proposed draft amendment is considered to align with the following Strategic directions (SD) and regional planning policies to support the vision for Southern Tasmania and guide land use planning and decision making.

- SD2: Holistically Managing Residential Growth;
- SD3: Creating a Network of Vibrant and Attractive Activity Centres;
- SD8: Supporting Strong and Healthy Communities; and
- SD10: Creating Liveable Communities.

An assessment of the associated regional policies considered particularly relevant is provided in the following table.

STRLUS Regional Policies	Comment
<p><i>Social Infrastructure (SI)</i></p> <p><i>SI 1 – Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.</i></p> <p><i>SI 2 - Provide for the broad distribution and variety of social housing in areas with good public transport accessibility or in proximity to employment, education and other community services.</i></p>	<p>The draft amendment to the Clarence LPS is considered to align with SI 1, in particular by providing opportunities for:</p> <ul style="list-style-type: none"> • Matching the location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release (SI 1.2) • Social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities (SI 1.3) • Co-locate and integrate community facilities and services to improve service delivery and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy (SI 1.4). <p>And the proposal is considered to align with SI 2, through the Local Business Zone provisions that provide for residential use above shopfronts, which is an under-represented residential typology in Clarence.</p>

<p><i>Activity Centres (AC)</i></p> <p><i>AC 1 – Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.</i></p> <p><i>AC 2 - Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania.</i></p> <p><i>AC 3 - Evolve Activity Centres focussing on people and their amenity and giving the highest priority to creation of pedestrian orientated environments.</i></p>	<p>The draft amendment to the Clarence LPS is considered to align with the Activity Centre Regional Policies, in particular by:</p> <ul style="list-style-type: none"> • Promoting a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community (AC 1.4); • Encourage an appropriate mix of uses in activity centres to create a multi-functional activity in those centres (AC 1.6); • Encourage new development and redevelopment in established urban areas to reinforce the strength and individual character of the urban area in which the development occurs (AC 1.8); • Actively encourage people to walk, cycle and use public transport to access Activity Centres (AC 3.1); and • Allow flexibility in providing on-site car parking in the lower order Activity Centres subject to consideration of surrounding residential amenity AC 3.5). <p>AC 2 is not considered applicable to the proposal, which relates to a Local Activity Centre site.</p>
<p><i>Settlement and Residential Development (SRD)</i></p> <p><i>SRD 1 – Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.</i></p> <p><i>SRD 2 - Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.</i></p>	<p>The draft amendment to the Clarence LPS is considered to align with the Settlement and Residential Development policies, in particular by:</p> <ul style="list-style-type: none"> • Recognizing that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc. (SRD 2.4); and • Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population (SRD 2.9).

The proposed draft amendment is also considered consistent with several other regional policies including Biodiversity and Geodiversity (BNV), Managing Risks and Hazards (MRH), Physical Infrastructure (PI), and Land Use and Transport Integration (LUTI) because the land at 469 Rokeby Road is:

- already developed and does not require additional conversion of natural values to support the future development enabled by the proposal (BNV 1.4);
- clear of hazards and therefore minimises the risk of loss of life and property from bushfire (MRH 1), flooding (MRH 2), possible effects of land instability (MRH 3), soil erosion, dispersive soils and acid sulfate soils (MRH 5); and
- already developed and serviced with existing physical infrastructure (P1 1) and encourages walking and cycling as alternative modes of transport through provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments (LUT I 1.11).

Based on the above assessment the draft LPS amendment is considered, as far as practicable, to be consistent with the regional land use strategy, as required by s34 (2) (e).

(f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies to the land to which the relevant planning instrument relates;

The municipal strategic plan is the City of Clarence Strategic Plan 2021-2031. The proposal is considered generally consistent with the overarching goals for a people friendly city, a well-planned liveable city, a prosperous and creative city, and an environmentally responsible city. Enhancing the future use and development opportunities for a Local Centre contributes to the city's liveability, and by promoting the Savoy Place access strip for pedestrian and bicycle use, the proposal promotes active lifestyles.

The Strategic plan is supported by a number of Council policies including the Clarence Activity Centre Strategy 2013. It is noted that this strategy did not specifically focus on Local Centres, but rather observed that there were several in the Rokeby area, including the 469 Rokeby Road; 16 Hart Place; at the corner of South Arm Road and Droughty Point Road; and at the corner of Church Street and South Arm Road; all of which were considered to not influence the development or structure of the activity centre hierarchy for Clarence.

The subject site is therefore considered to compliment rather than compete with the land zoned General Business on the northern side of Rokeby Road, earmarked for future commercial development as part of the Glebe Hill Neighbourhood Centre Specific Area Plan. It is considered that providing local amenities on the southern side of Rokeby Road, will minimise the need for residents of the new residential estates on this side of Rokeby Road, to use their cars for daily necessities.

Based on the above assessment the draft LPS amendment is considered, to have regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, as required by s34 (2) (f).

- (g) as far as practicable, is consistent with and co-ordinated with any LPS that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;**

Not applicable, the subject site is not adjacent to any other municipal area.

- (h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.**

Not applicable, there is no land within the municipal area that is subject to the Gas Safety Act 2019.

7.4. Conclusion - LPS Criteria Compliance

The assessment undertaken in section 7.3 of this report, demonstrates that the proposal complies with the requirements of section 34 LPS criteria.

ASSOCIATED REPORT – PART B**8.0 ASSESSMENT OF THE PROPOSED BOUNDARY ADJUSTMENT****8.1 The Relevant Parts of the Planning Scheme are:**

- Clause 5.1 – General Provisions;
- Clause 6.10 – Determining Applications;
- Clause 6.11 – Conditions and Restrictions on a Permit;
- Clause 7.3 – Adjustment of a Boundary;
- Clause 14.0 – Local Business Zone;
- Clause C2.0 – Parking and Sustainable Transport Code;
- Clause C3.0 – Road and Railway Assets Code;
- Clause C13.0 – Bushfire Prone Areas Code; and
- Clause C16.0 – Safeguarding of Airports Code.

8.2 Assessment of the Proposed Boundary Adjustment

General Provision 7.3, clause 7.3.1 states that:

“An application for a boundary adjustment is Permitted and a permit must be granted if:

- (a) No additional lots are created;*
- (b) There is only a minor change to the relative size, shape and orientation of the existing lots;*
- (c) No setback from an existing building will be reduced below the relevant Acceptable Solution setback requirement;*
- (d) No frontage is reduced below the relevant Acceptable Solution minimum frontage requirements;*
- (e) No lot is reduced below the relevant Acceptable Solution minimum lot size unless already below the minimum lot size; and*
- (f) No lot boundary that aligns with a zone boundary will be changed.”*

Attachment 4 provides the detailed analysis of the proposed boundary adjustment as shown in the proposal plans in Attachment 3 and demonstrates that the proposal complies with all provisions of clause 7.3.1 and therefore a permit must be granted.

In accordance with 5.1 General Provisions, no further assessment against the zone and code provisions applicable to the land is required, given that in accordance with *clause 5.1.2 Where there is an inconsistency between a provision in a zone, specific area plan or code and a general provision in clause 7.0 of this planning scheme, the general provision in clause 7.0 prevails.*

Based on the above, the proposed boundary adjustment between 457 Rokeby Road, 469 Rokeby Road and 2 road lots, is considered to satisfy the Scheme requirements and is recommended for approval subject to conditions.

9.0 EXTERNAL REFERRALS

The proposal was referred to TasWater, who advised that they do not object to the proposed amendment to the Clarence Local Provision Schedule and have no formal comments for the Commission in relation to this matter. TasWater have provided conditions that must form part of an approved permit.

The proposal was referred to TasNetworks, who advised that there is a high voltage line running along the property boundary line of 457 and 469 Rokeby Road, Howrah and provided advice that the developer should contact TasNetworks to discuss the proposal. The TasNetworks response is included as advice on the draft permit.

The proposal was referred to the Department of State Growth (State Growth), who advised that “*given the nature of the proposed amendment and the scale of the proposed boundary adjustments, State Growth has no comment to make in this instance*”. It is noted that State Growth is aware of the application having provided Crown landowner consent for the lodging of the application and will also be notified as part of the public exhibition process. It is also noted that the applicant has provided written confirmation from Crown lands for the future transfer of the Crown land to the owners of 469 Rokeby Road, Howrah.

10.0 COUNCIL COMMITTEE RECOMMENDATIONS

The proposal was not specifically referred to any Council committees. However, as part of the boundary adjustment assessment, the application was referred to several internal groups including Council's Assets team. The proposal has not raised any concerns, and where appropriate standard permit conditions have been included.

Should the Planning Authority agree to prepare and certify the amendment any committee comments or recommendation received during the public exhibition period may be considered as part of the Planning Authority's Section 40K report.

11.0 EXTERNAL IMPACTS

No significant impacts.

12.0 CONCLUSION

The proposed boundary adjustment is currently prohibited under the provisions of the Scheme. For this reason, the applicant has lodged an application under s37(1) and 40T of LUPAA, which provides for the concurrent consideration of a Planning Scheme Amendment and associated Development Application for a use or development that would otherwise be prohibited.

For the reasons detailed within the body of this report it is considered that the proposed rezoning amendment and Specific Area Plan is consistent with the STRLUS and meets the relevant provisions of the Act subject to modifications. Accordingly, in accordance with s.40T of the Act, it is recommended that the Planning Authority initiates and certifies the draft LPS amendment as meeting the requirements of s.32 and s.34 of the Act (LPS Criteria) and determine the draft conditions for a permit.

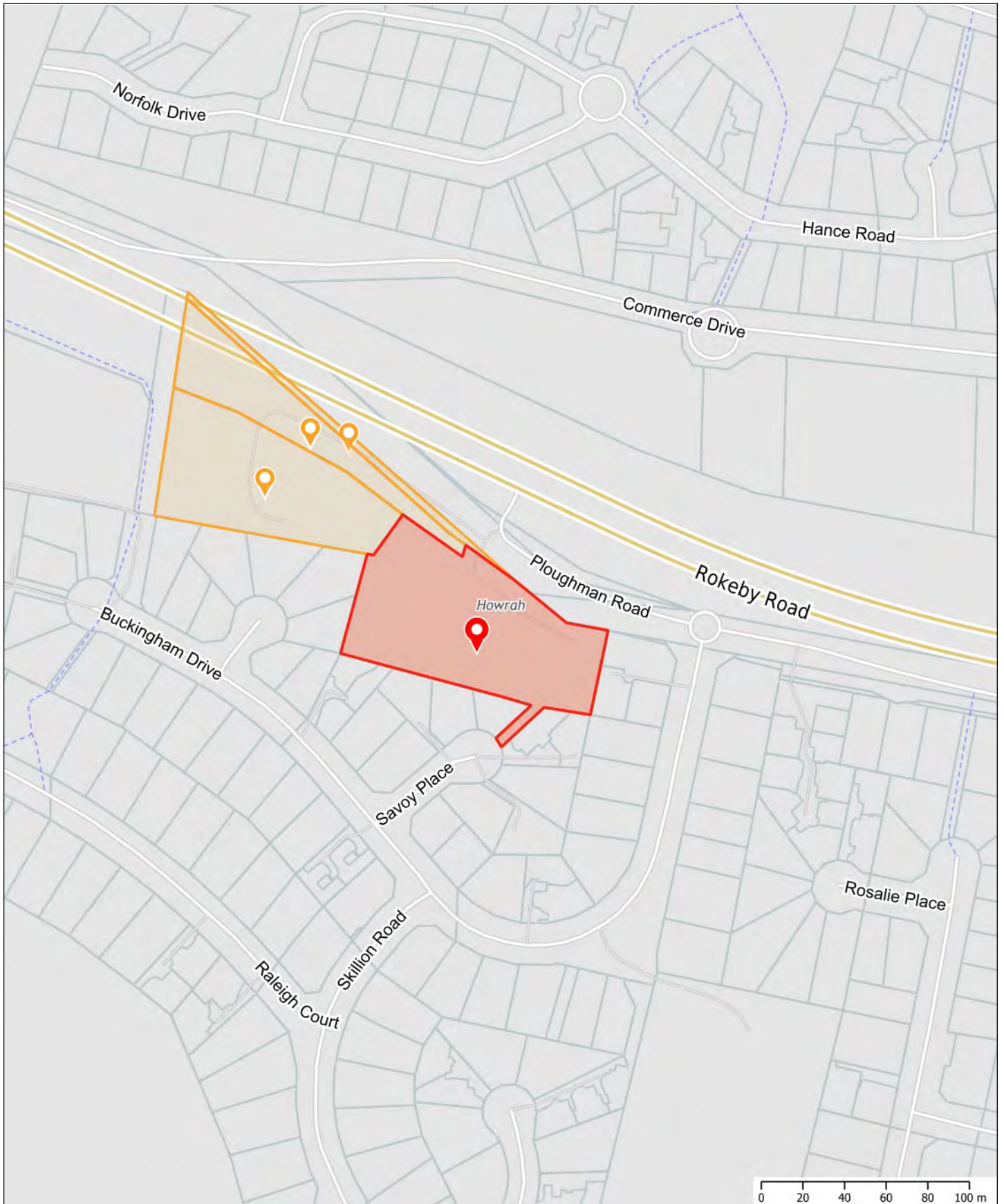
- Attachments:
1. Location Plan (1)
 2. Draft Instrument of Certification (5)
 3. Boundary Adjustment proposal plans (3)
 4. Detailed Assessment of the Boundary Adjustment (2)
 5. Summary Table of zone use class analysis (5)
 6. Site Photos (2)



Ross Lovell

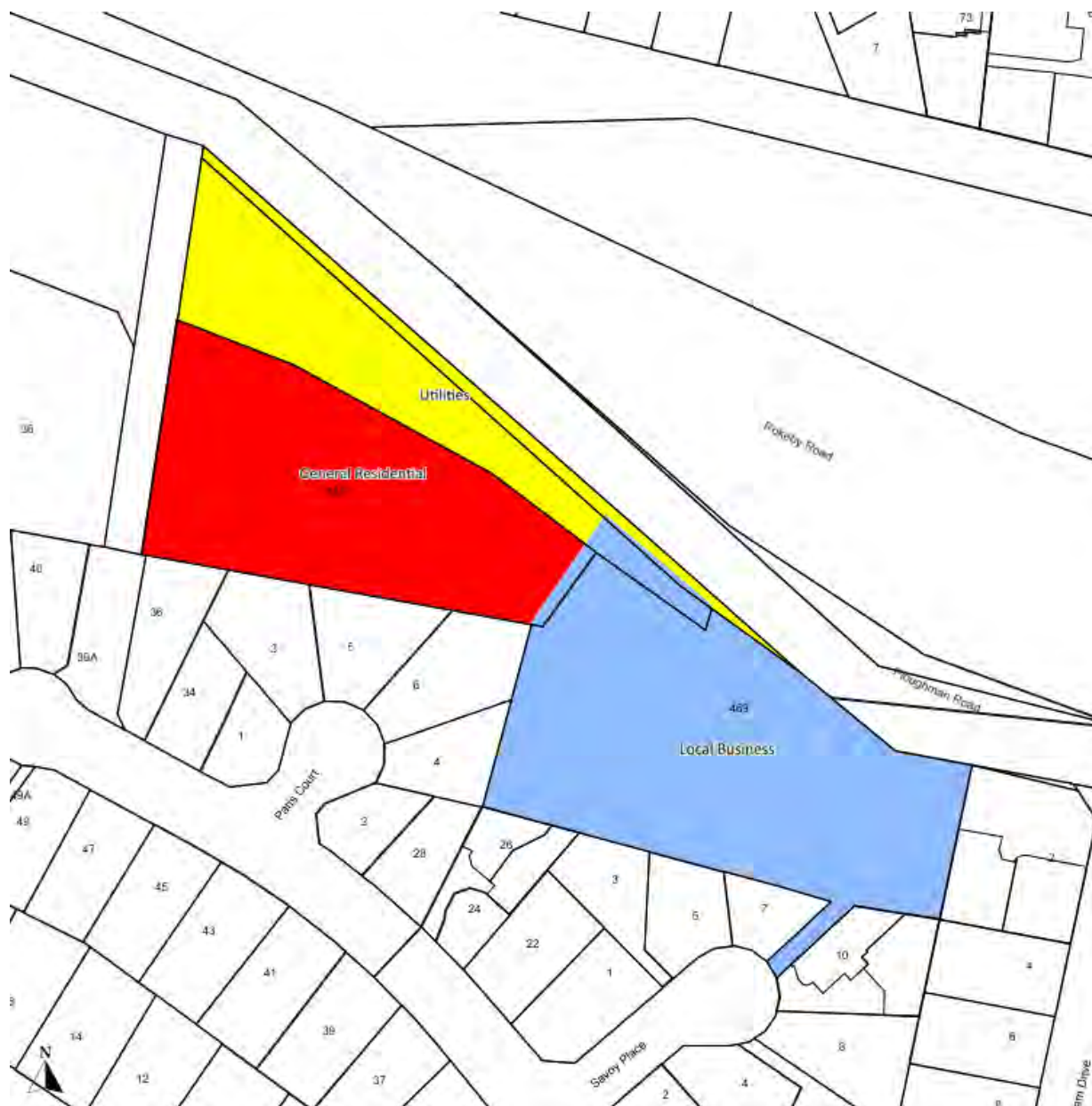
MANAGER CITY PLANNING

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

Attachment 1



	<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>8/03/2023</p>	
		<p>1:2499</p>	



AMENDMENT TO LOCAL PROVISION SCHEDULE MAPPING PDPSPAMEND-2022/028710

The Clarence City Council resolved at its meeting of 20 March 2023, that Draft Amendment

PDPSPAMEND-2022/028710 of the Clarence Local Provision Schedule meets the requirements specified in s.32 & s.34 of the Land Use Planning and Approvals Act 1993; and agreed to amend the Clarence Local Provision Schedule and Maps as follows:

- rezone a portion of 457 Rokeby Road, and the General Residential zoned areas of 469 Rokeby Road Howrah, identified as Certificates of Title Volume 159207 Folio 2 & Folio 1, from General Residential Zone to Local Business Zone;
- rezone a portion of two State Growth administered road parcels Howrah, identified as Certificates of Title Volume 222887 Folio 1, and Certificate of Title Volume 169915 Folio 1 from Utilities Zone to Local Business Zone; and
- add a Specific Area Plan, namely CLA_S23.0 469 Rokeby Road, Howrah SAP to the southeast portion of 469 Rokeby Road, Howrah.

THE COMMON SEAL OF THE
CLARENCE CITY COUNCIL HAS
BEEN HEREUNTO AFFIXED
THIS XXTH DAY OF XXXX
20XX, PPURSUANT TO A
RESOLUTION OF THE
COUNCIL PASSED THE 20TH
DAY OF MARCH 2023 IN THE
PRESENCE OF:

CORPORATE SECRETARY

CLA – S23.0 469 Rokeby Road Specific Area Plan

CLA – S23.1 Plan Purpose

The purpose of the 469 Rokeby Road Specific Area Plan is:

CLA-S23.1.1	To provide clear direction for future development of 469 Rokeby Road, Howrah, subject to the 469 Rokeby Road Specific Area Plan;
CLA-S23.1.2	To protect neighbouring residential properties from possible future impacts on their amenity;
CLA-S23.1.3	To consolidate zoning of 469 Rokeby Rd, Howrah to reflect existing use patterns of the site.

CLA – S22.2 Application of this Plan

CLA-S23.2.1	The specific area plan applies to the area of land designated as 469 Howrah Road Specific Area Plan on the overlay maps and in Figure CLA-S23.1 and Figure CLA-S23.2.
CLA-S23.2.2	<p>In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of:</p> <p>(a) Local Business Zone.</p> <p>as specified in the relevant provision.</p>

CLA – S23.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

CLA – S23.4 Definition of Terms

This sub-clause is not used in this specific area plan.

CLA – S23.5 Use Table

This clause is in substitution for Local Business Zone – clause 14.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities
Residential	If for a home-based business
Business and Professional Services	If for parking only

Community Meeting and Entertainment	If for parking only
Education and Occasional Care	If for parking only
Emergency Services	If for parking only
Food Services	If for parking only
General Retail and Hire	If for parking only
Sports and Recreation	If for parking only
Permitted	
Residential	If: (a) located above ground level (excluding pedestrian or vehicular access); and (b) not listed as No Permit Required.
Visitor Accommodation	If located above ground level (excluding pedestrian or vehicular access);
Discretionary	
Business and Professional Services	If not listed as No Permit Required
Community Meeting and Entertainment	If not listed as No Permit Required
Education and Occasional Care	If not listed as No Permit Required
Emergency Services	If not listed as No Permit Required
Food Services	If not listed as No Permit Required
General Retail and Hire	If not listed as No Permit Required
Sports and Recreation	If not listed as No Permit Required
Utilities	If not listed as No Permit Required
Storage	
Vehicle Parking	
Prohibited	
All other uses	

CLA – S23.6 Use Standards

CLA-S23.6.1 Access

This clause is in addition to Local Business Zone – clause 14.3.1 All uses

Objective:	
That uses of the access strip from Savoy Place do not cause unreasonable loss of residential amenity to a residential zone.	
Acceptable Solutions	Performance Criteria
A1	P1
That the access strip shown in Figure CLA-S23.2 is not permitted to be used for vehicular access.	No Performance Criteria.

CLA – S23.7 Development Standards for Buildings and Works

This sub-clause is not used in this specific area plan.

CLA – S23.8 Development Standards for Subdivision

This sub-clause is not used in this specific area plan.

CLA – S23.9 Tables

This sub-clause is not used in this specific area plan.

Figure CLA – S23.1 469 Rokeby Road Specific Area – Overlay 01



Key Area shown in overlay 01 is subject to the restrictions of CLA-S23.5 Use Table

Figure CLA – S23.2 469 Rokeby Road Specific Area – Overlay 02



Key – Area shown in Overlay 02 to be subject to restrictions as per CLA-S23.5 Use Table and CLA-S23.6 Use Standard

**THE COMMON SEAL OF THE CLARENCE CITY
COUNCIL HAS BEEN HERE UNTO AFFIXED
THIS , PURSUANT TO A RESOLUTION OF THE
COUNCIL PASSED THE 20th DAY OF MARCH
2023 IN THE PRESENCE OF:**

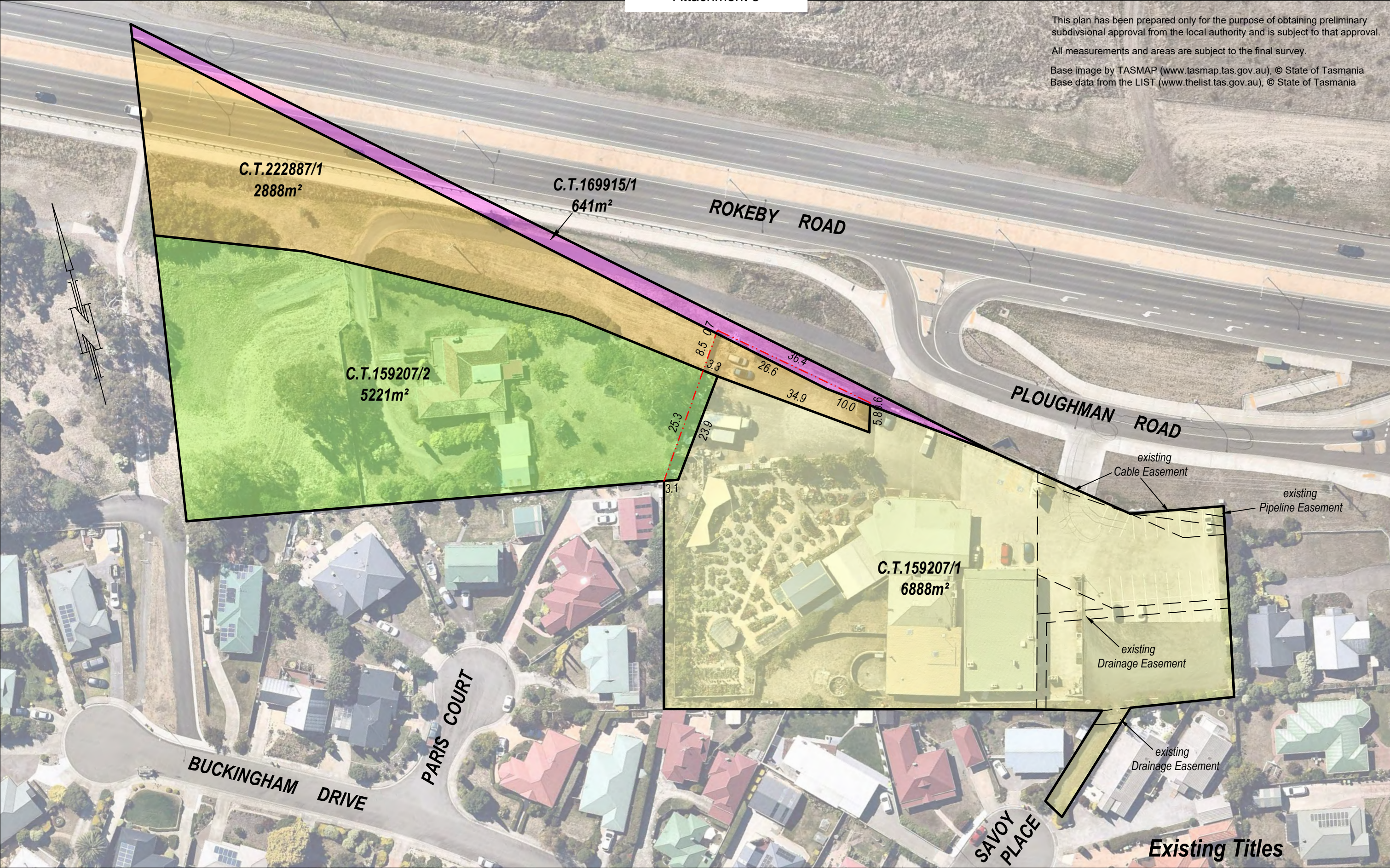
CORPORATE SECRETARY

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



E				
D				
C				
B				
A				
REV	AMENDMENTS	DRAWN	DATE	APPR.



**ROGERSON
& BIRCH**
SURVEYORS

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

OWNER: Ruthven Rokeby Road Pty Ltd, The Crown
The Crown in right of Tasmania

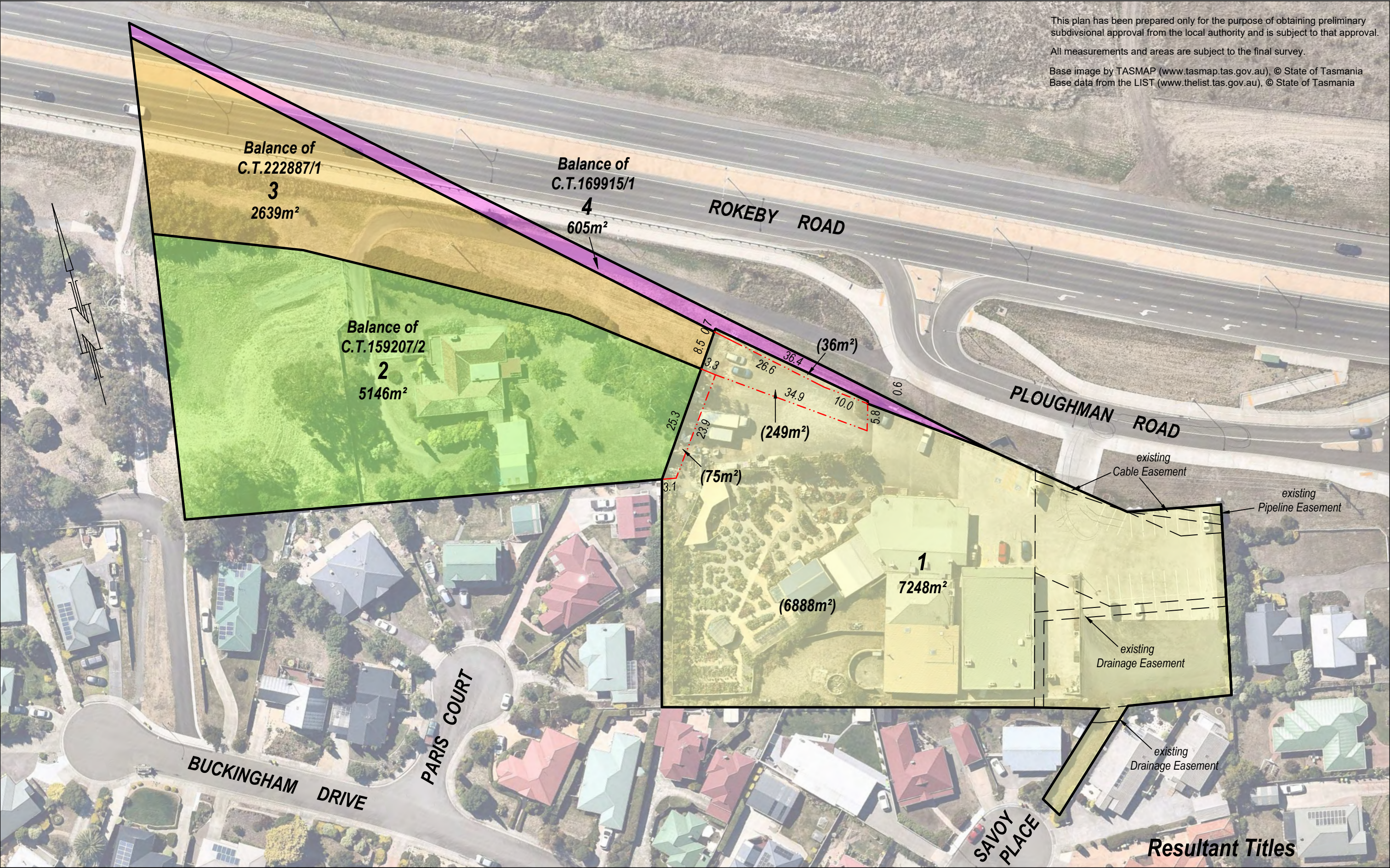
TITLE REFERENCE: C.T.159207/1, C.T.159207/2
C.T.169915/1, C.T.222887/1

LOCATION: 457 & 469 Rokeby Road
HOWRAH

Existing Titles

Date: 7-6-2021	Reference: LOC1002 13511-01
Scale: 1:750 (A3)	Municipality: Clarence

Proposed Subdivision



E				
D				
C				
B				
A				
REV	AMENDMENTS	DRAWN	DATE	APPR.



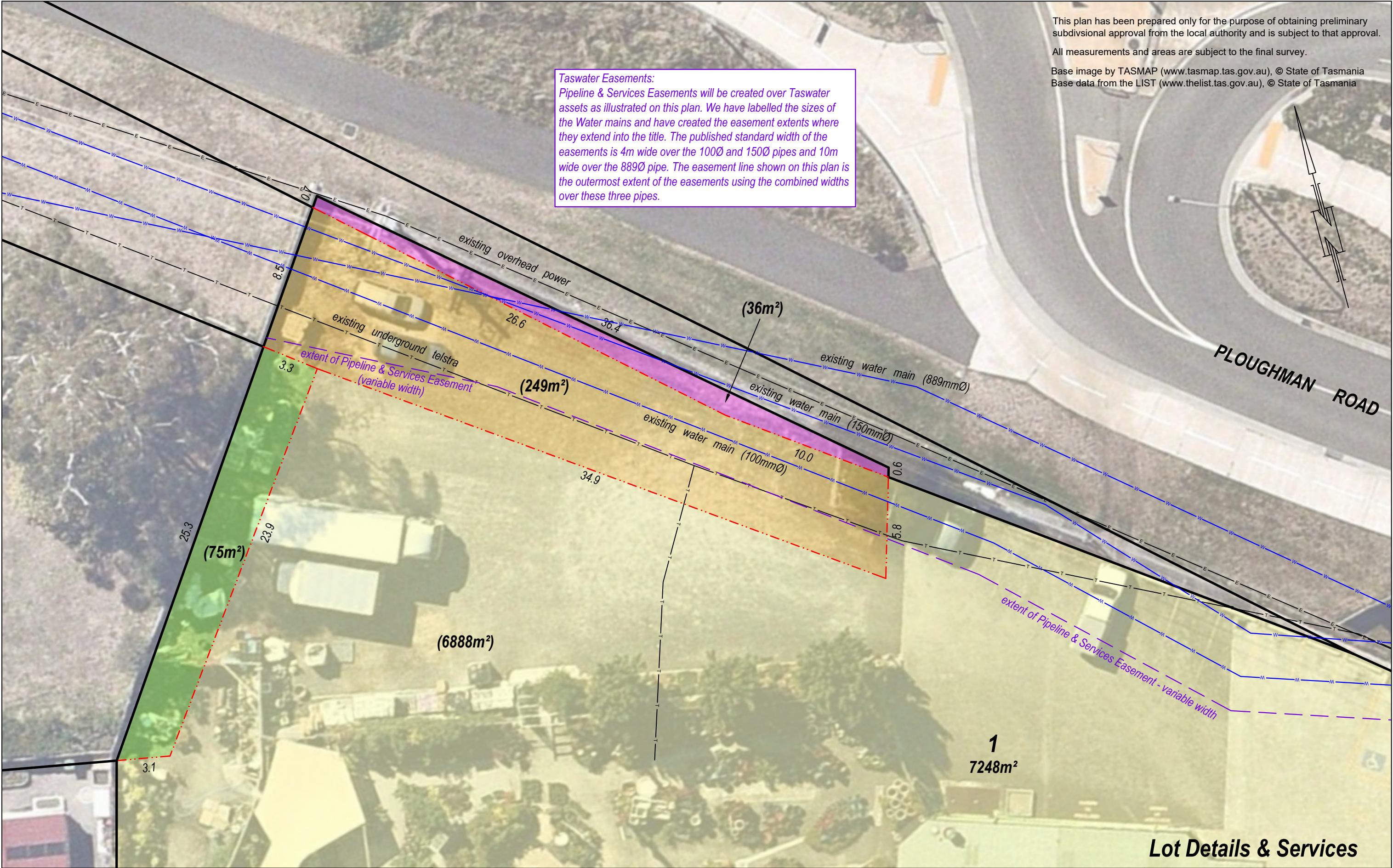
UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

OWNER: Ruthven Rokeby Road Pty Ltd, The Crown
The Crown in right of Tasmania
TITLE REFERENCE: C.T.159207/1, C.T.159207/2
C.T.169915/1, C.T.222887/1
LOCATION: 457 & 469 Rokeby Road
HOWRAH

Resultant Titles

Proposed Subdivision

Date:	7-6-2021	Reference:	LOC1002	13511-01
Scale:	1:750 (A3)	Municipality:	Clarence	



E				
D				
C				
B				
A	easement details and pipe sizes added	AB	18-1-22	AB
REV	AMENDMENTS	DRAWN	DATE	APPR.



UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
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OWNER: Ruthven Rokeby Road Pty Ltd, The Crown
The Crown in right of Tasmania
TITLE REFERENCE: C.T.159207/1, C.T.159207/2
C.T.169915/1, C.T.222887/1
LOCATION: 457 & 469 Rokeby Road
HOWRAH

Proposed Subdivision

Date:	18-1-2022	Reference:	LOC1002 13511-01
Scale:	1:750 (A3)	Municipality:	Clarence

Attachment 4

Attachment 4 – Planning Assessment Clause 7.3 Adjustment of a Boundary

Sub-clause 7.3.1	464 Rokeby Rd, Howrah CT 159207/1 Owner: Ruthven Rokeby Road Pty Ltd		457 Rokeby Rd, Howrah CT 159207/2 Owner: The Crown (State Growth)		Acquired Road CT 222887/1 Owner: The Crown		Acquired Road CT 169915/1 Owner: The Crown	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
(a) no additional lots are created;	1 lot	1 lot Complies	1 lot	1 Lot Complies	1 lot	1 lot Complies	1 lot	1 lot Complies
(b) there is only minor change to the relative size, shape and orientation of the existing lots;	6888m ²	7248m ² Diff = 360m ² 5.2% Larger Complies – minor change to size and shape, and orientation remains the same	5221m ²	5146m ² Diff = (75) m ² 1.4% smaller Complies – minor change to size and shape, and orientation remains the same	2888m ²	2639m ² Diff = (249) m ² 8.6% smaller Complies – minor change to size and shape, and orientation remains the same	641m ²	605m ² Diff= (36) m ² 5.6% Smaller Complies – minor change to size and shape, and orientation remains the same
(c) no setbacks from an existing building will be reduced below the relevant Acceptable Solution setback requirement;	Frontage setback = 14.6m AS = (a) built to the frontage at ground level; or (b) have a setback of not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.	Frontage Setback = 21.1m Complies frontage setback increased Western side Setback = 10.2 Complies	Frontage setback – no changes Existing side setback = 31.74 AS A3 (b) 1.5m	N/A Proposed side setback = 28.44 Complies	N/A – no buildings on lot	No change	N/A – no buildings on lot	No change

Attachment 4 – Planning Assessment Clause 7.3 Adjustment of a Boundary

Sub-clause 7.3.1	464 Rokeby Rd, Howrah CT 159207/1 Owner: Ruthven Rokeby Road Pty Ltd		457 Rokeby Rd, Howrah CT 159207/2 Owner: The Crown (State Growth)		Acquired Road CT 222887/1 Owner: The Crown		Acquired Road CT 169915/1 Owner: The Crown	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
	Western side setback = 6.9m AS = (a) 4m; (b) Half the wall height of the building, whichever is the greater.							
(d) no frontage is reduced below the relevant Acceptable Solution minimum frontage requirement;	121.72 Minimum frontage in Local Business Zone is 3.6m	117.39m Shorter Complies	125.97m Minimum frontage in General Residential Zone is 12m	122.67 Shorter Complies	177.3m Minimum frontage in Utilities Zone is 3.6m	140.7m Shorter Complies	208.1m Minimum frontage in Utilities Zone is 3.6m	208.1m – no change Complies
(e) no lot is reduced below the relevant Acceptable Solution minimum lot size unless already below the minimum lot size; and	6888m ² Minimum Lot Size in Local Business Zone is 200m ²	7248m ² Complies	5221m ² Minimum Lot Size in General Residential Zone is 450m ²	5146m ² Balance Lot Complies	2888m ² Minimum Lot Size in Utilities Zone No minimum lot size	2639m ² N/A	641m ² Minimum Lot Size in Utilities Zone No minimum lot size	605m ² N/A
(f) no lot boundary that aligns with a zone boundary will be changed.	Application is part of a combined scheme amendment and permit application under Section 40T. Within this provision Section (1) (a) make an application to the planning authority for a permit, which permit could not be issued unless the LPS were amended as requested; provides for this boundary adjustment to be considered as the amendment rezones all the land involved to the one zone, namely Local Business.							

Attachment 5

Attachment 5 – Zone comparison table				
Use Class	8.0 General Residential Zone <i>Tasmanian Planning Scheme - Clarence</i>	14.0 Local Business Zone <i>Tasmanian Planning Scheme - Clarence</i>	26.0 Utilities Zone <i>Tasmanian Planning Scheme - Clarence</i>	CLA-S23.0 469 Rokeby Road SAP <i>Tasmanian Planning Scheme - Clarence</i>
No Permit Required				
Business and Professional Services	Refer to Discretionary Section	No qualification	Prohibited in this zone	If for parking only
Food Services	Refer to Discretionary Section	No qualification	Prohibited in this zone	If for parking only
General Retail and Hire	Refer to Discretionary Section	No qualification	Prohibited in this zone	If for parking only
Natural and Cultural Values Management	No qualification	No qualification	No qualification	No qualification
Passive Recreation	No qualification	No qualification	No qualification	No qualification
Residential	If for a single dwelling	If for a home-based business	Prohibited in this zone	If for a home-based business
Utilities	If for minor utilities	If for minor utilities	If for minor utilities	If for minor utilities
Community Meeting and Entertainment	Refer to Discretionary Section	Refer to Permitted Section	Prohibited in this zone	If for parking only
Education and Occasional Care	Refer to Discretionary Section	Refer to Permitted Section	Prohibited in this zone	If for parking only
Emergency Services	Refer to Discretionary Section	Refer to Permitted Section	Refer to Discretionary Section	If for parking only
Sports and Recreation	Refer to Discretionary Section	Refer to Discretionary Section	Refer to Discretionary Section	If for parking only
Permitted				
Bulky Goods Sales	Prohibited in this zone	No qualification	Prohibited in this zone	Prohibited in the SAP

Attachment 5 – Zone comparison table				
Use Class	8.0 General Residential Zone <i>Tasmanian Planning Scheme - Clarence</i>	14.0 Local Business Zone <i>Tasmanian Planning Scheme - Clarence</i>	26.0 Utilities Zone <i>Tasmanian Planning Scheme - Clarence</i>	CLA-S23.0 469 Rokeby Road SAP <i>Tasmanian Planning Scheme - Clarence</i>
Community Meeting and Entertainment	Refer to Discretionary Section	No qualification	Prohibited in this zone	Refer to Discretionary section
Educational and Occasional Care	Refer to Discretionary Section	No qualification	Prohibited in this zone	Refer to Discretionary section
Emergency Services	Refer to Discretionary Section	No qualification	Refer to Discretionary section	Refer to Discretionary section
Hotel Industry	Prohibited in this zone	No qualification	Prohibited in this zone	Prohibited in the SAP
Pleasure Boat Facility	Prohibited in this zone	If for a boat ramp	Prohibited in this zone	Prohibited in the SAP
Recycling and Waste Disposal	Prohibited in this zone	Prohibited in this zone	No qualification	Prohibited in the SAP
Research and Development	Prohibited in this zone	No qualification	Prohibited in this zone	Prohibited in the SAP
Residential	If not listed as No Permit Required.	If: (a) located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises; and (b) not listed as No Permit Required.	Prohibited in this zone	If: (a) located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises; and (b) not listed as No Permit Required.
Transport Depot and Distribution	Prohibited in this zone	Refer to Discretionary section	No qualification	Prohibited in the SAP

Attachment 5 – Zone comparison table				
Use Class	8.0 General Residential Zone <i>Tasmanian Planning Scheme - Clarence</i>	14.0 Local Business Zone <i>Tasmanian Planning Scheme - Clarence</i>	26.0 Utilities Zone <i>Tasmanian Planning Scheme - Clarence</i>	CLA-S23.0 469 Rokeby Road SAP <i>Tasmanian Planning Scheme - Clarence</i>
Utilities	Refer to No Permit Required and Discretionary sections.	Refer to No Permit Required and Discretionary sections.	If not listed as No Permit Required	Refer to No Permit Required and Discretionary sections
Visitor Accommodation	No qualification	If located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises.	Prohibited in this zone	If located above ground level (excluding pedestrian or vehicular access);
Discretionary				
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic, or for the provisions of residential support services.	Refer to No Permit Required section.	Prohibited in this zone	If not listed as No Permit Required.
Community Meeting and Entertainment	If for place of worship, art and craft centre, public hall, community centre or neighbourhood centre.	Refer to Permitted section.	Prohibited in this zone	If not listed as No Permit Required.
Educational and Occasional Care	If for a tertiary institution.	Refer to Permitted section.	Prohibited in this zone	If not listed as No Permit Required.
Emergency Services	No qualification.	Refer to Permitted section.	No qualification	If not listed as No Permit Required.

Attachment 5 – Zone comparison table				
Use Class	8.0 General Residential Zone <i>Tasmanian Planning Scheme - Clarence</i>	14.0 Local Business Zone <i>Tasmanian Planning Scheme - Clarence</i>	26.0 Utilities Zone <i>Tasmanian Planning Scheme - Clarence</i>	CLA-S23.0 469 Rokeby Road SAP <i>Tasmanian Planning Scheme - Clarence</i>
Food Services	If for a take away food premises with a drive through facility.	Refer to No Permit Required section.	Prohibited in this zone	Refer to No Permit Required section.
General Retail and Hire	If for a local shop.	Refer to No Permit Required section.	Prohibited in this zone	Refer to Discretionary section.
Equipment and Machinery Sales and Hire	Prohibited in this zone	No qualification	Prohibited in this zone	Prohibited in the SAP.
Manufacturing and Processing	Prohibited in this zone	No qualification	Prohibited in this zone	Prohibited in the SAP.
Residential	Refer to No Permit Required or Permitted section.	If not listed as No Permit Required or Permitted	Prohibited in this zone	Refer to Permitted section.
Resource Processing	Prohibited in this zone	If for food or beverage production	Prohibited in this zone	Prohibited in the SAP.
Service Industry	Prohibited in this zone	No qualification	Prohibited in this zone	Prohibited in the SAP.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.	No qualification	No qualification	Refer to No Permit Required section.
Storage	Prohibited in this zone	No qualification	No qualification	No qualification
Tourist Operation	Prohibited in this zone	No qualification	No qualification	Prohibited in the SAP.
Transport Depot and Distribution	Prohibited in this zone	If for: (a) A public transport facility; or	Refer to Permitted section	Prohibited in the SAP.

Attachment 5 – Zone comparison table				
Use Class	8.0 General Residential Zone <i>Tasmanian Planning Scheme - Clarence</i>	14.0 Local Business Zone <i>Tasmanian Planning Scheme - Clarence</i>	26.0 Utilities Zone <i>Tasmanian Planning Scheme - Clarence</i>	CLA-S23.0 469 Rokeby Road SAP <i>Tasmanian Planning Scheme - Clarence</i>
		(b) (b) distribution of goods to or from land within the zone.		
Utilities	If not listed as No Permit Required.	If not listed as No Permit Required.	Refer to Permitted section	If not listed as No Permit Required.
Vehicle Fuel Sales and Service	Prohibited in this zone	No qualification	Prohibited in this zone	Prohibited in the SAP.
Vehicle Parking	Prohibited in this zone	No qualification	Refer to Permitted section	No qualification
Visitor Accommodation	Refer to Permitted section.	If not listed as Permitted.	Prohibited in this zone	Refer to Permitted section.

Attachment 6



Subject site looking west from Ploughman Road frontage.



Subject Site looking south east from road lots administered by State Growth.



Subject site access strip to 469 Rokeby Road, Howrah – proposed SAP overlay 02.

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

8.2 ASSET MANAGEMENT**8.2.1 CAMBRIDGE OVAL MASTER PLAN – COMMUNITY CONSULTATION****EXECUTIVE SUMMARY****PURPOSE**

To seek approval to consult with the community on the draft Cambridge Oval Master Plan.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 and Active Living Strategy 2022 are relevant.

LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* is relevant.

CONSULTATION

Council officers have consulted extensively with current land user groups, peak bodies and adjacent landowners, and have negotiated extensively with the Department of Education, Community and Young People (DECYP) and Cambridge Primary School about the location and configuration of proposed upgrades to the Cambridge Memorial Oval proposed in the master plan.

FINANCIAL IMPLICATIONS

Consultation costs will be accommodated within the current approved budget.

RECOMMENDATION:

That Council:

- A. Approve the release of the draft Cambridge Oval Master Plan for community consultation.
- B. Authorise the Chief Executive Officer to coordinate community consultation to obtain feedback on the draft and to report the consultation outcomes to a future workshop.
- C. Note that officers will work in cooperation with the Department of Education, Community and Young People (DECYP) to coordinate community consultation for the Cambridge Oval Master Plan alongside DECYP with community consultation for the Cambridge Primary School Major Redevelopment.

CAMBRIDGE OVAL MASTER PLAN – COMMUNITY CONSULTATION /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council allocated funds in its 2020/21 budget for the preparation of a master plan for the Cambridge Memorial Oval precinct.
- 1.2.** The objective of the master plan is to establish a high-level plan for the redevelopment of the Cambridge Memorial Oval to provide new and upgraded soccer and cricket facilities and a new sports pavilion, as well as working in cooperation with the adjacent Cambridge Primary School to develop new shared indoor gymnasium and outdoor multi-use hard court and other facilities on council's land for use by both the school and community.
- 1.3.** The project has a history going back to 2016 (which is summarised below), however funds for the preparation of the proposed master plan were allocated in the 2020/21 budget.
- 1.4.** A draft master plan has now been prepared and Council's approval is sought to release it for public consultation. The draft Cambridge Oval Master Plan is **Attachment 1**.
- 1.5.** If approved, consultation activities would be coordinated with the Department of Education, Community and Young People's (DECYP) consultation activities for the Cambridge Primary School Major Redevelopment.
- 1.6.** The following photograph shows the current site and property boundaries of land owned respectively by Council (the oval area on the right) and DECYP (the primary school on the left).



2. REPORT IN DETAIL

2.1. Project History

To understand the context of the current master plan, it is beneficial to examine the history of the project and how it aligns with the proposed redevelopment of Cambridge Primary School.

2.2. The Cambridge Township Master Plan was endorsed by Council in 2016 to inform future planning and development of Cambridge. The plan considered development of the Cambridge Memorial Oval precinct and Community Hall, construction of a new local play park, improving access and connections for the township, and traffic/road safety improvements.

2.3. In 2016, DECYP (previously known as the Department of Education) engaged with Council regarding the need for future expansion of the Cambridge Primary School site due to an increase in student enrolments. Further to the discussions with Council, DECYP prepared a concept master plan for the proposed school redevelopment.

The plan proposed additional classrooms and highlighted the need for the school to expand into adjacent Council land due to the constrained nature of the school site.

2.4. On 10 September 2018 and again on 9 September 2019, Council confirmed its conditional support for the previous version of the proposed primary school master plan, resolving to consider leasing part of the Cambridge Oval land to the Department of Education. Each resolution contained, amongst other things, the following requirements:

- “• *that the Department of Education agree that no further encroachment onto the reserve will be sought for further expansion of the school footprint;*
- *that the State Government fund the relocation of the existing clubrooms and toilet facilities and the redevelopment of new like facilities on the eastern end of the oval. Such cost and relocation to be further negotiated between Council and the State. Noting that the existing facilities are to continue in use until replacement facilities are built;*
- *that the State Government and Council explore options for additional parking at the site, and that the State Government meet the cost of providing for agreed additional car parking for both school and public use; and*
- *that the Department of Education agree to work with Council to facilitate the provision of a public walking trail along the Barilla Creek rivulet at the rear of the school.*

2.5. The lease of land to DECYP has not yet been finalised, as it was considered prudent to agree the final outcome/s of negotiations around the Cambridge Oval Master Plan and to also finalise the proposed master plan for the school before finalising the lease. Although this has taken longer than originally intended, the school continues to occupy the relevant part of the land with Council’s permission. Subject to final decisions in respect to each master plan, it is likely that the footprint of the lease will need to be reconsidered.

- 2.6.** The State Government allocated \$15.1 million to redevelop Cambridge Primary School in its 2021/22 Budget. The development was to include the construction of additional modern learning environments, a new school gymnasium, traffic and car parking improvements and the construction of a new sports pavilion to offset the demolition of ageing amenities servicing Cambridge Memorial Oval.
- 2.7.** Council commenced precinct planning for Cambridge Oval in August 2021. In consultation with DECYP, both parties acknowledged the need for coordinated planning to avoid duplication of resources and ensure the best outcome for the community. The scope of planning provided for the future expansion of Cambridge Primary School and development of the sporting facilities for broader club and community use.
- 2.8.** Since then, negotiations between Council officers and DECYP have focussed on the configuration and location of the new gymnasium and outdoor hard court, which would be constructed, at least partially, on Council's land and used by the primary school during school hours.
- 2.9. Coordination of Community Consultation**
In February 2023, DECYP provided the current concept plans for the Cambridge Primary School Major Redevelopment to Council. Concurrently with this, Council and DECYP reached an in-principle agreement about the proposed location of the gymnasium and hardcourt, which has allowed the Cambridge Oval Master Plan to progress to the point it is now ready to be released for public consultation.
- 2.10.** It is recommended that community consultation for the Cambridge Oval Master Plan is coordinated with the DECYP's consultation for the Cambridge Primary School Major Redevelopment. DECYP has advised it is ready to commence consultation for the school redevelopment but is waiting on Council's decision to approve the release of the Cambridge Oval Master Plan, so consultation activities be coordinated, if possible.

2.11. Coordination of consultation activities will allow the school and wider community to have a complete picture of the proposed plans for the entire school and oval precinct. This will enable more fulsome interpretation and discussion by community members and provide better feedback than would be possible if the two plans were considered in isolation of each other. It will also potentially facilitate greater engagement by the community since the combined resources of Council and DECYP can be used to promote and facilitate engagement activities. Council and DECYP officers are working proactively and cooperatively to facilitate this and would be ready to proceed with coordinated community consultation activities almost immediately if Council approves the release of the draft Cambridge Oval Master Plan, as recommended.

2.12. Master Plan Features

The draft Cambridge Oval Master Plan provides for the upgrade of facilities at the Cambridge Memorial Oval to provide new community sporting facilities for football (soccer), cricket, basketball, netball and other indoor and outdoor court-based sports. It will improve accessibility and connectivity, as well as upgrading playing surfaces and providing additional community sporting and recreation facilities for the Cambridge Primary School and wider community.

2.13. Key Features of the Master Plan include:

- (a) Upgrading the Cambridge New soccer ground by improving the surface and facilities to accommodate higher level competition and training;
- (b) Upgrading the Cambridge Memorial Oval to provide a second full-sized soccer pitch, while retaining a cricket oval capable of accommodating first-grade club cricket matches;
- (c) Re-aligning the existing synthetic cricket pitch to a north-south orientation and constructing new cricket nets to contemporary standards;
- (d) Constructing a new community level sports pavilion of approximately 450 - 500m² in size, incorporating (among other features) public amenities and social/community areas;

- (e) Demolition of the existing cricket and public amenities buildings to be replaced by the new pavilion;
- (f) New public amenities and picnic/bbq shelters in open space areas;
- (g) Upgraded vehicle circulation and car parking to improve safety and traffic flow for school and oval users;
- (h) Improved pedestrian connections through the site to green space adjacent to the Barilla Rivulet and the proposed Cambridge Off-Lead Dog Park;
- (i) Preservation of green corridor adjacent to the rivulet, from the school site through to the proposed dog park;
- (j) Preservation of the heritage of the Memorial Oval, and specifically the soldiers' memorial and memorial gates;
- (k) Retention of existing trees and playground space on the primary school site;
- (l) Construction of a new indoor gymnasium/sports and community facility and outdoor hard court on Council land adjacent to the primary school;

2.14. The location of the gymnasium building, and outdoor hard court has been a point of negotiation between the school, DECYP and Council. Previous iterations of the draft master plan have placed the gym and hard court in a side-by-side configuration, closer to the property boundary with the school. However, DECYP and school management have conveyed that this is not an acceptable outcome for the school community, as it would provide too great of a visual impact on the school from its offices and playground and create a “boxed-in” effect. The school also uses the green space adjacent to the rivulet for nature-based play and education activities and wants to retain as much amenity for this area as possible.

2.15. The location proposed in the master plan pushes the gymnasium and hard court further into the Council land to the east. This protects lines of sight from the school to the oval and green space and reduces its visual impact.

It also preserves the integrity of the main entrance to the school while remaining close enough to Cambridge Road and the school buildings to provide good accessibility, connectivity and passive surveillance. It also avoids a trunk sewer main and water supply easement while retaining key shade trees that are important to the school.

2.16. It should be noted that the school's preferred location for the gymnasium is further to the north-east and closer to the rivulet. Council officers do not support this proposal for reasons including that:

- (a) it would encroach significantly into the green space and reduce the connection from the school through to the proposed dog park, unreasonably impacting the amenity of that area;
- (b) it would be in a flood hazard zone;
- (c) it would require clearing of existing vegetation, and impact natural values; and
- (d) it would reduce passive surveillance due to the more remote location, increasing the likelihood of vandalism and anti-social behaviour.

2.17. Community consultation activities would aim to explore the school and wider community's views about the proposed location of these and other facilities to determine whether they are supported or need to be re-thought. Further discussions and potential revisions to the plans may be necessary depending on the feedback received during consultation.

2.18. Issues to be Resolved

While the draft master plan has been agreed in-principle between Council and DECYP, there are several issues still to be resolved before it can be finalised and final approval can be given by DECYP. These include:

- (a) final agreement on the configuration of facilities that is acceptable to the school, DECYP and Council;

- (b) agreement on the operation model, usage, and maintenance responsibilities, noting that a key requirement is that the school has unfettered use during school hours;
- (c) the ownership structure for the land and buildings;
- (d) the funding model, including the total cost of the proposal, the portion of the total school redevelopment funds DECYP is prepared to commit to the new buildings on Council land, and how much Council is prepared to contribute.

2.19. Both Council and DECYP recommend being clear in messaging about the unresolved issues during community consultation, including that the final proposal may still change, including by reducing scope, if these issues are unable to be resolved. This is to ensure expectations are managed and the community is fully aware that there are still several hurdles to clear if the vision in master plan is to become a reality.

2.20. The focus of consultation will therefore be to obtain the community's detailed feedback on the proposed configuration of the facilities in the master plan, with a view to reaching an agreed final design which can then form the basis for negotiations on the remaining key issues.

2.21. Other matters for Consideration

Other issues worth noting for Council include:

- (a) The master plan for the proposed Cambridge Off-Lead Dog Park is close to being finalised and will be released to the community in the coming months. It is not proposed to time consultation for the dog park master plan to coincide with the oval and school consultations, as this would potentially divert some of the focus of the discussions about the respective plans. Further discussions with the community on the proposed dog park will take place as its own separate consultation. However, the oval master plan has been prepared to allow accessible and inclusive pedestrian connections from the proposed car parking area through to the dog park.

- (b) The Tasmania Fire Service's (TFS) Cambridge Facility occupies the site immediately to the east of the oval. The TFS has been conducting environmental investigation at the Cambridge facility due to historical use of B Class foams containing PFAS. The use of these foams has been progressively phased out by TFS. Council commissioned its own testing of potential PFAS contamination in the master plan area, which did not identify any concerning levels of the chemicals.
- (c) Final locations of public amenities and picnic shelters are still to be determined and will be guided by community feedback during consultation.

3. CONSULTATION

3.1. Community Consultation Undertaken

Extensive stakeholder consultation was undertaken during 2021 with user groups, peak bodies, and adjacent landowners. A summary of the consultation activities and outcomes is **Attachment 2**.

3.2. State/Local Government Protocol

Relevant State Government agencies will be invited to provide feedback and submissions on the master plan as part of the community and stakeholder engagement process.

Council is conducting negotiations through the DECYP rather than directly with the school.

3.3. Other

Councillors were most recently briefed at workshops on 29 August 2022 and 10 March 2023.

As noted, previous consultation with elected members has identified concerns about the area of Council land to be leased by the primary school. These were reflected in Council's decisions in September 2018 and September 2019 (discussed in the body of this report, above) and will be addressed as negotiations progress following community consultation.

3.4. Further Community Consultation

A community consultation and engagement plan will be prepared in cooperation with the DECYP if the recommendations in this report are adopted. Officers from Council and DECYP are already in contact about the potential for coordinated consultation activities.

It is likely that consultation would begin by late March 2023 and run for between four and six weeks, using a variety of methods. Dates, timeframes, and methods will be coordinated with DECYP.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2021-2031 within the Strategic Goal Area *A Well-Planned Liveable City* contains the following Strategies:

“2.5 Providing and prioritising a safe, reliable, and accessible pedestrian network.

2.10 Ensuring quality civic architecture which is responsive to place and adaptable for the needs of the community.

2.11 In line with our Sport and Recreation Strategy, work with local clubs, state and regional organisations and other levels of government to meet the sport and recreation needs of our community.

2.13 Enhancing natural and built amenities to create vibrant, accessible activity centres and community hubs through quality urban design.”

4.1. Council's *Active Living Strategy 2022* within *Priority 2: Great Spaces* identifies that Council will Provide contemporary sport, recreation, exercise, and leisure (SREL) facilities and spaces, and specifically: *“Identify projects that maximise use and increase diversity of use of existing facilities and spaces.”*

5. EXTERNAL IMPACTS

Subject to approval of the final version of the master plan by Council, there will be a need to conduct negotiations with the Tasmanian Government, DECYP and Cambridge Primary School to settle issues related to funding, ownership and operation of the proposed facilities.

6. RISK AND LEGAL IMPLICATIONS

Legal agreements will be negotiated as part of further steps towards agreeing and adopting a final master plan and funding/land ownership arrangements.

7. FINANCIAL IMPLICATIONS

Consultation costs will be accommodated within the current approved budget. There are no available cost estimates for construction of the proposed facilities at this stage.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The draft Cambridge Oval Master Plan has been agreed in principle between Council and DECYP and is ready to be released for community consultation.

9.2. Consultation activities will align with the Cambridge Primary School Major Redevelopment consultation and will be coordinated with DECYP. A consultation and engagement plan will be prepared in cooperation with DECYP.

9.3. A summary of the results of community consultation will be provided to a future council workshop.

Attachments: 1. Draft Cambridge Oval Master Plan (5)
2. Cambridge Oval Master Plan Consultation Summary [2021] (8)

Ian Nelson
CHIEF EXECUTIVE OFFICER

CITY OF CLARENCE / @leisure

CAMBRIDGE OVAL
CAMBRIDGE
TASMANIA 7170
AUSTRALIA

Wednesday, 15 March 2023

CAMBRIDGE OVAL MASTER PLAN





LEGEND

1	Existing soccer football field (105m x 68m, 3m margins)
2	New soccer football field (100m x 68m, 3m margins)
3	Existing cricket oval (60m, 3m boundary) & new NS wicket
4	New community level sports pavilion (including public toilets)
5	New sports precinct car park
6	Existing school car park
7	School pick up and drop zone
8	Memorial gates relocated to sports precinct entrance
9	Open air shelter with public amenities
10	New cricket practice nets (relocated)
11	Existing building to be demolished
12	New off lead dog park
13	New walking trail/circuit
14	Env. Protection zone
15	Bus parking
16	AFL goal posts
17	Proposed rivulet trail corridor including pedestrian footbridge (access to be negotiated with private landowner)
18	Accessible parking
19	Nature-based play area
20	Primary School site access retained
21	New landscaped and play area on school land

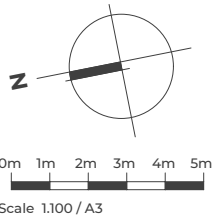
	New planting
	New car park/road
	Pedestrian Crossing
	New walking trail/footpath
	Green/pedestrian zone
	Existing sportsfield lighting
	New building
	Existing building to be removed
	Accessible parking
	Approx. location of public services line (water)
	Access and views maintained

NOTE: Further planning of the site will:
- Prioritise the retention and protection of existing mature trees where possible
- Implement Water Sensitive Urban Design Principles
- Extend and expand canopy tree coverage
- Utilise a palette of native species

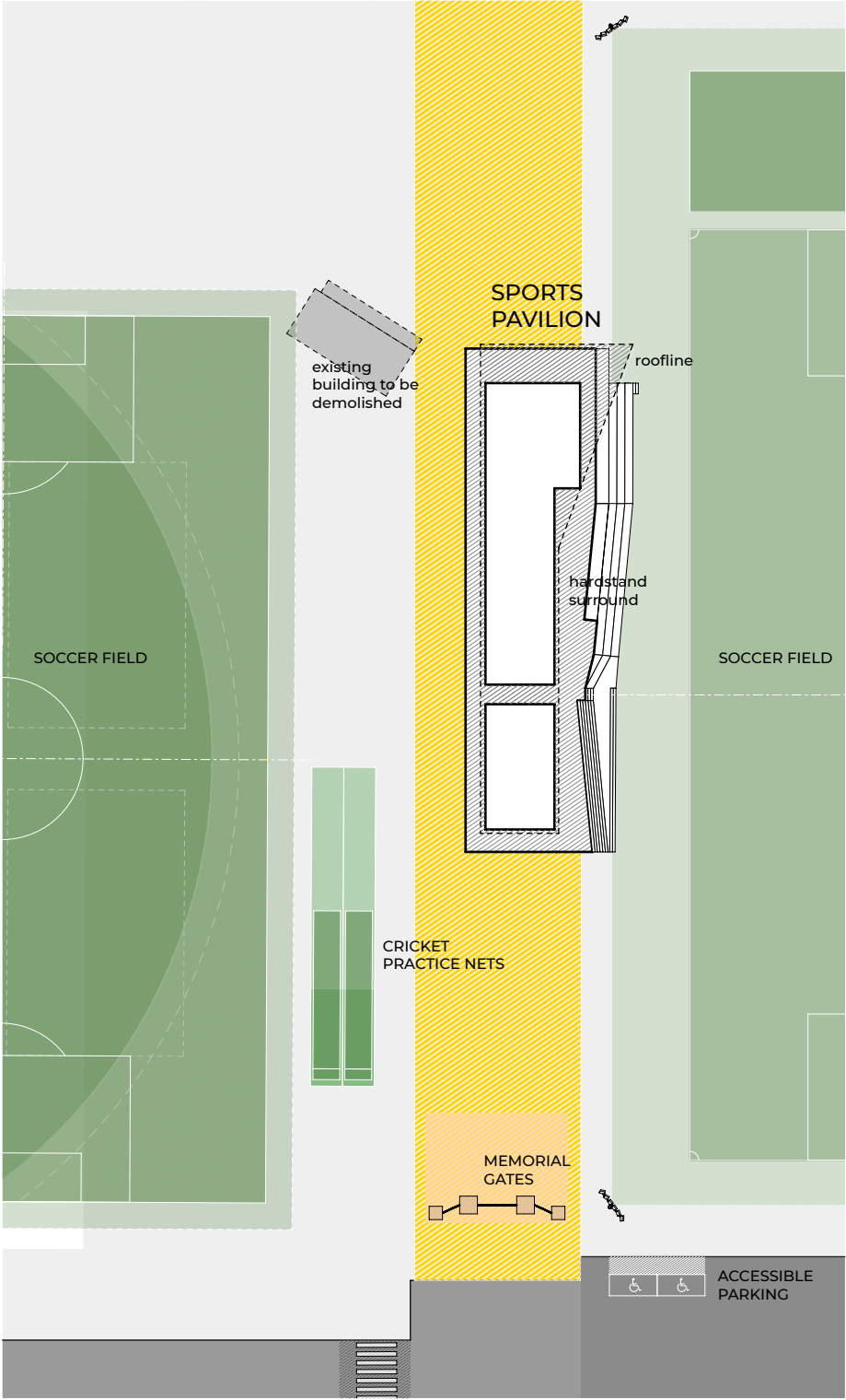


CAMBRIDGE OVAL
CRICKET/SOCCER PAVILION
SCHEDULE OF ACCOMMODATION

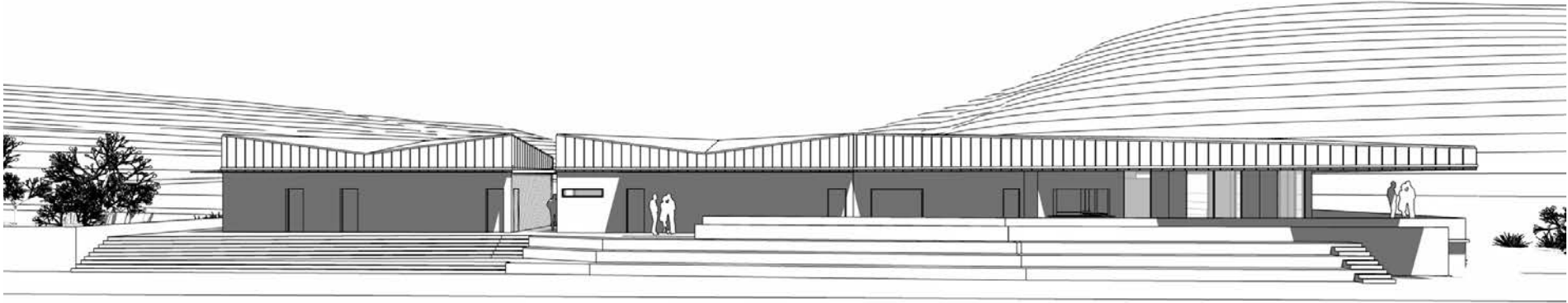
NO.	NAME	FOOTBALL VICTORIA LOCAL & COMMUNITY STANDARDS	
		AREA / m ² min.	AREA / m ² actual.
1	Player change rooms	Min 25	24
2	Player amenities	Min 16	20
3	Officials' change rooms and amenities total	Min 25	26
4	First aid room	Min 10	12
5	Canteen / kiosk / kitchen		18
6a	Storage (internal)	Min 10	10
6b	Multipurpose / social / function room	No. Min	65
7	Administration office	NR	11
8a	Services		11
8b	Storage	Min 15	20
9	Public toilets	Min 20	22
10	Accessible toilet / family change	Min 7	10
11	Circulation		14
12	Cleaner		4
13	Players' Tunnel		19
Total Building Area			438
12	Hardstand surround		400
13	Covered viewing		200



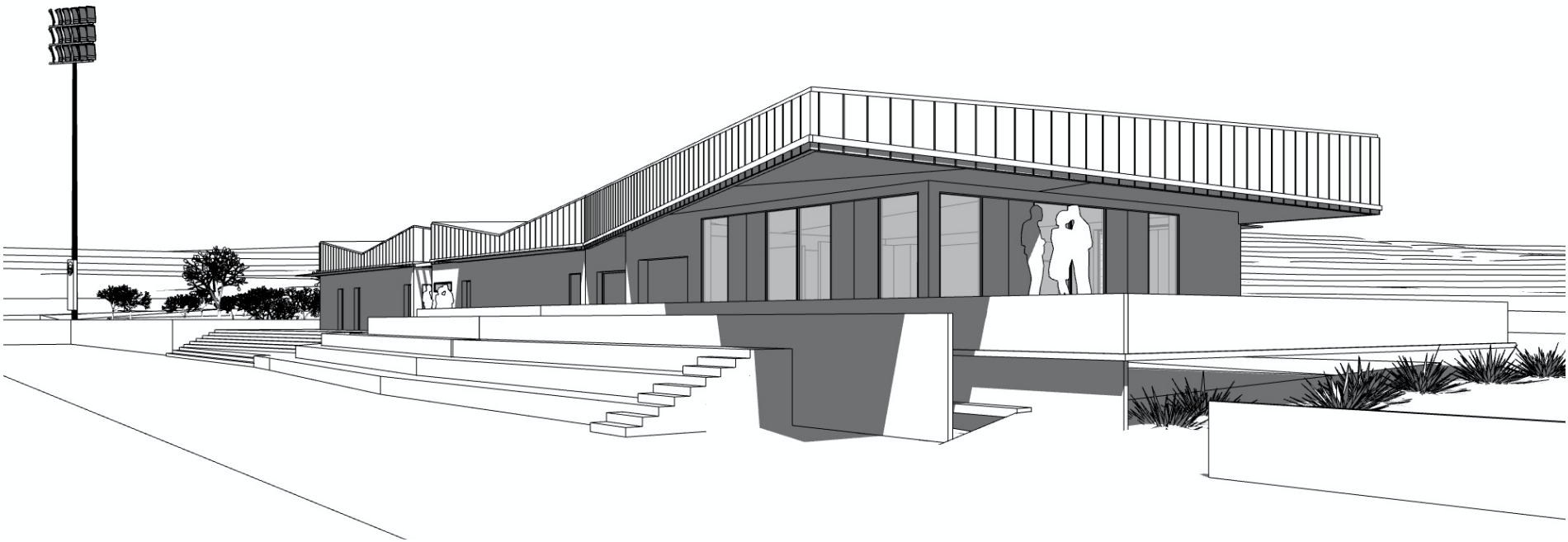
PAVILION - FUNCTIONAL DIAGRAM & CONCEPT FLOOR PLAN
Scale 1:100 @ A1 :: 1:200 @ A3



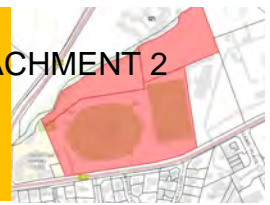
PAVILION - SITE PLAN
Scale 1:400 @ A1 :: 1:800 @ A3



PAVILION - EASTERN VIEW
Scale: Not to scale



PAVILION - NORTHERN VIEW
Scale: Not to scale



Methods

Interviews were conducted with stakeholders including:

- A) user groups and peak bodies
- B) Adjacent land owners

A workshop with staff was also conducted at the beginning of the project.

A) Peak bodies, clubs and user groups

The following peak bodies, clubs and user groups were contacted to discuss their current use of facilities view about the oval and it future development and future requirements.

- AFL Tasmania
- Football Tasmania
- Sport and Recreation Tasmania
- Tennis Tasmania
- Eastern Region Soccer Association
- Central Region Soccer Association
- Southern Cricket Association
- Clarence Zebras Soccer Club
- St Aidens Cricket Club
- Phoenix Rovers FC
- Evolve Fitness
- Cambridge Junior Soccer Club
- Olympia FC
- Clarence Football Club
- The RSL and Fire Services TAS – concerning the ANZAC memorial

B) Adjacent Land owners

- Southern Region Office in Cambridge of Tas Fire
- Barilla Caravan Park
- Cambridge Primary School

C) A workshop and interviews were also held with Council Staff:

- Landscape Architect
- Manager Open Space
- Recreation Planner
- Trails Planner
- Property Services

A) Peak Bodies

Australian Rules Football

AFL Tasmania- Head of AFL Tasmania

- Australian football is generally strong in the Clarence LGA. The demand for any use of the ground in Cambridge will mostly come at pre-season training times when there are less grounds available due to turf cricket etc.
- There are Australian Rules clubs in Lindisfarne, Lauderdale, Clarence, Richmond and Sorell. All except Richmond have junior programs.
- The Richmond Oval is likely to be the preferred location for any development make better use of the AFL facilities over Cambridge due to the presence of an existing club and the existing facilities are quite good facilities for the sport.
- Cambridge Memorial Oval could continue to be a location for overflow preseason training and overflow match venue for a variety of programs if required.
- AFL Tas would like the oval at Cambridge to remain either as an oval shape or be able to be used for AFL if required and ideally have a set of goal posts up for most of the year to promote the game and be available for the school and community to use as well as any club use if required.
- A pavilion is less required at Cambridge for the purposes of AFL than at other grounds, but if there was provision for a community level building with changerooms and toilets, that would be useful for the sport and may drive more use in the future.
- School football is being played more than people realise and would hope that a growing school like Cambridge would be a regular competitor in such competitions.

Football-Soccer

Football Tasmania-CEO

- Football Tasmania would love to see the newer ground being used by a senior club and as part of a pathway for the local junior club
- A building with changerooms and toilets is essential for successful ongoing use of both grounds for both juniors and senior football
- Lights on the oval shaped ground would benefit the local football-soccer association, as more games could be played during the week, freeing up space for weekend games.

Tennis

Tennis Tasmania- Tennis Operations Lead

- Club needs across this region are generally catered for by Richmond Tennis Club, Sorell Tennis Club and other eastern shore clubs.
- A public access/community court would be considered an asset and could potentially include a Hot Shots/Dedicated Kids Zone adjacent to it. This type of court may have value to the school also, especially if it is likely that they will lose their existing bitumen space.

Sport and Recreation Tasmania (SRT)

- SRT are aware that there was a previous Football (soccer) hub planned at Cambridge, but this project was not continued with.
- Organised sport is struggling a little in the Richmond area especially in AFL with the loss in recent years of a junior program. Also, aware that the oval and built infrastructure for sport at Richmond is quite good.
- Cambridge needs to meet the requirements of local level sport for the growing community.
- SRT can see the benefits of having a winter senior club based at Cambridge to help provide a full suite of opportunities and pathways for at least in two sports.
- SRT also support the multifunctional use of the ground-such as not having permanent goal structures and a shared building.



B) User groups

Eastern Region Soccer Association (EDSA) - President

- Soccer has 1500 kids in the eastern region and is growing. Facilities are not meeting the needs for growth. They understand that facilities need to be multi-functional but they also need to be practical for each sport also.
- The Eastern Region are looking to get funding to purchase portable goals (aluminium). If there were portable goals, arrangements for matchday and training installations need to be organised.
- EDSA use Geilston Bay, Edgeworth, Wentworth Park, Bayview HS, and Cambridge.
- They use the new ground at Cambridge on a Friday night as this is the only ground in the region with lights. (They play across the ground-under 12yrs)
- What Cambridge offers meets the associations needs generally although there is an issue with the different coloured lines on the new ground. Blue for the under 12 ground and whole for the full-sized ground. Blue lines are hard to see at night.
- The best scenario for the association would be continuing to have two grounds on the oval field and make better use of the new ground or 3-4 grounds on the oval with lights where all comps could be played day and night.
- They are open to not using permanent upright goals but don't have storage facilities to store portable goals.
- Ideally would have lights on the oval field to open capacity for the association on Saturdays with more games on Friday nights.
- Other requirements include storage for balls, flags and goals, toilets are essential and changerooms would be nice - but have never been essential for junior soccer.

Southern Cricket Association (SCA) - President

- Both Richmond and Cambridge have east west pitches. The association are aware that this may need to change in the future.
- SCA would support a change to the direction of the pitch but it is essential that the new pitch is at least 2.4m wide (cricket standard).
- If a new building is needed, ideally it would have 2 changerooms, an umpires room, canteen and a social area is a preference but not a priority. The club would want a bar etc.
- The nets are essential but at Cambridge these are poorly located due to poor drainage. Ideally, they would be located facing away from the playing surface.



St Aidens Cricket Club (SACC) - President

- SACC) moved to Cambridge about 5 years ago. They have 3 senior teams in the SCA. The club have spent lots of money on the premises.
- SACC have 3 men's teams, one women's team, stage 1(a junior program) and possibly an under 13yr team next season. They have a junior development officer who is focused on club development in the future.
- SACC would like to have all levels of junior development in the future. The last junior grade is currently under 15yrs.
- The practice nets are about 3-4 years old. The ground drains directly into the nets which is a problem.
- The pitch area holds water- the concrete is set below ground level.
- The ground is always in excellent condition for the level of cricket played at the ground.
- SACC would rather not change directions of the pitch but understand if it needs to change. Any changes need to ensure that the pitch is replaced and widened.
- The pitch needs to be resurfaced desperately as it has an inconsistent bounce.
- Buildings are near the end of their life. The buildings serve its purpose but is outdated.
- The canteen facility is difficult to run in its current state.
- A new single building for multiple uses would be ideal.
- Phoenix rovers (Soccer) would be an ideal senior club at Cambridge.
- The ideal location for a new building is between the two grounds.
- Could lights be able to meet cricket standards?

Cambridge Junior Soccer-Club President

- CJSC Use the Cambridge grounds for training on Wed, Thurs, and Friday nights. 163 kids train at the oval. Under 12yrs. team trains on the soccer ground (new ground) as this is the ground they play on.
- Eastern Region play games on both Friday nights and some on Saturday mornings.
- The lower part of the oval gets wet although only ever gets closed when all other grounds are closed by Council.
- Every season use changes. CJSC have used the rectangular ground as an overflow on occasions. They would rather see permanent goals as that is all they have ever had. CJS thinks that the set up for portable goals would take too many volunteers but would consider if easy enough.
- CJSC use the building between the two grounds but only for some minor storage. They have keys for the public toilets and open and close these for game days.
- Disability toilets near the cricket buildings are poor. Kids come already dressed mostly - so don't really need changerooms.
- The most logical place for a new building is a multiuse building site.
- A small social building would be useful for the club, but they have never used an inside area regularly as they have never had one.
- They have food vans mostly - due to lack of other facilities. The committee may consider using a canteen if available as, but some clubs have small canteens. Would probably not have a canteen due to the need for volunteers.
- We need/use grounds that cater for under 10,11 and 12yrs. soccer. Two grounds on the oval and one across one end of the 'new pitch.' This is the only ground that has lights and means that games can be played on Friday nights freeing up capacity on Saturdays.
- Soccer people tend to park on the gravel areas. There is no entry point from the main carpark. The carpark at the fire station end is narrow and difficult to navigate.

Evolve Fitness (EF – a hall user)

- EF only use the hall. The hall gets plenty of use - fitness is the biggest user - 4 times per week.
- They have previously gone across to the oval only when the hall was too hot - so not very often.
- EF have done some classes in outdoors where there is a cover and they have been popular so if there was anything like this, they might use it sometimes.

Central Region Junior Football Association (CRJSA)

- Central Region Junior Football Association use grounds all over Hobart but not the grounds in Cambridge.
- CRJFA is the largest Junior Association with around 4000 players. They also purchase and provide most of the goals and all the corner flags.
- The Association employ a contractor to set up and pack down every game day.
- They purchase PILA goals for our 9 aside grounds (although some are fixed and provided by the city). These goals are portable and approved. They are staked to the ground, can be carried by two people, and chained to a fence. At the end of the season, they can load them onto a truck and store them.
- These goals take a battering each season because of use, but are durable and they normally repair them ready for the following season. Like all portable things there is an element of risk but because all grounds in Hobart are used by multi sports it is not possible to leave them fixed to the venue. This has been a good alternative. They do need to be assembled on arrival but once it has been done once it is easy.

Clarence Football Club - (CFC)

- This senior club used the ground last year for one night per week of preseason training.
- There are so few available grounds on the eastern shore to use for preseason training as they have cricket pitches or are not available for use by a winter sport.
- An issue last year was that the cricket club thought that the football players were damaging the ground especially at the cricket net end where it gets very wet.
- Ideally, they would have goals at the ground. They have previously supplied portable goals for the training sessions. The consider the grounds is not the perfect, (The size is a bit small, The cricket wicket is exposed at that time of the year and there is no changerooms that can be used by them) but they are not in the position to be too fussy.
- They use the ground from Mid-November - April or until they can get onto Blundstone Arena.

Olympia Football Club

- Olympia FC use the rectangular (new) ground, 3 nights per week for youth football-soccer and senior training.
- Changerooms/toilets are needed for the future.
- Lights are good but the turf quality and surface of the new ground has been better in the past.
- Olympia sees themselves as a pathway club for the Cambridge community and really promote the kids to come to Olympia during and after their primary school soccer. They are also happy to share the grounds with other clubs if required but need to be aware that the ground quality is important as they are an NPL club.
- There is a gap in the availability of grounds across the eastern shore, once the cricket season starts. To have a ground that is available post the winter season for soccer is of great benefit to the club and the sport..
- The Club is happy with the configuration at Cambridge. Olympia would use the oval ground if there were more grounds marked on it.

B) Adjacent Land Owners

Cambridge Primary School

- The school have been working on their master plan for development of the school buildings for the past 8 or more years. They are now close to having a master plan for development which will include classrooms, a gymnasium, and other facilities.
- They would love to see a green link between the school and the oval reserve rather than having to take kids across the carpark. Vehicles drive through the carpark regularly to access the public toilets behind the pavilion.
- It is likely the school development will lead to the loss of the existing hardcourt (due the proposed gym building). However, the community really value the hardcourt outside of the school hours.
- It would be great if the master plan could include a hardcourt near the school that can be multifunctional for both school and community use.
- The school don't use the Cambridge memorial hall but feel that is already well used by a variety of community groups.
- The school is very keen to revegetate the riverbank area on the oval side of the creek. This project is seen as a long-term project for the whole school community to be involved in and for students to have some ownership of their community well after they have left the school.
- The school have had a Bush Kinder program on the reserve, for several years and as part of this program, they use the public toilet on the far side of the complex (in the old tennis clubhouse).
- Any changes to buildings would require access to a suitable toilet facility closer to the rectangle field for use during these bush kinder programs.
- Kids at Cambridge Primary play the following sports after school:
 - Soccer- club connected with school (85 % of school students play soccer for the local club).
 - AFL (all 3 clarence clubs with junior programs)
 - Gymnastics (at City-wide Church)
 - Cricket at various clubs.
- The school understands that the existing buildings on the Reserve may need to be demolished.
- A new carparking concept is required to meet the needs of staff, pick up and drop off and to help make the school environment safer.
- There is considerable use of the Reserve by the school including the following:
 - PE is on Monday – Thursday (school use the oval and netball court).
 - Daily PE is everyday 8:40am – 9am (whole school and oval used).
 - Lunch and recess (oval is used).
 - Athletics Carnival is held on the oval in March.
 - Cross Country is held around the outside of the oval and some of the bush in May.

Cambridge Primary School (cont.)

- Items that would be beneficial to the school when planning the reserve as a sports complex include:
 - Basketball/netball court with suitable sporting surface (something with a bit of grip and flex).
 - A multiuse sporting sandpit that could be used for long jump and shot put (Would need cover to keep out dogs).
 - Cross country running track established around the oval and through the nature reserve area
 - Two soccer fields, as is now.
 - Upgraded cricket pitch in the middle.
 - Football (AFL) goals are worth considering with nets behind them to stop balls.

Cambridge Primary School (Bush Kinder)

- The Bush Kinder would love a hill in the middle of the large grassed area while the rest of the grassed area would be great to be planted out leaving the existing vegetation as much as possible.
- The group love the sticks, leaf litter and dirt.
- Clearing the creek down near the path that they use for access would be beneficial.

The Tasmanian Fire Service

They have not yet been able to respond to a request for interview.

Barilla Caravan Park

The Barilla Caravan Park backs on the Barilla Rivulet on the northern boundary of the reserve. The park has cabin, caravan and camping accommodation on site and own a parcel of land directly to the north of the reserve which borders Richmond Rd, the Barilla Rivulet. Parts of this parcel have been identified by Council as potentially being part of a future trail network towards the Meehan Range with a crossing adjacent to the school.

The caravan park is happy for a master plan to consider and include the vacant triangular parcel of land the west of the developed caravan park. They are willing to consider selling the parcel for the purposes of adding to the recreation offerings of the reserve, if required.



8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY – APPROVAL OF RULE CHANGES****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to seek Council's approval of the amendments to the Copping Refuse Disposal Site Joint Authority (Authority) Rules.

RELATION TO EXISTING POLICY/PLANS

The proposed amended Rules are consistent with existing policies and plans.

LEGISLATIVE REQUIREMENTS

The amendment of the Rules must comply with the certification requirements set out at Sections 31 and 32 of the Local Government Act, 1993 (Tas).

CONSULTATION

To progress the amendment of the Rules, Council advertised the proposed amendment through a public advertising process for a period of 21 days. Following the advertising period, the Authority were then to consider any submissions received before referring them to participating councils for final endorsement of the amended Rules. No submissions were received.

FINANCIAL IMPLICATIONS

There are no adverse financial implications arising from the proposed amendment to the Rules.

RECOMMENDATION:

That Clarence City Council approves the proposed amendments to the Rules of the Copping Refuse Disposal Site Joint Authority.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Under sub-Rule 232 of the Copping Refuse Disposal Site Joint Authority Rules, the Authority is required to review its Rules at least every five years. The last review of this nature was finalised in December 2017, although a minor Rule change in relation to dividends was finalised in September 2021.
- 1.2.** At its meeting on 11 August 2022, the Authority approved, by special resolution, its intention to amend the Rules.

- 1.3.** The proposed amendments to the Rules cover a range of governance and administrative processes that aim to modernise the Authority’s framework of corporate governance and oversight and reflect the enhanced business practices that have evolved over time. The proposed amendments do not change the purpose or functions of the Authority.

2. REPORT IN DETAIL

- 2.1.** The Authority has conducted a review of its Rules in accordance with Rule 232.
- 2.2.** The collective scale of the amendments is considered material and so requires the full process prescribed under sections 31 and 32 of the *Local Government Act 1993* (Tas) (the Act). A summary of the process is provided below.
- **Step 1 (Completed)**

A resolution of the Authority’s participating councils is required to approve advertising of the proposed rule change. One Participating Council is to act as the “Nominated Council” to perform the roles required to undertake the actions to change the Rules. Council’s Chief Executive Officer has agreed that Clarence City Council will act as the Nominating Council. This is consistent with past practice.
 - **Step 2 (Completed)**

If the resolution to advertise is approved by the four Participating Councils, the Nominating Council is to:

 - publish the complying notice in a local daily newspaper;
 - display the complying notice at its premises for at least 21 days;
 - provide a copy of the proposed Rule amendment to the Director of Local Government; and
 - make the proposed amendment available for inspection or purchase at its public offices.

- **Step 3 (Current)**
 - After publication and any submissions are received, a general meeting of the Authority is convened to consider and deal with any submissions.
 - Subject to any changes to the proposed amendments, participating councils approve the proposed amendments to the Rules before further steps are taken in accordance with the Local Government Act requirements.
- **Step 4 (Future)**

The proposed amended Rules are then to be certified by both a legal practitioner and the General Manager of the Nominating Council before being provided to the participating councils for final approval.
- **Step 5 (Future)**

Once approved by the Participating Councils, the amended Rules are to be certified again by both a legal practitioner and the General Manager of the Nominating Council as prescribed in the Act.
- **Step 6 (Future)**
 - A copy of the new Rules is to be provided to the Director of Local Government.
 - Anyone who made a submission on the proposed amendment is to be advised of the final decision.
- **Step 7 (Future)**

The amendment comes into effect.

2.3. Council completed Step 2 of the required process on 7 November 2022.

2.4. No public submissions were received from the advertising period. However, several additional amendments were suggested at the Authority's general meeting in October 2022. Legal advice confirmed these to be technical or minor administrative amendments and did not require re-advertising.

- 2.5.** The Authority approved these minor amendments at its meeting on 9 February 2023 by special resolution.
- 2.6.** **Attachment 1** includes a Briefing Paper dated 22 February 2023 on the rule amendment process, and includes all minor amendments made to the Rules.
- 2.7.** The process now requires all Participating Councils to vote on the proposed amendments to the Rules. The wording must be in accordance with the resolution at page three as stated in the Briefing Paper.

3. CONSULTATION

3.1. Community Consultation Undertaken

Council followed the required consultation process, consisting of:

- Council published a notice of the proposed amendment in “The Mercury”;
- Council displayed the notice at its premises for 21 days; and
- Council made the notice available for inspection or purchase at its public offices.

3.2. State/Local Government Protocol

The Nominating Council is to provide a copy of the proposed Rule amendment to the Director of Local Government.

3.3. Other

Nil.

3.4. Further Community Consultation

Nil. No submissions were received.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no strategic plan implications arising from the proposed rule amendment.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

There are no adverse financial implications arising from the proposed amendments to the Rules.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

Approval is being sought from Participating Councils to approve the proposed amendment which is the third step in the amendment process.

Attachments: 1. Briefing Paper to Participating Councils: Proposed Rule Changes (11)

Ian Nelson

CHIEF EXECUTIVE OFFICER

Copping Refuse Disposal Site Joint Authority



22 February 2023

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BRIEFING PAPER TO PARTICIPATING COUNCILS: Proposed Rule changes

Background

Under sub-Rule 232, the Authority is required to review its Rules at least every five years. At its meeting on 11 August 2022, the Authority approved, by special resolution, its intention to amend the Rules. Participating Councils subsequently approved advertising the proposed changes.

No public submissions were received from the advertisement, however several additional amendments were suggested at the Authority's general meeting in October 2022. Legal advice confirms that these are technical or minor administrative amendments so do not require re-advertising. The Authority approved those minor amendments, by special resolution, at its meeting on 9 February 2023.

The purpose of this briefing paper is to progress changing the Rules by **seeking the approval of each Participating Council** for the proposed amendments to the Rules.

The proposed amendments

As advised previously, the proposed amendments to the Rules cover a range of governance and administrative processes. They aim to modernise the Authority's framework of corporate governance and oversight, and reflect the enhanced business practices that have evolved over time.

Table 1 summarises the amendments, including the more recent administrative changes, and explains the reasons for them.

Process for changing the Rule

The collective scale of the amendments is considered material and so requires the full process prescribed under sections 31 and 32 of the *Local Government Act 1993* (Tas) (the Act).

A summary of the process is provided below. Green highlighted steps have been completed.

Step 1	<ul style="list-style-type: none"> A <u>special resolution</u> of the Authority's Participating Councils is required to approve advertising the proposed Rule change 	The purpose of this paper
	<ul style="list-style-type: none"> One participating council is to act as the 'Nominated Council' to perform the roles required under the Act to change the Rules 	Clarence City Council has agreed to be the Nominated Council
Step 2	<p>If the special resolution to advertise is approved, the Nominating Council is to:</p> <ul style="list-style-type: none"> publish the complying notice in a local daily newspaper, display the complying notice at its premises for at least 21 days, provide a copy of the proposed amendments to the Director of Local Government, make the proposed amendments available for inspection or purchase at its public office. 	November 2022
Step 3	<ul style="list-style-type: none"> After publication and any submissions are received, a general meeting of the Authority is convened to consider, and deal with, any submissions 	February 2022
	<ul style="list-style-type: none"> Subject to any changes to the proposed amendments, Participating Councils approve the proposed amendments to the Rules by special resolution 	This process
Step 4	The proposed amended Rules are to be certified by both a legal practitioner and the General Manager of the Nominating Council as prescribed in the Act	

Step 5	The certified, proposed Rules are provided to Participating Councils for formal adoption	
Step 6	Once approved, the amended Rules are to be certified (again) by both a legal practitioner and the General Manager of the Nominating Council as prescribed in the Act	
Step 7	<ul style="list-style-type: none"> • A copy of the new Rules is provided to the Director, Local Government • The final decision is to be advised to anyone who provided a submission on the proposed amendment 	
Step 8	The amendment comes into effect.	

Action now required from Participating Councils

Each Participating Council is now requested to arrange for its Council to vote on the proposed amendments to the Rules. To be valid, the wording of each resolution must be identical.

The resolution is:

That [name] Council approves the proposed amendments to the Rules of the Copping Refuse Disposal Site Authority .

When your Council has voted, please advise the Secretary of the Authority in writing as soon as possible.

If your Council wishes to amend or re-word the resolution, please contact the Authority Secretary *urgently* so that the implications for other Participating Councils can be addressed.

Attachment 1: Table of proposed amendments to the Authority's Rules (February 2023)

Rules Review 2022 - with modifications

Requirement:

Rule 232: Rules to be reviewed at least five yearly.

Consistent with requirements of LGA 1993

Last full review finalised in November 2017

Table 1: Proposed amendments

Rule #	Proposed amendments	Reason/Notes/Comments
	Powers of Board	
<u>6 Definitions</u>	<u>"General Manager" means the General Manager or Chief Executive Officer or equivalent position of a Council or the General Manager's nominee;</u>	<u>Reason for inclusion: pre-empts anticipated change to Local Government Act. This wording allows Authority's Rules to remain relevant even if the Act does not change.</u>
13 Amend	<p>(a) The Board may exercise all powers and functions delegated to it by the Authority in writing.</p> <p>(b) The Board may access independent, expert advice, at the Authority's expense, as it determines necessary to exercise its powers and functions and satisfy the duties of directors.</p>	<p>(c) New sub-Rule suggested: This is a standard clause and a right of directors under many relevant Acts, eg Corps Act 2001, Tas GBE/SOC Acts etc. It should be clear in our Rules as well.</p>
	Delegations	
14 Amend	<p>Except for the power under Rule 12(a) and as provided in Rule 213(b), the Authority may delegate to the Chair, Board or Secretary, with or without conditions, any of the functions and powers that are within the power of the Authority (including any specified power of on-delegation of those functions and powers) and are not by these Rules or by legislation directed or required to be exercised or done by the Authority in General Meeting.</p>	<p>At present, the Authority cannot delegate to anyone except the Board. From time to time this has been necessary for administrative or time convenience (eg, "Chair to negotiate with new directors within agreed boundaries..."). Capacity to do this should be properly formalised.</p> <p>From time to time, some delegation to Secretary for administrative tasks would be useful, eg approval of directors' expenses.</p>

		NOTE: JA has approved a Delegations Policy which controls how delegations are to be exercised, reported etc. Applies to the Authority, Board, CEO, others.... -
15 Amend	<p>The Board may delegate to the Chief Executive Officer, an individual director, a committee of the Board or the Secretary <u>(in their capacity as secretary to the Board)</u>, with or without conditions:</p> <p>(a) any of the functions and powers delegated to it by the Authority in writing (including any specified power of on-delegation of those functions and powers); and</p> <p>(b) any of the functions and powers conferred upon it under these Rules.</p>	<ul style="list-style-type: none"> It is quite common in most Constitutions (or equivalent) for the Board to be able to delegate to a range of recognised positions. This doesn't mean they have to – simply that they can. Many Constitutions (and under Corps Act 2001) allow delegation to “any other person” as well, but that was considered unnecessary for the Authority. <p>Note: delegation to Board Secretary is <i>in that role</i>, rather than the Authority Secretary in that role. It could raise serious conflict if the Board had the capacity to delegate to the Authority Secretary in that capacity.</p>
	Membership of Authority - Representatives	
Amend Rule 69	<p>Current Rule 69: Representatives and Proxies are not entitled to any remuneration from the Authority.</p> <p><u>Amendment to Rule 69:</u> <u>Representatives and Proxies are not entitled to any remuneration from the Authority other than the Chair who may be remunerated subject to the following:</u></p> <p><u>(a) notwithstanding Rule 65, Representatives, on the advice of the Secretary, may approve the payment of remuneration for the role of Chair;</u></p> <p><u>(b) if Representatives approve any payment under Rule 69(a), the decision will be recorded in the minutes of the general meeting at which it was approved and the Secretary will advise Participating Councils in the Quarterly Report to Participating Councils; and</u></p>	<p>AIM: Allow payment of allowances or fees. Reason for amendment: the often considerable extra effort required by Chair compared to other Reps/Proxies. This was originally raised in late 2020 by a PC Representative (now former Representative)</p> <p>Remuneration could be an allowance, sitting fee or similar. There has been assumption that LGA doesn't allow payment to Councillors/Alderman as Representatives, however CCC's appointed director to C Cell Pty Ltd is paid a director's fee. Initially this fee was paid to CCC, but CCC subsequently approved this to be paid to the director personally.</p>

	<p><u>(c) any payments approved under Rule 69(a) will not be paid to any Council employee appointed or acting temporarily as the Chair.</u></p> <p>-----</p> <p><i>REFERENCE: Current Rule 65</i> <i>No Representative or Proxy may be a Director or hold any remunerated position with the Authority.</i></p>	
	Membership of the Board	
R73 Amend	<p>The Authority shall, in the appointment of the Board Chair and other Directors, take into account the powers, functions and responsibilities of the Board and shall appoint persons who collectively have the skills and expertise to carry out those powers, functions and responsibilities, drawn from persons with expertise and/or experience in one or more of the following relevant fields:</p> <ul style="list-style-type: none"> (a) financial management, business management and administration; (b) civil or mechanical engineering, project management or related disciplines; (c) waste management; (d) transport; and/or (e) environmental management; (f) <u>any other fields relevant to the business, strategy or Principal Objectives and Goals of the Authority</u> 	<p>AIM: keep pace with the future needs of the Authority, especially if it considered appointing a permanent fifth director</p>
	Annual General Meeting of the Authority	
R97 Amend	<p><u>(a) An Annual General Meeting of the Authority shall be held in every calendar year between the months of July and November-15 December (inclusive)</u></p>	<p><u>DMA advice: Consistent with obligations of Councils, the Authority Rules cannot include a date beyond the date set in the Local Government Act for AGMs to be held.</u></p>
R98(e) Amend	<p>The AGM is to:</p> <p>.....</p>	<p>Purpose and value of the original Rule has been unclear: by the time of the AGM, the Authority has already the Strategic Plan and Business Plan in June AND issued to PCs and the plans have been in action for almost 5 months....</p>

	Part 6 – CEO and Other Employees General Powers and Responsibilities of CEO	
R172 Amend	The Chief Executive Officer is responsible to the Board Chair for the general administration and management of the Authority’s business activities and, in particular, for the determination of the number and types of employees and the terms and conditions of employment, consistent with the approved budget. On behalf of the Board, the Board Chair is the primary contact with the Chief Executive Officer.	Typically, the Board collectively is responsible for the CEO’s performance, not the Chair individually. To support good HR practice, the Chair is nominated as the main conduit for discussions, communications from Board to CEO etc, but is not intended to be singly responsible for the entire employment relationship or related decision making. As a protection for it and the Chair, the Board should have the option to appoint another director to support the Chair in interviews/discussions with CEO when appropriate or when an independent witness might be useful.
R174 Amend	The Chief Executive Officer is to exercise, subject to any conditions imposed , all powers and functions delegated by the Board in writing to be performed by the Chief Executive Officer.	While conditions may be in writing, it should be clear that these are constitutionally required and compliance is obligatory.
R175 Amend	The Chief Executive Officer may delegate any of his or her functions and powers as authorised by the Board, together with any relevant conditions imposed by the Board , to any person that has been appointed to assist the Board in performing and exercising its functions and powers.	CEO should be obliged to pass on any conditions imposed (if applicable) to sub-delegates.
	Particular Responsibilities [of CEO]	
R180 Amend	The CEO shall undertake the following particular responsibilities to the satisfaction of the Board: (a) – (f) ... (g) subject to any relevant policies approved by the Authority or Board , provide public or media statements on matters relating to the organisation; (h) – (m)	(g) aims to provide scope for the Authority Chair to speak on agreed matters (eg political or membership matters) and the Board Chair to speak in the absence of CEO or on agreed matters. Policy for this is on the Board’s agenda...

	(e) receive the Strategic and Business Plans.	
	Meetings of the Board	
R103 Amend	<p>The Board shall meet at such times and places,...,as often as is necessary to properly discharge its responsibilities under these Rules, and shall meet at least quarterly in each year. ten times in each year.</p>	<p>AIM: to allow the Board and business to determine processes to operate as efficiently and effectively as possible – which may be done better without min 10 times. Responsible Boards under a responsible Chair in a mature business meet as often as needed. The Rules already specify certain activities and reporting that require Board approval or direct oversight.</p> <p>Specifying ten times p.a. reduces the incentive to be efficient and diverts operational time of CEO and staff to preparing board papers and attending meetings – that may be more productive elsewhere.</p>
	Attendance	
R121 Amend	<p>CURRENT:</p> <p>(a) The Board Chair shall attend meetings of the Authority and shall provide information as required.</p> <p>(b) The auditor and the Comptroller are entitled to attend General Meetings of the Authority and be heard on any part of the business of the meeting which relates to their responsibilities.</p> <p>ADD:</p> <p>(c) The Authority may request the CEO attend any meeting, or any part of a meeting, of the Authority, and provide information as requested. The request may be a standing invitation.</p>	<p>If the CEO is not <i>obliged</i> to attend, it is reasonable they could be <i>entitled</i> to attend, similar to auditor and Comptroller.</p> <p>The majority of the technical and operational expertise lay with the CEO so attendance is usually of interest to the Authority, even if not essential. Also supports the Board remaining at the strategic level rather than being required to explain the full range of operational activity.</p>
	Resolution in Writing or by Electronic Means	
R151 Amend	<p>AMEND: A resolution of the type referred to in Rule 150 may consist of several documents in the same form, each signed by one or more Representatives or Directors provided the resolution is identically worded.</p>	<p>Good practice to ensure there is no confusion or doubt about what was approved/rejected.</p>

	<p>(n) adhere to all policies and procedures including those in relation to environment, Work Health and Safety and administration;</p> <p>(o) – (p) ...</p> <p>(q) in conjunction with the Secretary, provide induction training for newly appointed Representatives, Proxies and Directors;</p> <p>(r) report to the Board on operations and performance against the Business Plan and Strategic Plan in general terms and on specific current initiatives; and</p> <p>(s) ...</p>	<p>(n) should be required to adhere to ALL applicable policies...full stop., Separating out administration policies is unnecessary. P.S. When used in full, WHS does not need to be capitalised.</p> <p>(q) typically this would be part of Secretary's role but shared arrangement is most practical to separate out Authority/governance/ membership matters from strategic, operational and other matters.</p> <p>(r) peculiar that reporting against Strategic Plan is not listed, even though Business Plan is based on Strategic Plan....</p>
	Strategic and Business Plans	
R185 Amend	<p>If a current, enforceable waste services contract that includes the calculation of gate fees for the next financial year has not been agreed between the Authority and each Member, the Chief Executive Officer shall provide the draft budget to Members before 31 March in each year for information, comment and feedback prior to the preparation of the final Business Plan for submission to the Board.</p>	<p>The current Rule pre-dates waste contracts with PCs. The original purpose was to provide PCs with information on their gate fees for the coming financial year and to allow them to budget accordingly. Now waste contracts – with gate fee calculations - exist, the need to provide draft Budget to PCs is redundant.</p> <p>Due to the February timing, this requirement provides PCs with information that the Board has not seen.</p> <p>In recent years, there has been no feedback from PC GMs, making the process a waste of everyone's time.</p> <p>The proposed amendment allows for contracts to take precedence over the need for a draft Budget, but provides a fallback position/safeguard for PCs if no waste agreement is in place.</p>
R186 Amend	<p>If a draft budget is provided to Members under Rule 185 and comments are subsequently provided from Members, Following receipt of any comments from Members, the Chief Executive Officer shall, if necessary, revise the draft Business Plan and shall present the revised Business Plan to the Board for consideration.</p>	<p>Amendment required if Rule 185 is changed as above.</p>

	Quarterly and Other Reports - Quarterly Report to Authority	
R193 Amend	<p>The Chief Executive Officer is to provide the Board with a quarterly report which includes, in relation to the Authority:</p> <ul style="list-style-type: none"> (a) A report on general performance; (b) A report on financial performance; (c) a statement on statutory, and environmental and contractual compliance; (d) a report on performance in meeting the Principal Objectives and Goals; (e) a report on performance under its Business Plan; and (f) a report on any matters specifically identified by the Authority or significant issues arising from delegated functions. 	If Rules 198 and 200 are deleted, minor amendment to R193 would cover the gap.
	Quarterly and Other Reports - Compliance with Statutory Requirements	
R198 Delete	<p>The Chief Executive Officer, in April of each financial year, shall provide a report on compliance in the preceding financial year with statutory requirements, including performance in meeting stated functions and objectives.</p> <p>-----</p>	<ul style="list-style-type: none"> • R193 (see below) specifies the content of the Quarterly Report that the CEO is to provide to the Board and the Board then provides to Authority. It includes a statement of statutory and environmental compliance. • This makes R198 redundant and duplicated effort for no benefit. • Once p.a. is not timely – so does not add any value • It is the role of the Board (common law and under SWS Board Charter) is to ensure statutory and other compliance and this is also an area of focus in the Audit & Risk Committee’s charter. It is also a periodic area under the internal audit program.
	Quarterly and Other Report – Contractual Obligations	
R200 Delete	<p>The Board, in April of each financial year, shall review the Authority’s compliance with its contractual obligations, with a subsequent report by the Authority to Members on compliance.</p>	<ul style="list-style-type: none"> • While contractual obligations are not referred to in the Quarterly Report, they could be added simply. • This area is also a fundamental part of the Board’s role, with a focus of Audit & Risk Committee’s scope. Also subject to internal

		<p>audit from time to time. Also, covered in Risk Register as fundamental to the business.</p> <ul style="list-style-type: none"> • Rule 199 – also in this section – relates to the CEO being obliged to adhere to the Authority’s negotiating parameters. This should be retained
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8.4.2 CHAMBROAD AND COUNCIL CONSULTATION OUTCOMES**EXECUTIVE SUMMARY****PURPOSE**

To publicly report on the interim consultation outcomes from Chambroad's consultation on its modified development proposal and Council's separate consultation on the future of the Wharf Site. The report also considers the value of a short extension of time to the buy-back clause in the current Sale and Development Agreement (SDA) between Chambroad Overseas Investment Australia Pty Ltd (Chambroad) and Council, to allow Chambroad to complete its community consultation program, following its initial consultation and refinements to the modified development proposal, and to then provide that feedback to Council before a final decision on the buy-back is made.

RELATION TO EXISTING POLICY/PLANS

The Clarence City Council Strategic Plan 2021 – 2031, Kangaroo Bay Urban Design Strategy and Concept Plan, and Community Consultation Policy 2020 are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Significant stakeholder and community consultation has been undertaken by 3P Advisory on behalf of Chambroad on its modified development proposal during February/March 2023 and is still ongoing (Attachment 1). Council undertook its own, separate consultation on community preferences for the Wharf Site during February/March 2023 (Attachment 2).

FINANCIAL IMPLICATIONS

In accordance with the current SDA, council is obligated to undertake or contribute to public access and amenity works to no less than the value of \$1.6m should the Hotel proceed. This obligation is transferred to the proposed new development agreement.

There may also be financial implications relating to legal costs, depending on council's decision on this matter. If at any time the buyback option is exercised by council the pre-agreed buyback amount is \$2.44m plus GST and stamp duty.

RECOMMENDATION:

That Council:

- A. Notes the interim consultation report from Chambroad on its modified development proposal (Attachment 1 to the Associated Report) and council's consultation report on the future of the Wharf Site (Attachment 2 to the Associated Report).

- B. Authorises the Chief Executive Officer to negotiate an extension of the Sale and Development Agreement (SDA) buy-back clause/process with Chambroad to 5 May 2023 in order to allow Chambroad further time to complete the community consultation process already underway and report the outcome of that further consultation to council, on the basis that the negotiated extension preserves council's right to exercise the option to buy-back the land the subject of the SDA.
- C. Confirm Resolution A of Item 9.1 made at the council meeting of 23 January 2023 but with the following highlighted date changes:

“Authorises the Chief Executive Officer to initiate the buy-back process in accordance with the terms set out in the Sale and Development Agreement (dated 25 May 2017) (‘SDA’) between Chambroad and Council, to be given effect after Council’s 24 April 2023 meeting but before 5 May 2023 buy-back deadline, subject to Recommendation C below.”
- D. Make a final decision on whether to initiate the buy-back clause/process or pursue a modified development agreement with Chambroad at its meeting on 24 April 2023.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. The Kangaroo Bay Wharf Site and future development has a long history outlined in many previous council reports, most recently the 19 December 2022 and 23 January 2023 council agendas and that extensive history will not be revisited in this report.
- 1.2. At its 19 December 2022 meeting council resolved:

“That Council:

- A. *Notes the terms of the “Standstill Agreement” negotiated between Council and Chambroad Overseas Investment Australia Pty Ltd (Chambroad), dated 14 October 2022, requiring Council to advise Chambroad on or before 5.00pm, 21 December 2022:*
 - i. *If Council does not accept the Modified Development proposal; and*
 - ii. *Whether or not Council consents to Chambroad’s request for a further extension of time to satisfy clause 6.3 of the current Sale and Development Agreement (SDA).*

- B. *Does not consent to Chambroad's request for a further extension of time to satisfy clause 6.3 of the SDA (as made by a letter, and supporting letter, dated 27 September 2022) and subsequently deferred in accordance with the Standstill Agreement, to achieve substantial commencement of the project under the current SDA, for the reasons set out in this report (specifically at paragraphs 2.12 to 2.16 of the Associated Report) and summarised below:*
- i. *that the SDA "substantial commencement" requirement relates to a physical start of works and does not require consideration of contractual or other matters related to the project;*
 - ii. *that Chambroad has not provided any reasons sufficient to justify why it has not substantially commenced the development by starting the physical works referred to in clause 6.3 of the SDA or why that failure is not within the reasonable control of Chambroad; and*
 - iii. *that, to the extent if any that Chambroad securing an education provider is relevant, while Chambroad has made significant attempts to secure an education provider to support the project, by its own admission that now appears unlikely to occur in the short to mid-term due to substantial changes to the education market post-pandemic. A further extension of time for substantial commencement, no matter how long, is unlikely to result in Chambroad securing an education provider in the short to medium term.*
- C. *Does not accept the Modified Development proposal provided by Chambroad (Attachment 3), on the basis that:*
- i. *there has been inadequate time to properly consider the Modified Development proposal and insufficient detail as a consequence of time constraints;*
 - ii. *there has been no public consultation on the Modified Development proposal undertaken by Chambroad and therefore no opportunity for Chambroad to consider that feedback and refine its design before seeking the agreement of Council; and*
 - iii. *As of 14 December 2022, Chambroad communicated that they would not include concept designs in the information pack to be released with this agenda item and sought for the draft Development Agreement, which was negotiated under the "Standstill Agreement", to remain confidential at this stage. Both these circumstances were contrary to clearly stated requirements put forward by council officers at the commencement of this process."*

1.3. Following council's decision of 19 December 2022 and in particular reference to Chambroad not having undertaken any public consultation on the modified development proposal to date, Chambroad proposed a detailed consultation program and liaised with council officers in this regard. Council officers noted that given the current buy back date under the SDA is 12 April 2023, the following dates are critical:

- Council would be required to make a decision on the buy-back option, at the latest, at its meeting of Monday 20 March 2023.
- This in turn would require Chambroad to provide council with a revised modified development proposal by no later than 6 March 2023.
- The revised proposal, along with consultation feedback would need to be presented to council at a workshop on 6 March 2023, being the last workshop opportunity ahead of the council meeting on 20 March.

1.4. Chambroad wrote to council by letter dated 5 January 2023 and requested that the parties agree to the buy-back date under the SDA being extended from 12 April 2023 by either one month (to 12 May 2023) or two months (to 12 June 2023) to allow Chambroad further time to undertake community consultation. The letter also attached a proposed Community Engagement/Consultation Process document which set out its proposed consultation methodology and timeframes.

1.5. A report on this request was tabled at the 23 January 2023 council meeting where council resolved:

"That Council:

- A. Notes the request from Chambroad Overseas Investment Australia Pty Ltd ("Chambroad"), dated 5 January 2023, seeking an extension of time to the Sale and Development Agreement ("SDA") buy-back option so that Chambroad can undertake further community consultation on its modified development proposal.*
- B. Refuses the request for an extension of time dated 5 January 2023 and requests that Chambroad present its initial consultation findings and refinements to its Concept Design as originally proposed no later than 6 March 2023, after which time council may consider whether an extension for further consultation has merit.*

- C. *Authorise the Chief Executive Officer to facilitate an invite to participants in the recent City Heart Project consultation process to participate in the Kangaroo Bay Hotel consultation process proposed by Chambroad.”*

1.6. At its 23 January 2023 meeting council also resolved (via a Notice of Motion put forward by Deputy Mayor Ritchie):

“That Council:

- A. *Authorises the Chief Executive Officer to initiate the buy-back process in accordance with the terms set out in the Sale and Development Agreement (dated 25 May 2017) (‘SDA’) between Chambroad and Council, to be given effect after Council’s 20 March 2023 meeting but before 12 April 2023 buy-back deadline, subject to Recommendation C below.*
- B. *In relation to Recommendation A, authorises the Chief Executive Officer to fund the buy-back through a combination of council reserve funds and internal loan, with the relevant budget adjustments to be reported in council’s next quarterly report.*
- C. *Notwithstanding the rejection of the buy-back timeframe extension request by Chambroad (Agenda Item 8.4.1 on this agenda), council notes that Chambroad has committed to publicly consult on its Modified Development proposal and provide community feedback and an amended proposal to council before 6 March 2023 in order to enable council to make a decision on whether or not to support the Modified Development at its 20 March 2023 council meeting.*
- D. *Authorises the Chief Executive Officer to incorporate the Kangaroo Bay land into the City Heart project considerations, with a specific focus on possible alternative uses for the land within the broader context of the City Heart project, in order to provide council with options for development of the site should Chambroad not provide a Modified Development Proposal acceptable to council as set out at Recommendation C above, and council has bought back the land.”*

- 1.7.** At its 23 January 2023 meeting council further resolved (via a Notice of Motion put forward by Councillor Warren):

“That during January / February 2023, council, through its ‘have your say’ program conducts independent consultation on questions surrounding the Kangaroo Bay Hotel Development, to provide further community insight to help inform council as it assesses the future of this important site.

The questions are:

- A. Do you support a boutique hotel development in Kangaroo Bay? (Yes / No)*
 - a. Why and is there anything else you think should be considered by the developers or council for the site?*
- B. Do you support a ‘buy-back’ of the Kangaroo Bay land? (Yes / No)*
 - a. Yes = what would you propose council utilises the land for?*
 - b. No = why?*
 - c. Do you support adding this site into the City Heart project scope?”*

2. REPORT IN DETAIL

- 2.1.** The decisions of council at the 19 December 2022 and 23 January 2023 meetings have resulted in Chambroad undertaking further consultation on the modified development proposal.
- 2.2.** The decisions included a specific reference to Chambroad presenting the outcomes of community consultation and a modified development proposal to council by 6 March 2023 (Attachment 3).
- 2.3.** Council officers committed to meeting the same timeframe in relation to its ‘have your say’ consultation to give council an opportunity to consider the consultation results side-by-side (Attachment 2).

Chambroad Consultation on its Modified Development Proposal

- 2.4.** Chambroad engaged 3P Advisory to undertake initial community consultation on the modified development proposal which was presented to council prior to its 19 December 2022 meeting.

- 2.5.** The 3P Advisory consultation was undertaken throughout February and early March 2023 with 514 direct engagements and 1,592 indirect engagements.
- 2.6.** The 3P research methodology included detailed demographic questions, allowing the results to be weighted, using Australian Bureau of Statistics data, to be a statistically representative sample of the total Clarence Local Government Area (LGA) (within a standard deviation for error).
- 2.7.** This approach was in contrast with Council's consultation on the site that required no demographic data to participate.
- 2.8.** It's also important to note the 3P consultation included plans and concept renderings of the proposed development whereas Council's consultation did not include any of that detail. Both of these important differences may account for some of the difference in consultation results.
- 2.9.** 3P lists the major findings from the initial consultation as:
1. There is a high level of positive rather than negative responses to the overall concept designs;
 2. The highest level of support is among 35–54-year-olds and centres around job creation, economic development, and opportunities for local small businesses;
 3. Only a very small number – aged over 55 and mostly living within 2 kilometres of Kangaroo Bay are negative towards the hotel proposal; and
 4. Almost a third of those surveyed have no awareness of the project at all.
- 2.10.** 51% of respondents said the concepts were somewhat appealing or very appealing. 39% said the concepts were somewhat unappealing or very unappealing. 10% found the concepts neither appealing nor unappealing.

- 2.11.** The total interim report (Attachment 1) is extremely detailed. To provide a summary it is worth repeating the executive summary here:

“3P Advisory (3P) conducted a rigorous and comprehensive community engagement process of the Clarence City Council (CCC) community on the proposed concept designs for the Kangaroo Bay Hotel. The community engagement approach is underpinned by the principles of ‘participatory democracy’, which creates opportunities for all members of a population to make meaningful contributions to decision-making and seeks to broaden the range of people who have access to such opportunities. The engagement processes are underpinned by best practice approaches and tools by the International Association of Public Participation (IAPP) which 3P is a member of. Through both quantitative and qualitative approaches, 3P has heard the broad range of voices across the Clarence City Council community. 3P has provided Chambroad Australia and V and A Architecture Pty Ltd with all (de-identified) qualitative and quantitative input and a specific focus on the dominant themes relating to the proposed hotel concept designs.

While the scope of our engagement was the proposed Kangaroo Bay Hotel concept designs, the themes that emerged were two-fold:

- *The first relates to whether a hotel should or shouldn’t be built on the site, which is out of scope for our engagement focus and therefore not “formally” captured. 3P did however note the feedback relating to this matter.*
- *The second specifically relates to the scope of the engagement and the proposed concept designs. However, while, as noted, there are elements of the feedback that are out of scope for the engagement, they are difficult to separate, as for some participants, the view on one influenced their attitudes towards the hotel concept design.*

What has emerged from the engagement is there is not a single, overarching, or dominant sentiment on the proposed Kangaroo Bay Hotel concept designs. While there is a high level of interest in this project from some segments of the community, the engagement process found, overall, there is a low awareness of the project across the Clarence LGA.

The engagement process identified and highlighted four distinct segments of the CCC community that have clear attitudes towards the design concepts presented:

1. *The group of residents who predominantly live nearby (within 2 kilometres) and care deeply about the history of area and their sense of “place” living in Bellerive. Many told us they grew up in Bellerive and have a deep connection to and understanding of its history.*

They articulated through the engagement their commitment to the preservation of what they describe and believe is the integrity and character of the area. In doing so, while some in this group do not want to see a hotel development on the site, many provided insightful ideas to enhance the design of the hotel and provide information that could assist in better understanding the history of the area.

- 2. The group of those who live close and those who are more geographically spread across the CCC LGA. This group also articulated their love of the area and their desire to ensure development is well thought through and continues to build on the liveability of the area. Many in this segment are interested, and, in some cases, excited, to see the Kangaroo Bay site activated by a hotel. They commonly use the term “just get on with it”. They also articulated the importance of economic activity and local jobs for themselves and their children. The input into the concept design by this group was focused on ensuring the best possible fit and design in keeping with the area, including community access to as much open/public space as possible, functionality and visual impact.*
- 3. Local business people in and around the Bellerive Village area who predominantly want to see the area activated. Many from the local business community talked about the commercial imperative to stimulate activity in the Bellerive area and beyond. They see the potential to grow their business and the advantage of new and increased foot-traffic and services to the local community, but also to increase the spend from visitors from further afield.*
- 4. A significant number of people in the CCC engaged through the online survey or came to the walk-in sessions demonstrating no or limited knowledge of the proposal until seeing the engagement opportunities. This group provided a unique perspective as they had no pre-existing conscious or unconscious bias for or against the project, the designs and/or Chambroad Australia and provided frank input.*
- 5. A significant number of participants expressed surprise when the information provided as part of the engagement process showed that the land was zoned for a hotel (and therefore would require a change of zoning for any other use of the land). In all the work 3P undertakes in community and stakeholder engagement, there are some preconditions for good consultation that are important to ensure you can capture a representative voice. The need for trust in the engagement process is critical.*

While only from a small number of participants relative to the overall engagement, there was, for some, a high level of distrust in anything to do with this project. And there are a range of non-related current issues and challenges within the community and Bellerive area that also impacted on engagement on the concept designs. The most dominant of these is car-parking generally and specifically relating to the ferry.

6. *Despite these segments and local historical and current contextual factors, most people engaged with genuine civic interest in their local community and with respect. In the forums and walk-in sessions specifically, many entered with strongly held views and left with a softened stance and an openness to learn more and provide valuable insights and ideas into the concept designs. Nearly 40% of survey respondents rated the concept designs as “slightly better” or “much better” at the end of the survey than the beginning as opposed to the respondents who rated it “slightly worse” or “much worse” (30%). There are also some in the community who presented a strong stance that a hotel should not be built. Overall, through demographic data collection combined with intense promotion across the LGA to ensure a representative sample of the CCC community was heard, this report provides V and A Architecture Pty Ltd with a summary of the input and themes to allow them to respond with revised hotel concept designs for submission and consideration by Council. This report also provides CCC with a comprehensive understanding of the range of views and sentiment captured through this rigorous engagement process.”*

Council’s Community Consultation on the Kangaroo Bay Hotel Development

- 2.12. Following council’s adopted motion at its 23 January 2023 meeting, officers undertook a 4-week community consultation via the Your Say platform utilising the questions provided in the motion.
- 2.13. The consultation ran online from 25 January 2023 to 23 February 2023 and was promoted on council’s website, social media and through other media platforms.
- 2.14. Over the course of the consultation promotions reached over 19,000 individuals with 2,266 individuals visiting the Your Say consultation page.
- 2.15. The consultation received 1,527 survey completions, including one assisted over the phone, and two email submissions.

- 2.16.** Officers analysed and coded all of the verbatim responses to the open questions in the survey with the detail of the coding offered to councillors for confidential review. A presentation on the outcomes of the consultation was presented to councillors at the 6 March 2023 workshop (Attachment 2).
- 2.17.** The first question in the survey was *Do you support a boutique hotel development in Kangaroo Bay?*
- 2.18.** 66% (1,007) of the respondents said No, with 21% (322) saying Yes and a further 13% (198) respondents saying they were unsure.
- 2.19.** Respondents were then asked why they had answered in that way and was there anything else that they thought should be considered by the developers or council for the site.
- 2.20.** Open space, public space, recreation focus, community friendly, restaurants, retail, cafes and low scale development in keeping with the village/local feel were all mentioned by a large number of respondents (noting many offered multiple pieces of feedback).
- 2.21.** Those that said no to the first question were more likely to mention open space, public space and local focus, along with places to go like restaurants, cafes and retail. This group also mentioned ownership of the land and lease arrangements.
- 2.22.** Those that said yes and unsure to the question were more concerned that they do not want the land left empty in the current state and also listed restaurants, café and other retail opportunities, alongside the hotel accommodation. This group also noted the need for it to be low scale and in keeping with local feel.
- 2.23.** When asked Do you support a “buy-back” of the Kangaroo Bay land? 83% (1,266) respondents said Yes, with 11% (166) Unsure and 6% (92) saying No.

- 2.24.** When asked Do you support adding this into the City Heart project scope? 47% (714) said Yes, 42% (637) were Unsure and 11% (164) said No. This response is likely driven by the lack of detail provided around what including the land in the scope would lead to.
- 2.25.** There were no demographic details to report as no questions on this were included in the survey to ensure it accurately reflected the decision of council.
- 2.26.** In summary, the feedback showed a low level of support for a boutique hotel on the site with over 6 in 10 saying ‘no’ (66%).
- 2.27.** The position on a buy-back was clearer with 83% of survey responses in favour of this outcome. It is important to note the 20% who are in support of a buy-back are also in support of a boutique hotel.
- 2.28.** There was some support for including the site in the City Heart project (47% yes) and very little opposition to the idea (11% ‘no’). The high proportion of unsure (42%) is likely due to the lack of detail provided on what inclusion in the City Heart project would mean.

Chambroad Concept Changes in response to Community Consultation

- 2.29.** Chambroad has made several changes to the modified development proposal discussed with council in late 2022 following its initial community consultation and this was presented to council at a workshop on 6 March 2023 (Attachment 3).
- 2.30.** Consultation results were considered directly by the architects designing the building with responses highlighted in a response presentation (Attachment 4).
- 2.31.** More focus has been given to the experience of the hotel following feedback on the need for the hotel to reflect the place it is sited at, being Kangaroo Bay and the broader eastern shore.

- 2.32.** There is a new focus on telling the stories of the eastern shore from first nations people through the maritime and colonial history, to the produce from the southeast region of today. This history is proposed to be reflected on each level of the hotel, including a high end ‘hatted/Michelin star’ quality restaurant to showcase the produce of the region.
- 2.33.** More emphasis has also been given to public space and access through the site following feedback received during the consultation, including widening the promenade in front of the hotel and providing green space for the public to enjoy the waterfront.
- 2.34.** The bulk and scale of the building has also changed, with architects seeking to soften the impact on the surrounding areas, creating a roof that is set back from the façade to appear less imposing, with advice also received from the Botanical Gardens on appropriate local plants to green the building façade.

Further Consultation on the Modified Development Proposal

- 2.35.** Chambroad has previously sought agreement from council to extend the buy-back clause under the SDA from 12 April 2023 to allow them to complete a comprehensive community consultation on the modified development proposal. This previous request was considered and rejected at the 23 January 2023 meeting with Council alternatively indicating that (via Recommendation C of Deputy Mayor Ritchie’s Notice of Motion) Chambroad could undertake its consultation and present that to council by 6 March, which it has now done.
- 2.36.** In considering a possible extension to the buy-back clause, it is relevant to note that while Chambroad has undertaken initial community consultation, it wishes to undertake more detailed community consultation, to complete the consultation program it originally proposed. Council’s own consultation results indicate that there isn’t currently a majority view on whether there should be a hotel on the site. In this circumstance it would be appropriate to agree to an extension to the buy-back clause to allow Chambroad to fully consult with the community on the modified development proposal and report back to council on 12 April 2023.

- 2.37.** In its presentation on 6 March 2023 to a council workshop Chambroad requested that council agree to proceed with the modified development proposal at the 20 March council meeting, with the knowledge that there are several other hurdles that they would need to get over to achieve the development (including a development application process).
- 2.38.** Officers do not believe that the current consultation outcomes warrant recommending proceeding with the modified development proposal, rather that the consultation should be able to be completed to allow the community an opportunity to see the revised concepts in response to consultation feedback.
- 2.39.** Following this, it may be that community sentiment warrants genuine consideration of proceeding with the development under a new development agreement, but that remains to be seen until the consultation is concluded.
- 2.40.** Council has invested significant time into this project over the last 15 years and it is considered appropriate to provide the community the opportunity to view the initial community consultation results and to then view and comment on the refined version of the modified development proposal. The short extension of time will allow for this consultation to occur in circumstances where council can preserve to buy-back the land if council ultimately determines not to accept the modified development proposal following completion of the consultation process.

3. CONSULTATION

3.1. Community Consultation Undertaken

Significant stakeholder and community consultation has been undertaken by 3P Advisory on behalf of Chambroad on its modified development proposal during February/March 2023 and is still ongoing. A separate consultation was undertaken by Council on community preferences for the Wharf Site during February/March 2023. A detailed summary of both consultations is outlined above and the reports for both are attached to this agenda report.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

This matter was most recently discussed with councillors at a workshop on 6 March 2023. Over the course of this project numerous workshops and presentations have occurred.

3.4. Further Community Consultation

Further council community consultation may occur on the site through the City Heart consultation whether council resolves to buy-back the land or not. Chambroad is continuing to consult on the changes it has made to its modified development proposal following its initial community consultation. This continued community consultation is being undertaken throughout March.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** The Clarence City Council Strategic Plan 2021 - 2031 includes the following goals:

“A well planned liveable city – Clarence will be a well-planned liveable city with services and infrastructure to meet current and future needs of our growing and vibrant community.

A prosperous and creative city – Clarence encourages creativity, innovation and enterprise and will develop the local economy by enabling opportunities for all people.”

- 4.2.** Each goal is supported by objectives. The following three objectives are relevant:

“2.10 – Ensuring quality civic architecture which is responsive to place and adaptable for the needs of the community.

2.13 – Enhancing natural and built amenities to create vibrant, accessible activity centres and community hubs through quality urban design.

3.6 – Facilitating and/or directly investing in foundation projects and infrastructure aimed at driving further investment and growth.”

- 4.3.** Within the context of the Strategic Plan 2021 – 2031, major projects and initiatives are identified. Relevantly, the strategic plan contains the following:

“Kangaroo Bay Development Precinct

Kangaroo Bay is a significant location within the City of Clarence, and we seek to activate the potential of this precinct to be a world class waterfront destination and inclusive place for both residents and visitors that provides economic, social and community benefits. The precinct has two key development sites, the wharf and boulevard sites. The wharf site has been approved for the development of a hotel and hospitality training school, while a mixed use of residential and commercial is proposed for the boulevard site.”

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Council has previously been provided with confidential legal advice regarding its rights and obligations under the SDA.

7. FINANCIAL IMPLICATIONS

There are potential financial implications, dependent on council’s decision on this matter. These range from a \$1.6m current contractual obligation in the SDA (also carried into the new draft agreement) to undertake public access and amenity work on and around the site, to potential legal costs on any dispute arising from a decision of council. These costs are unquantifiable at this time. If at any time the buyback option is exercised by council the pre-agreed buyback amount is \$2.44m plus GST and stamp duty. As noted in the 23 January 2023 decision related to the Deputy Mayor’s Notice of Motion, funding for the buy-back purchase will need to be through a range of sources, to be determined and reported to council by the Chief Executive Officer.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

- 9.1.** Significant resources and effort have been expended by Chambroad during the period to signify readiness to proceed and responsiveness to community concerns, with a project team and consultants employed and ready to deliver a hotel on the site to be open by 2025.
- 9.2.** At the same time, a significant amount of effort has been expended by the community in providing feedback to both consultations over February and March.
- 9.3.** Analysis of key issues regarding the project in both consultations shows similar themes on the need for any development to reflect the sense of place and be unique to Kangaroo Bay/the Eastern Shore, along with the need for public access, green public open space, and opportunities to enjoy the waterfront for all rather than just those staying in the hotel.
- 9.4.** The findings in support of a hotel development differ in both consultations, with one purporting to be statistically representative of the demographics for the entirety of the Clarence LGA and the other a simple ‘straw poll’ and qualitative feedback opportunity without any demographics.
- 9.5.** Both consultations clearly outline the desire from the community to activate the space in some shape or form with a large section of the community in agreement that commercial activity on the site is required.
- 9.6.** Following review of both sets of consultation results and subsequent presentations, officers are recommending an extension of time to the SDA buy-back clause of approximately one month to allow the community an opportunity to see the changes proposed by Chambroad in response to the consultations, to allow the consultation feedback loop to be closed and to see what response, if any, comes from the community based on their review of the changes made to the design and concept.

- 9.7.** Given council's strategic investment of time and effort on this project over 15 years, it is considered appropriate to provide the Clarence community with the opportunity to see the results of the consultation, the changes being proposed and to provide further feedback on those changes. This will assist council to decide whether there is enough support and confidence to proceed with a modified development or, in the alternative, to proceed with the buy-back.
- 9.8.** The recommendation reflects a short extension with a final decision on whether to proceed with the development or initiate the buy-back at the council meeting on 24 April 2023.

Attachments: 1. 3P Consultation Report (41)
2. Council Consultation Report 6 March 2023 (13)
3. Chambroad Presentation (41)
4. Architects Response to Consultation Report (34)

Ian Nelson
CHIEF EXECUTIVE OFFICER



PROPOSED KANGAROO BAY HOTEL - CONCEPT DESIGNS

Community Engagement Interim Report

SUBMITTED TO: Clarence City Council

PREPARED FOR: Chambroad Australia

FOR RELEASE: 6th March 2023

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An architectural rendering of a modern waterfront promenade at dusk. The scene features a curved walkway with tall, black, lantern-style streetlights. To the left is a body of water with a sunset sky in shades of orange and pink. In the background, a modern building with large glass windows and balconies is visible. The foreground has some low-lying vegetation. A large, white, circular graphic element is overlaid on the right side of the image, framing a portion of the building and the walkway.

SECTION 1

Summary



Summary

3P Advisory (3P) conducted a rigorous and comprehensive community engagement process of the Clarence City Council (CCC) community on the proposed concept designs for the Kangaroo Bay Hotel.

The community engagement approach is underpinned by the principles of 'participatory democracy', which creates opportunities for all members of a population to make meaningful contributions to decision-making and seeks to broaden the range of people who have access to such opportunities. The engagement processes are underpinned by best practice approaches and tools by the International Association of Public Participation (IAPP) which 3P is a member of.

Through both quantitative and qualitative approaches, 3P has heard the broad range of voices across the Clarence City Council community.

3P has provided Chambroad Australia and V and A Architecture Pty Ltd with all (de-identified) qualitative and quantitative input and a specific focus on the dominant themes relating to the proposed hotel concept designs.

While the scope of our engagement was the proposed Kangaroo Bay Hotel concept designs, the themes that emerged were two-fold:

- The first relates to whether a hotel should or shouldn't be built on the site, which is out of scope for our engagement focus and therefore not "formally" captured. 3P did however note the feedback relating to this matter.
- The second specifically relates to the scope of the engagement and the proposed concept designs. However, while, as noted, there are elements of the feedback that are out of scope for the engagement, they are difficult to separate, as for some participants, the view on one influenced their attitudes towards the hotel concept design.

What has emerged from the engagement is there is not a single, overarching, or dominant sentiment on the proposed Kangaroo Bay Hotel concept designs. While there is a high level of interest in this project from some segments of the community, the engagement process found, overall, there is a low awareness of the project across the Clarence LGA.



Summary *cont.*

The engagement process identified and highlighted four distinct segments of the CCC community that have clear attitudes towards the design concepts presented:

1. The group of residents who predominantly live nearby (within 2 kilometres) and care deeply about the history of area and their sense of “place” living in Bellerive. Many told us they grew up in Bellerive and have a deep connection to and understanding of its history. They articulated through the engagement their commitment to the preservation of what they describe and believe is the integrity and character of the area. In doing so, while some in this group do not want to see a hotel development on the site, many provided insightful ideas to enhance the design of the hotel and provide information that could assist in better understanding the history of the area.
2. The group of those who live close and those who are more geographically spread across the CCC LGA. This group also articulated their love of the area and their desire to ensure development is well thought through and continues to build on the liveability of the area. Many in this segment are interested, and, in some cases, excited, to see the Kangaroo Bay site activated by a hotel. They commonly use the term “just get on with it”. They also articulated the importance of economic activity and local jobs for themselves and their children. The input into the concept design by this group was focused on ensuring the best possible fit and design in keeping with the area, including community access to as much open/public space as possible, functionality and visual impact.
3. Local businesspeople in and around the Bellerive Village area who predominantly want to see the area activated. Many from the local business community talked about the commercial imperative to stimulate activity in the Bellerive area and beyond. They see the potential to grow their business and the advantage of new and increased foot-traffic and services to the local community, but also to increase the spend from visitors from further afield.
4. A significant number of people in the CCC engaged through the online survey or came to the walk-in sessions demonstrating no or limited knowledge of the proposal until seeing the engagement opportunities. This group provided a unique perspective as they had no pre-existing conscious or unconscious bias for or against the project, the designs and/or Chambroad Australia and provided frank input.



Summary *cont.*

A significant number of participants expressed surprise when the information provided as part of the engagement process showed that the land was zoned for a hotel (and therefore would require a change of zoning for any other use of the land).

In all the work 3P undertakes in community and stakeholder engagement, there are some preconditions for good consultation that are important to ensure you can capture a representative voice. The need for trust in the engagement process is critical. While only from a small number of participants relative to the overall engagement, there was, for some, a high level of distrust in anything to do with this project.

And there are a range of non-related current issues and challenges within the community and Bellerive area that also impacted on engagement on the concept designs. The most dominant of these is car-parking generally and specifically relating to the ferry.

Despite these segments and local historical and current contextual factors, most people engaged with genuine civic interest in their local community and with respect. In the forums and walk-in sessions specifically, many entered with strongly held views and left with a softened stance and an openness to learn more and provide valuable insights and ideas into the concept designs.

Nearly 40% of survey respondents rated the concept designs as “slightly better” or “much better” at the end of the survey than the beginning as opposed to the respondents who rated it “slightly worse” or “much worse” (30%). There are also some in the community who presented a strong stance that a hotel should not be built.

Overall, through demographic data collection combined with intense promotion across the LGA to ensure a representative sample of the CCC community was heard, this report provides V and A Architecture Pty Ltd with a summary of the input and themes to allow them to respond with revised hotel concept designs for submission and consideration by Council. This report also provides CCC with a comprehensive understanding of the range of views and sentiment captured through this rigorous engagement process.



SECTION 1

Snapshot

OUTPUTS & OUTCOMES

Snapshot - Outputs and Outcomes

This Snapshot provides some of the key findings from the Clarence Community Engagement process and insights into sentiment towards the 5-star hotel proposed for Kangaroo Bay.

This report is based on both qualitative inputs from the forums and one-on-one meetings together with the quantitative inputs from the comprehensive and rigorous survey conduct across the Clarence community.

The Community Consultation results are based on:

- **Direct engagement** **514**
- **Indirect engagement** **1,592**
- **Total overall engagement** **2,106**

This very high response rate provides a robust and reliable data set with a statistical standard error of 5% or less. The survey used the 2021 Australian Bureau of Statistics (ABS) Census Update to ensure a representative sample of the LGA to produce weighted and unweighted results for the Clarence LGA.



Snapshot - Outputs and Outcomes

The key findings from the Community Consultation process are summarised in the following Snapshots:

Snapshot 1

- Less than 10% of the Clarence LGA demonstrated high awareness of the proposed design
- Almost a third of those in Clarence LGA have low or no awareness of the proposed Kangaroo Bay Hotel project
- The project is considered "high-profile and controversial" by some

Snapshot 2

- Higher level of positive rather than negative response to the overall concept designs for an international standard hotel with 5-star restaurants & dining options, 5-star accommodation and meeting and functions facilities, located at Kangaroo Bay

Snapshot 3

- Residents aged 35-54 are more likely to provide a positive response to any/all elements of the concept design. The age segment response is slightly higher for males.

Snapshot 4

- Residents aged 55 and over, living within 2 kilometres of Kangaroo Bay are more likely to provide a negative response to any/all elements of the concept design. This age segment response is slightly higher for females.

Snapshot 5

- Car parking is the most mentioned area of concern relating to the concept designs and links to broader car parking challenges in Bellerive. This is followed by sentiment on the height and mass of the building and its overall "fit" with the location.

Snapshot 6

- Participants expressed a positive sentiment to the amount of public, green open space, pedestrian-friendly access, connectivity and food and beverage opportunities for residents.



SECTION 1

Key Themes

Key Themes

Across the qualitative and quantitative elements of the engagement, 10 consistent themes emerged. These are described in the table below with more detailed analysis contained in the Appendix. The architect response to these themes is to be submitted to Council in the revised Concept Designs in response to the inputs and feedback received from the Community Consultation process.

THEME

AREA OF FOCUS

CAR PARKING

- Consideration for guests and F & B, function space needs.
- Understanding of the car-parking challenges already in the area.

HEIGHT AND MASS

- Number of floors and the impact on views.
- Mass/block nature of the design.
- Concerns relating to shadows cast by the building.



Key Themes *cont.*

THEME

PUBLIC ACCESS & GREEN PLAZA

AREA OF FOCUS

- General acceptance and pleased with the amount of public access.
- A bigger green area would increase opportunities for use.
- Ensure entry and exit points to Cambridge Rd align and understand the local foot traffic flow.
- Better landscaping options to guide users and the relationship between the public space and hotel space.

DESIGN FIT WITH LOCATION

- Consideration of the Aboriginal history.
- Consideration of the industrial history.
- Understanding of a "village" feel.
- Consideration of incorporating a local feel through elements of sandstone, landscaping, railway/industrial.



Key Themes *cont.*

THEME

BOARDWALK

AREA OF FOCUS

- Safety of all users.
- Segregation of cyclists.
- Surface of the boardwalk in line with safety and aesthetics.

ROOF

- Colour considerations to reduce glare.
- Opportunity for greenspace.
- Ensure it is free of mechanics as much as possible.



Key Themes *cont.*

THEME

CONNECTIVITY

AREA OF FOCUS

- Generally positive, however there is a need to understand the current foot/natural flow of pedestrians relative to the entry points.
- Enhancements, greater clarity/visuals will help the community better understand the relationships with the existing areas such as Kangaroo Bay playground and BYC.

NOISE/ACOUSTICS

- Consideration of the current noise challenges of the Marina and whether there is any impact.
- Consideration of general noise/activity coming from the green-space towards Cambridge Road.



Key Themes *cont.*

THEME

SAFETY

AREA OF FOCUS

- Lighting considerations in walk through areas.
- Potential to attract "youths" on the green space overnight.
- Graffiti risk.

EXTERNAL FACADE

- Window reflections.
- Possible long-term deterioration of a timber finish.
- Need to soften the façade, potentially using greenery.





SECTION 2

Background to the engagement

Background to the engagement

In December 2022, the Clarence City Council requested Chambroad Australia to conduct a comprehensive community engagement process to understand community sentiment on the proposed Kangaroo Bay Hotel concept designs.

Chambroad Australia appointed 3P Advisory, Tasmania's leading community engagement consultants to conduct an 'evidence based' research program to:

Understand attitudes of the Clarence community towards the proposed hotel concept designs (prepared by V and A Architecture Pty Ltd) as submitted to Council.

Identify opportunities to improve the hotel design to deliver improved community outcomes.

Objectives

The objectives of the community consultation were to:

- Inform the Clarence community about the hotel concept designs
- Identify and capture community perspectives about each of the hotel concept designs
- Ensure the Clarence City Council LGA community has an opportunity to participate in the process
- Provide timely feedback to the Clarence community on its feedback and contribution at the end of the engagement activities

Methodology

The methodology ensured multiple engagement opportunities and to enable an inclusive approach.

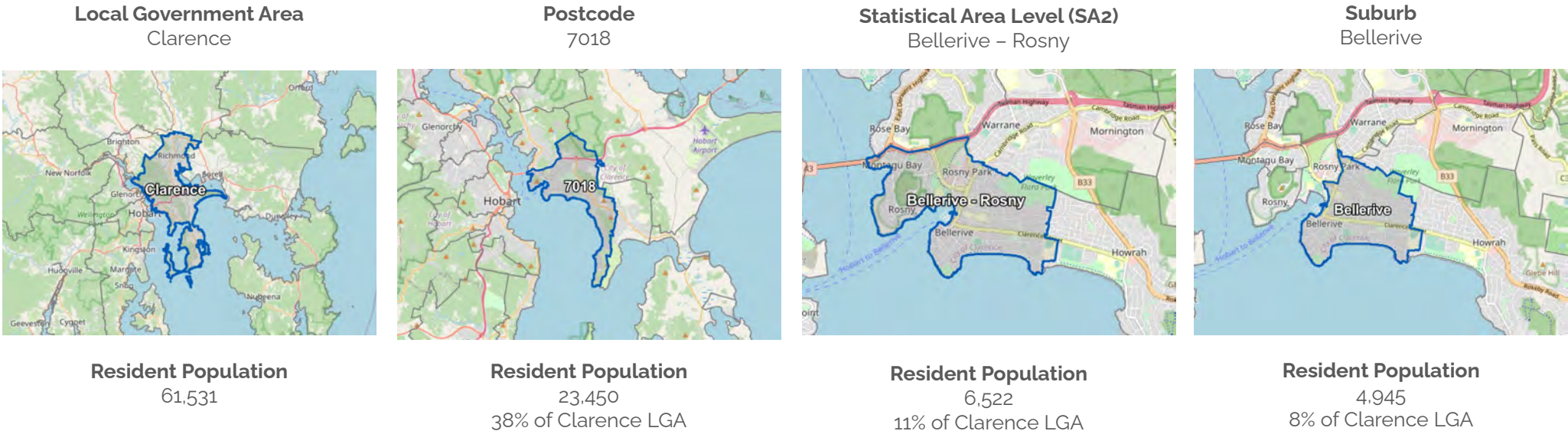
Participation was only open to Clarence City Council residents, property owners and business owners/operators.

Background to the engagement *cont.*

CONSIDERATION OF THE COMMUNITY PROFILE IS CRITICAL TO ENSURE REPRESENTATIVE ENGAGEMENT.

- The direct underlying catchment area represents about 1 in 10 people in the Clarence LGA area
- Consideration of the 4 areas below allow for broad stakeholder profile comparison

CATCHMENT OVERVIEWS



Source(s): ABS – 2021 Census

Background to the engagement *cont.*

In total 514 participants were directly engaged through the process. A further 1,592 unique engagements occurred through the Engagement Hub platform site.

The engagement opportunities included:

- Open forums
- Presentation from the architects and small group discussion and question and answers.
- Walk-ins, an informal option to look at the concept designs, chat to the architect and/or 3P team and provide sentiment.
- Hotel Concept Design Survey.
- Engagement platform, to enable people to view the concept designs, register for the forums, undertake the survey and request further information.
- Dedicated phone line for direct contact through a contact number for support with registration, general questions and a call back option for people wanting to provide verbal feedback.

A number of open forums and walk-in sessions were held at the Bellerive Yacht Club from 6th to 12th February 2023.

Date of session	Time of session	Target group	Type of Session
Monday 6 th	10.30 – 12.00	General registration	Forum
Monday 6 th	1 – 4.30	General public from LGA	Walk-in
Tuesday 7 th	1.30 – 3	General registration	Forum
Wednesday 8 th	10 – 3.30	General public from LGA	Walk-in
Wednesday 8 th	6 – 7.30	Cambridge Rd residents only	Forum
Thursday 9 th	6 – 7.30	Bellerive Village business	Forum
Saturday 11 th	2.30 – 4	General registration	Forum



Background to the engagement *cont.*

- The forums were structured with a detailed presentation from the architects and the opportunity for questions and feedback.
- The walk-in sessions provided an informal approach for people to look at a range of concept designs and a video flyover of the hotel designs. During the walk-in sessions, people were able to talk with the architects and provide either verbal or written feedback using a range of options available onsite.

Engagement Type	Number of Participants
Forums	42
Walkthrough	73
Engagement Hub – direct registrations and email questions and indirect views of designs	1454
Phone, email and direct conversations in the community	24

An engagement hub platform was established to provide the opportunity for people to view the concept designs, register for forums, direct link to the online survey, email with any questions or comments and receive updates and further information.

A dedicated phone-line was established to provide people without digital access or digital capability to engage. The phone-line provided a call-back option. The call-back provided options to register for a forum, undertake the survey over the phone, request direct email of information and/or provide general feedback.

Background to the engagement *cont.*

MULTIPLE COMMUNICATIONS TO BUILD AWARENESS AND ENGAGEMENT

A range of advertising and promotion was undertaken to raise awareness of opportunities to engage. This included:

- Flyer drops through direct mail delivery - 1000 letterboxes
- Letterbox drop - 8507 households
- Eastlands Billboard
- Eastern Shore Sun advertising
- The Mercury Newspaper advertising
- Social media promotion

The Appendix contains the full details of promotional materials including letterbox & flyer delivery map



Background to the engagement *cont.*

PARTICIPANT PROFILE

- Using the latest-release Australian Bureau of Statistics (ABS) Census data, an initial demographic profile of the CCC LGA was developed. The ABS data for the CCC LGA provides insight into dominant demographic data that provided guidance in how to ensure a comprehensive sample of the population had the opportunity to engage in the process. This also ensured where over-sampling of a particular demographic occurred, both weighted and unweighted data could be analysed. This is considered a best-practice approach in ensuring all members of the community have a voice in decision-making.
- This section provides an overview of the demographic profile of participants specifically in the survey. The profile of participants in the qualitative element of the engagement were not recorded.







AGE & GENDER

Total Population TASMANIA		Local Gov. Area CLARENCE	Statistical Area Level (SA2) BELLERIVE - ROSNY	Survey Area (=n 302)
Male	<div></div> 49%	49%	48%	40%
Female	<div></div> 51%	51%	52%	60%
<25 years	<div></div> 28%	27%	23%	7%
25-34 years	<div></div> 14%	14%	14%	12%
35-44 years	<div></div> 12%	13%	13%	23%
45-54 years	<div></div> 13%	12%	12%	18%
55-64 years	<div></div> 14%	13%	14%	22%
65+ years	<div></div> 21%	21%	25%	18%

Source: ABS – 2021 Census
Note: Insufficient sample for Gender analysis beyond Male and Female






Background to the engagement *cont.*

LEVEL OF HIGHEST EDUCATIONAL ATTAINMENT - 15 years and over

Total Population TASMANIA		Local Gov. Area CLARENCE	Statistical Area Level (SA2) BELLERIVE - ROSNY	Survey Area (=n 302)
Bachelor Degree and above	 22%	26%	35%	50%
Diploma/ certificate	 27%	27%	24%	24%
Year 12	 12%	13%	12%	11%
Year 10	 16%	15%	12%	10%
Other	 16%	13%	11%	5%
Not Stated	 8%	6%	6%	2%

Source(s): ABS – 2021 Census

DWELLING TENURE - Occupied private dwellings (excl. visitor only and other non-classifiable households)

Total Population TASMANIA		Local Gov. Area CLARENCE	Statistical Area Level (SA2) BELLERIVE - ROSNY	Survey Area (=n 302)
Owned outright	 37%	37%	43%	36%
Owned with a mortgage (a)	 33%	37%	27%	46%
Rented	 26%	23%	28%	9%
Other	 2%	2%	1%	9%
Not Stated	 2%	1%	1%	0%

Source(s): ABS – 2021 Census

Background to the engagement *cont.*

HIGH COMPLETION RATE WITH MAJORITY OF DROPOUT OCCURRING ON DESIGN RELATED QUESTIONS IN CONCEPT TEST

- Only a handful of responses exiting at demographics questions, with no clear point of rejection (i.e. level of education, employment or household situation, etc.)
- Average length of interview above stated estimate – impacted by significant engaged feedback in open ended responses

SURVEY KEY PERFORMANCE INDICATORS

Sections		Dropouts	% Loss
Part A	Demographics	-12	3%
	Explanation of Design Remit	-8	2%
	Design Concept Test	-42	11%
Part B	Open Ended Responses	-11	3%

TOTAL RESPONSES

375

TOTAL COMPLETES

302

AVERAGE LENGTH
OF INTERVIEW (LOI)

~15 MINS

COMPLETION RATE

81%

Background to the engagement *cont.*

WEIGHTED & UNWEIGHTED DATA PROFILE

- Data in this report is shown as both unweighted and weighted, however the overall interpretation of the design change in this instance is unchanged.
- Observed shifts suggest the unweighted data is the more conservative or 'negative' view, when accounting for over-representation of older and female respondents compared with both national, state and LGA demographics.
- Weighting to reflect the statistical composition of the whole CCC LGA was carried out utilising the Clarence LGA split on gender and age from the 2021 Census compiled by the ABS.
- The survey received a range of responses across gender and age spectrum (*see Figure 1*)
- Due to scale, response and catchment biases data does not fall out exactly as per the local population (*see Figure 2*)
- To make the data better represent the views of the whole Clarence community, some responses need to be 'weighted', this is a process known as raking which is popularly applied across the vast majority of research, polls, etc.
- In this example it results in 1 Younger Male being up-weighted to account for the 2 that should be found in the population, while the 5 Older Females would need to be down-weighted down to 3 to improve representation.
- Importantly, this does not remove any individual responses, just accounts for their representation as part of the population in the combined results.
- Also, it is important to note that in cases of no or insufficient sample, for example gender beyond binary, data cannot be effectively weighted.

WEIGHTING APPROACH

How weighting works - a simple example with 20 people is explored in the tables below:

Figure 1. Survey Responses				
		Gender		
		Male	Female	Other
Age	Younger	1	3	1
	Middle	1	4	1
	Older	4	5	0

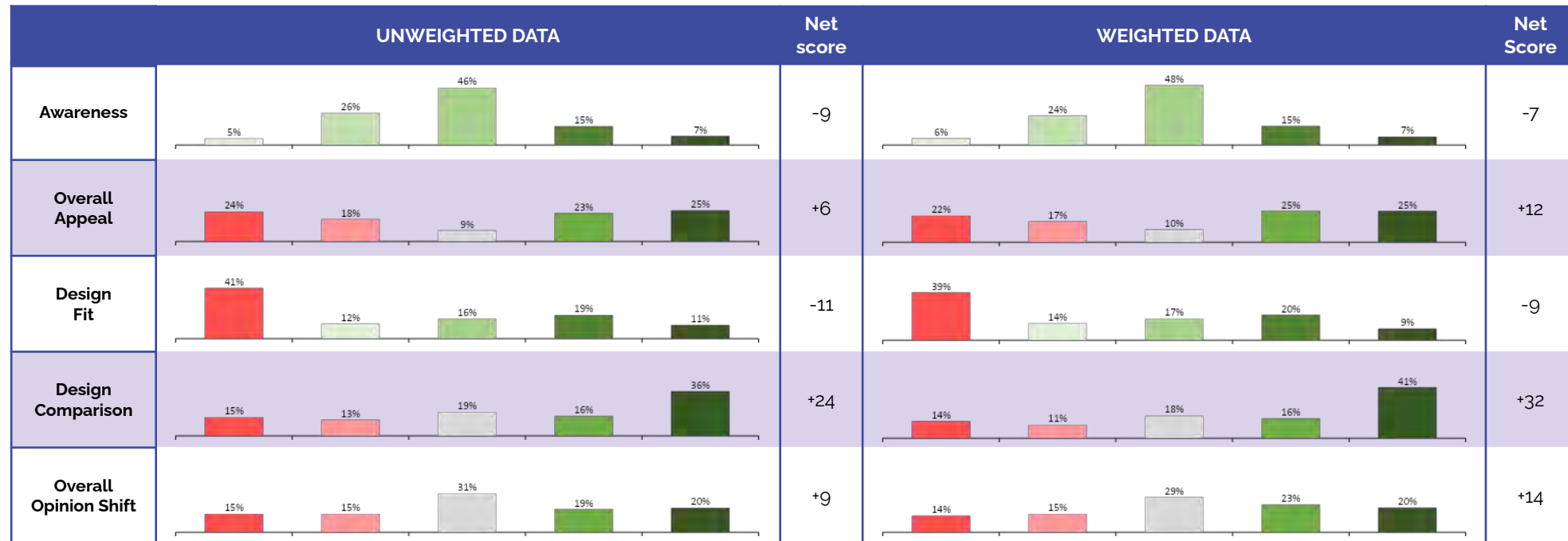
Figure 2. Local Population				
		Gender		
		Male	Female	Other
Age	Younger	2	2	1
	Middle	3	3	2
	Older	3	3	1

Background to the engagement *cont.*

RESULTS WEIGHTED AND UNWEIGHTED

- Overall results remains the same regardless of unweighted or weighted responses
- Overall positive skew on Design Comparison a signal of designs positive overall performance

SUMMARY DESIGN PERFORMANCE METRICS (n=302)



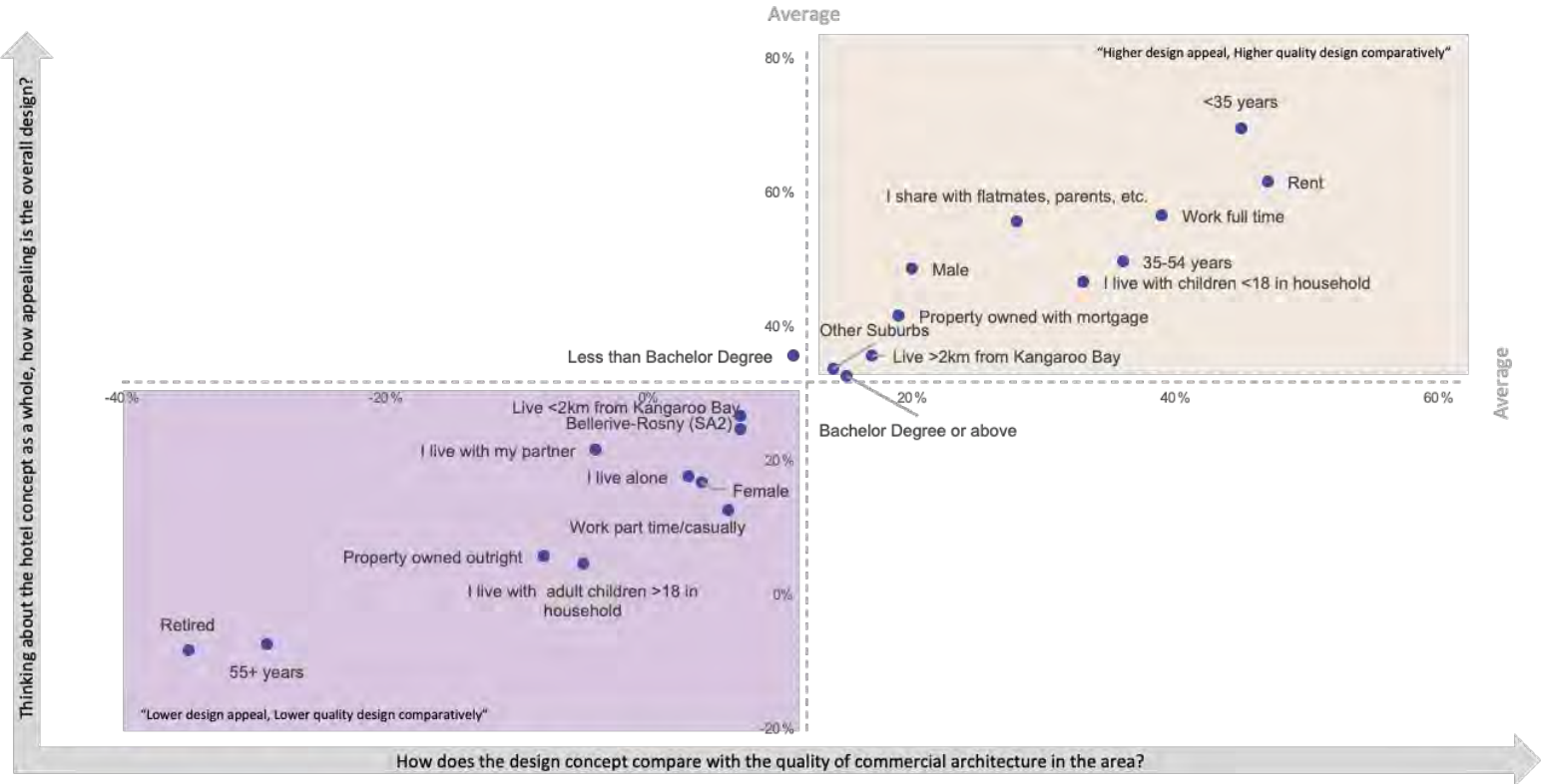
Note: Data weighted based on Gender and Age as per Clarence LGA data from Australian Bureau of Statistics (ABS)

Background to the engagement *cont.*

STRONGEST APPEAL AMONGST THOSE <35, WORKING FULL TIME & RENTING IN CLARENCE LGA

- Lowest design appeal amongst those Clarence LGA residents who are retired, 55+ and with property owned outright
- Bellerive-Rosny SA2 only slightly below average LGA levels

DESIGN PERFORMANCE X SUB GROUPS (n=302)



Question(s): Thinking about the hotel concept as a whole, how appealing is the overall design? How does the design concept compare with the quality of commercial architecture in the area?

Sample(s): Retired (n=56) | 55+ years (n=114) | Property owned outright (n=106) | I live with adult children >18 in household (n=42) | I live with my partner (n=89) | I live alone (n=28*) | Female (n=171) | Work part time/casually (n=62) | Bellerive-Rosny (SA2) (n=54) | Live <2km from Kangaroo Bay (n=71) | Less than Bachelor Degree (n=129) | Other Suburbs (n=230) | Bachelor Degree or above (n=146) | Live >2km from Kangaroo Bay (n=204) | Property owned with mortgage (n=134) | Male (n=113) | I share with flatmates, parents, etc. (n=32*) | I live with children <18 in household (n=93) | 35-54 years (n=116) | Work full time (n=133) | <35 years (n=55) | Rent (n=26*) * Low Sample – Indicative only

An architectural rendering of a modern building complex at dusk. The scene features a multi-story building with a prominent curved glass facade and dark, vertical slatted panels. A lower section of the building has a light-colored, textured facade. In the foreground, there is a paved plaza with a curved path, a small landscaped area with greenery, and a few people walking. To the right, a grassy area with a tree and more people is visible. In the background, a body of water with many sailboats is seen under a cloudy sky. A large blue circular graphic element is overlaid on the left side of the image.

SECTION 3

Qualitative & Quantitative Data Summary



Qualitative and Quantitative Data Summary

This section of the report provides a summary of the results of the survey and qualitative engagement activities across the key areas of design. A more detailed analysis of this is available in the Appendix and is presented in both unweighted and weighted formats.

The analysis of the survey data demonstrates a high level of appeal of the Hotel Concept Design, albeit with a range of ideas and input that would contribute to enhancing the design. This is in line with the feedback during the forums and walk-through sessions, with many people generally liking the designs and overall appeal of aspects such as food and beverage, the boardwalk, permeability and connectivity.

Engagement levels were high in presentations and discussions about the concept designs and there was a level of enthusiasm in the forums and walkthroughs to offer ideas and suggestions for improvement. A number of comments are summarised in this section in addition to the survey data.

As discussed in the opening summary and provided in the data presented in this section, there are segments of the community who have strong alignment or strong dislike of the Hotel Concept Designs based on trends from the demographic profile:

- The trend of people aged 35 – 54 as more likely to have a positive sentiment across the elements of the concept designs tested and people aged over 55 and living within 2 kms of Kangaroo Bay having the highest rate of negative sentiment across the elements of concept designs tested.

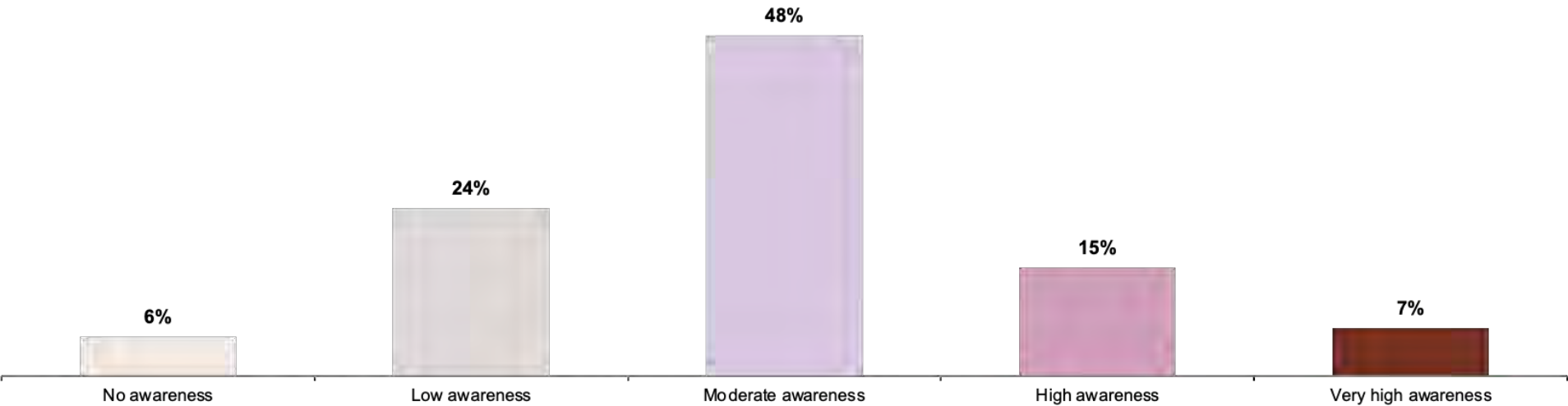
Another element of interest that emerged through the engagement process is the high number of participants who engaged based on promotion through social media who otherwise had low or no awareness of the project. Data demonstrates only 7% of Clarence LGA has a very high level of awareness of the proposed project/design and only 15% with high awareness. While there has been much interest and activity by those with high awareness, this is a small proportion of the overall community. Almost a third of those in Clarence LGA have low or no awareness of the proposed Kangaroo Bay Hotel project.

Qualitative and Quantitative Data Summary *cont.*

AWARENESS OF PROPOSED DESIGN

- Almost a third of those in Clarence LGA have low or no awareness of the proposed Kangaroo Bay Hotel project
- Qualitative observations indicate awareness spread across historical hotel designs

AWARENESS Total (n=302)



Question(s): How much awareness would you say you have of the proposed Kangaroo Bay Hotel design?

Note: Weighted data

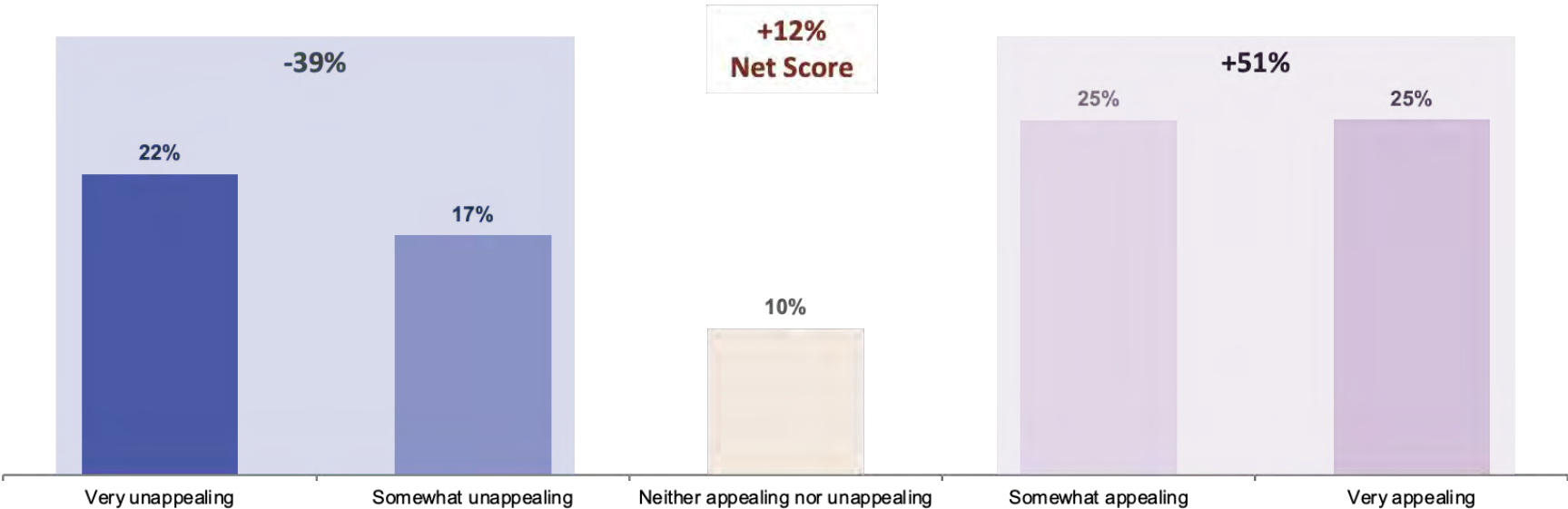
Qualitative and Quantitative Data Summary *cont.*

OVERALL SENTIMENT ON THE DESIGN

The quantitative and qualitative input to the concept designs highlights a more positive than negative result in the appeal for the overall hotel design displayed in the concept drawings. A small proportion of ~10% remain 'on the fence'.

When assessing positive appeal against the demographic profile, there are similar appeals for the under 35's and the 35-54 aged cohort. Male participants were more positive than females. The main profile for participants who rated the concept design as very unappealing/somewhat unappealing were over 55 living within 2km of Kangaroo Bay.

OVERALL DESIGN APPEAL (WEIGHTED) Total (n=302)



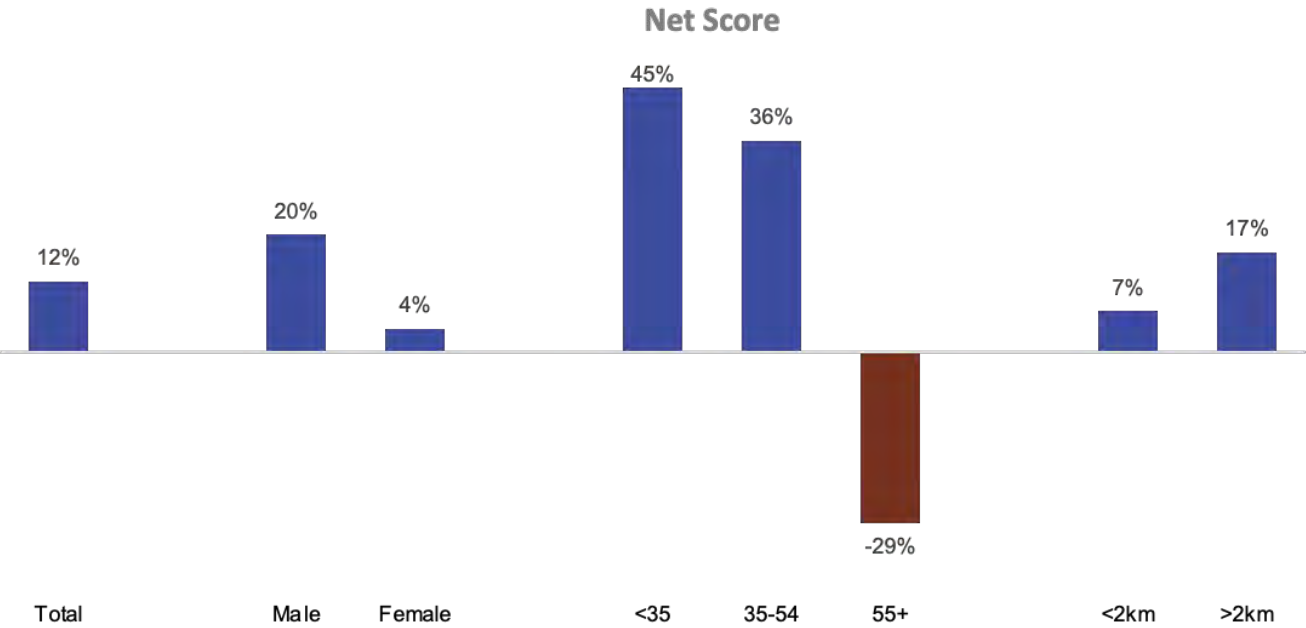
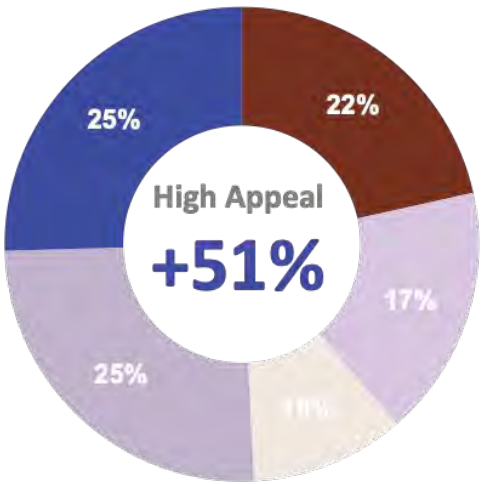
Question(s): Thinking about the hotel concept as a whole, how appealing is the overall design?

Note: Weighted data | Net Score = Somewhat-to-Very Appealing – Somewhat-to-Very unappealing

Qualitative and Quantitative Data Summary *cont.*

OVERALL DESIGN APPEAL x KEY SUB GROUPS Total (n=302)

Total (n=302) Male (n=115) Female (n=174) <35 years (n=59) 35-54 (n=123) 55+ (n=120)
<2km (n=78) >2km (n=210))



Very appealing Somewhat appealing Neither appealing nor unappealing Somewhat unappealing Very unappealing

Question(s): Thinking about the hotel concept as a whole, how appealing is the overall design?

Note: Weighted data | Net Score = Somewhat-to-Very Appealing – Somewhat-to-Very unappealing

Qualitative and Quantitative Data Summary *cont.*

KEY THEMES - GENERAL COMMENTS AND FEEDBACK - Total sample (n=122)

Qualitatively, across the forums, walk-throughs and direct conversations, a number of common themes/comments and questions were captured. The quotes below are a sample of the themes expressed through a range of qualitative engagements across a range of people.

"Love the promenade but will it be safe for cyclists"	"If you could just make it one floor lower....."	"What colour will the roof be?"	"It's a bit blocky looking, can it be broken up at all."	"I really like the design and the access to restaurants and conference area, have you had any conversations with the Rosny Hill Hotel developers so as not to duplicate?"
"Have you through about the risk of graffiti and how you will mitigate that"	"If you could just make it two floors lower...."	"What will be on the roof – will there be any mechanical equipment?"	"The design does not connect with the history of the area or the history of the site itself"	"Thinking about the village feel of the area, this is a major bulk coming onto landscape."
"It looks great, how will you ensure safety after dark? "	"Parking is already a big problem in Bellerive, will you be have enough parking? "	"Would love to see green, open space on the roof."	"What consideration is there for the Aboriginal history of the site?"	"there will never be enough parking because parking is an issue for the area and this will just contribute to more problems."
"Have you thought about staggering the height so provide some more view."	"Does it have full accessibility access in all the public areas?"	"Will you put something around the edge of the promenade so people don't fall in?"	"What will be the traffic impact, has a traffic impact assessment been undertaken?"	"This is a massive improvement on the previous design.....removing the wall and opening up the green, public space is so much better."
"The foot-traffic flow along Cambridge Rd may impact access to the greenspace"	"Just get on with it, the design is great, now build it."	"The connection to Bellerive and Rosny is good"	"What will you do to address sound management, including towards the marina as well as Cambridge."	"You can't legislate for a view, this interrupts my current view, but I'm ok with that, I want to see a hotel go ahead on this site"

Question(s): Please provide any feedback relating specifically to the ...

Beyond the overall concept designs, key themes relating to jobs, tourism and helping to stimulate the local economy were raised by participants.

Qualitative and Quantitative Data Summary *cont.*

KEY THEMES - JOBS AND TOURISM HELPING TO STIMULATE THE LOCAL ECONOMY

Beyond hotel concept, community see a range of potential uses for the site

PERCEIVED COMMUNITY BENEFITS - Total sample (n=122)

"Creation of jobs"	"Increased tourism"	"I expect it would increase business for the local business."	"I believe that including this development will create a cultural hub for the Bellerive key [sic] and eastern shore areas."	"I really can't see any benefits to the local community. The community currently has much of the services they need. It may benefit those from overseas maybe?"
"Employment"	"More tourists visiting the area contributing to the local economy"	"Could be good for local businesses"	"Connectivity between Rosny & Bellerive Bluff area"	"I have doubts the area will be able to be used and enjoyed by the local community"
"Employment only."	"Increased tourism and appreciation of the Eastern shore."	"Increased economic activity, which in turn will bring more choice and better services for residents."	"Attract more patronage on ferry connecting to Hobart."	"An amphitheatre, museum, arts centre, aquatic park or something would make a huge difference to community usage/benefit"
"Employment for the young people in our community"	"...give people a reason to visit Clarence."	"Might force the rest of the foreshore area to modernize and decent business to open."	"Increased use of the ferry which may result in more availability of it (although need to increase parking)."	"People who already live there will not use a hotel. Will only benefit people not from the area."
"Jobs, better public infrastructure"	"...be good accommodation close by for those attending Blundstone Arena events"	"More choices with respect to eating out..."	"A waterfront vibrancy similar to the city"	"There really isn't any..."

Question(s): What benefit(s) might you see the proposed hotel concept have on the local community?

Qualitative and Quantitative Data Summary *cont.*

REASONS FOR OVERALL DESIGN APPEAL (OE) Total (n=302)

The survey also provided an opportunity for participants to provide reasons for their view on the overall design appeal, across a scale from very appealing to very unappealing. The comments from the survey are also closely aligned with the comments recorded through the forums and walk-throughs.

Very appealing	Somewhat appealing	Neither appealing or unappealing	Somewhat unappealing	Very unappealing
"Unobtrusive, modern but not clinical"	"It has riverside/bayside public access and the hideously designed hospitality school has been deleted from the original plan"	"While it's not overtly intrusive, and includes area for locals...not sure if the whole concept is a good idea"	"I think that the proposed development is too high and will impede the views of those that live in the area"	"I don't think any hotel development should be built on Kangaroo Bay."
"I think it's a beautiful design, just not right for the area"	"Looks good but doesn't fit entirely with the surrounds."	"It is a very simple design that follows the curvature of the shoreline is not at all subtle to the foreshore and yet no where near as eye sore as the original concept"	"Design looks too high relative to the current buildings along the foreshore..."	"I would prefer to see something designed for locals, rather than tourism"
"The design appears to allow access to pedestrians, cyclists etc and has deleted the hideously designed hospitality school from the original proposal."	"Modern - aesthetically appealing - perhaps a little too high .."	"Personally I don't think we need something like that there. It's so nice as it already is."	"It obstructs views of the mountain and river from the shore"	"I would prefer a more humble design with greater emphasis on parklands for the local community."
"Not fortressed off from the public both physically and visually. "	"I feel it is one storey too high, obliterating the view from Cambridge Road to the water"	"Would look better somewhere else."	"It obstructs views of the mountain and river from the shore"	"Too big, too imposing, too modern, blocking views to the water and ruining the feeling of this historic area."
"I love the design of it, I find a lot of hotels in the city are very blocky (quite ugly in my opinion), often looks like it was carved from a slab of cement..."	"The unusual shape is good, as is the walkthrough from street to shore...I am worried that...closeness to the water will prevent outdoor eating/bar possibilities"	"It's hard as it would take away a lot from Kangaroo Bay"	"Opportunity for an iconic building with visionary architecture as can be seen in other cities."	"Too tall. Too bulky. Colours unsuitable for local environment. Plethora of hard surfaces."
"A lovely modern hotel is much better than a gravel pit"	"Looks well designed by the photos but would need to understand more about the design"	"I just believe that this new structure will block too many people's views and take away from the waterfront."	"There is no wow factor"	"Sorry, but anything high-rise is inappropriate in this area"
"The proposed building looks great. It's a great location. I don't have much faith in the developer though."	"It's not a revolutionary structure. The location is so prime it deserves a building that draws people to it other than it's facilities"	"I am concerned it will only be for the privileged few."	"Not inclusive. Only the few that can afford the luxury can use it"	"It's way too big and not enough public use. The public will miss out big time."

Question(s): Please briefly explain your reason(s) for this response:

Qualitative and Quantitative Data Summary *cont.*

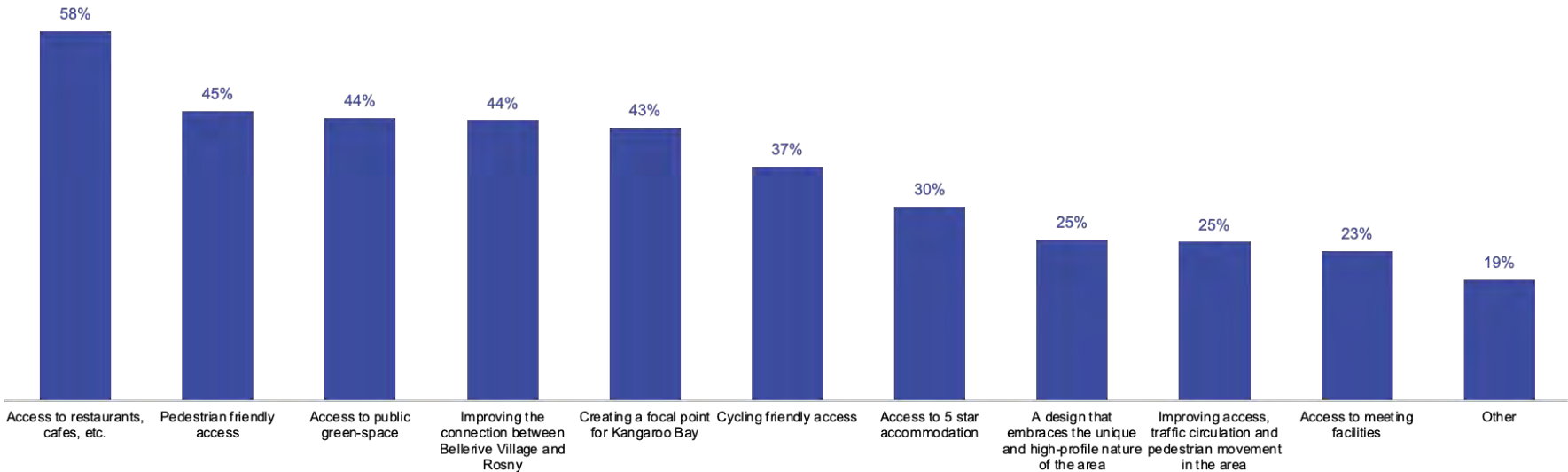
KEY THEMES - FOOD & BEVERAGE, PEDESTRIAN AND GREEN-SPACE ACCESS THE TOP ELEMENTS OF APPEAL

Followed by key outcomes on 'improving connection' and 'creating a focal point'

Almost 1 in 3 note access to 5 star accommodation as one of the most appealing elements of concept

When asked which elements of the design participants found most appealing, the data presented below summarises the feedback received through the survey and face-to-face options. Food and beverage, pedestrian and green-space access were highest ranked. Followed by key outcomes on 'improving connection' and 'creating a focal point'. A third cite access to 5 star accommodation.

ELEMENTS OF APPEAL - Total sample (n=302)



Question(s): What are the most appealing design elements of the hotel concept design?

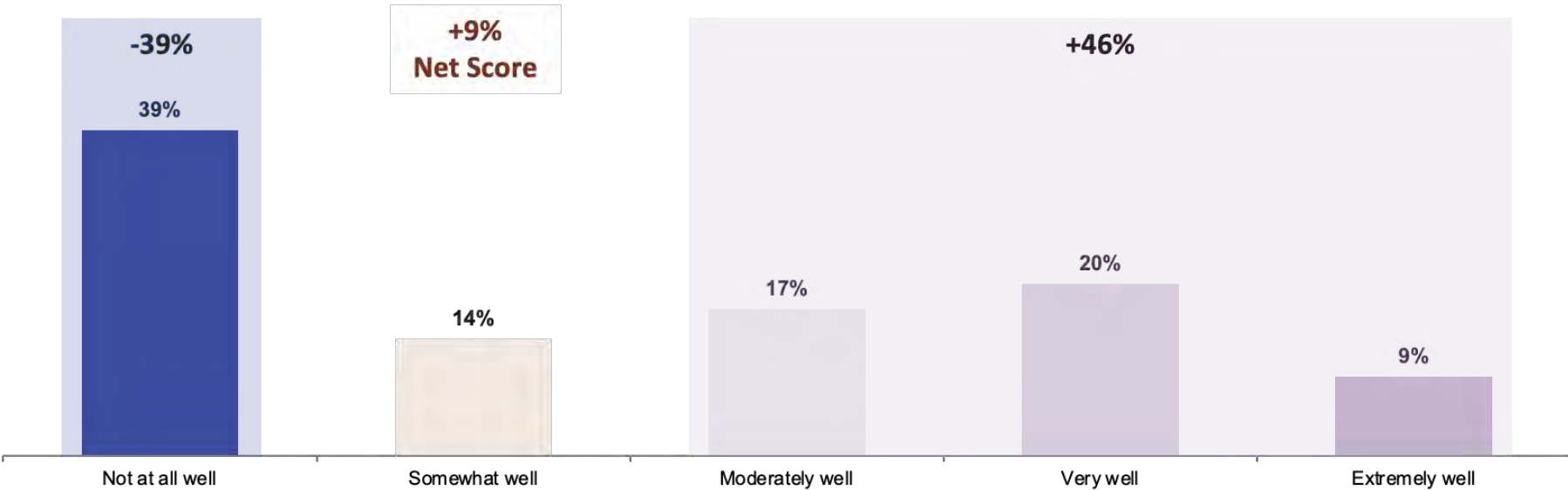
Note: Weighted data

Qualitative and Quantitative Data Summary *cont.*

DESIGN FIT TO THE LOCATION

When asked about how well the concept designs fitted to the location, 46% rated the designs as fitting moderately, very well or extremely well. Almost 60% indicating design is 'somewhat-to-extremely well' aligned to location. 41% did not feel the concept design fitted well and aligned to the location. Males and those aged 35-54 were most likely to rate the design as a good fit. Those 55+ and within 2km of Kangaroo Bay were most likely to dislike the design relative to the alignment with the location.

DESIGN FIT - Total (n=302)



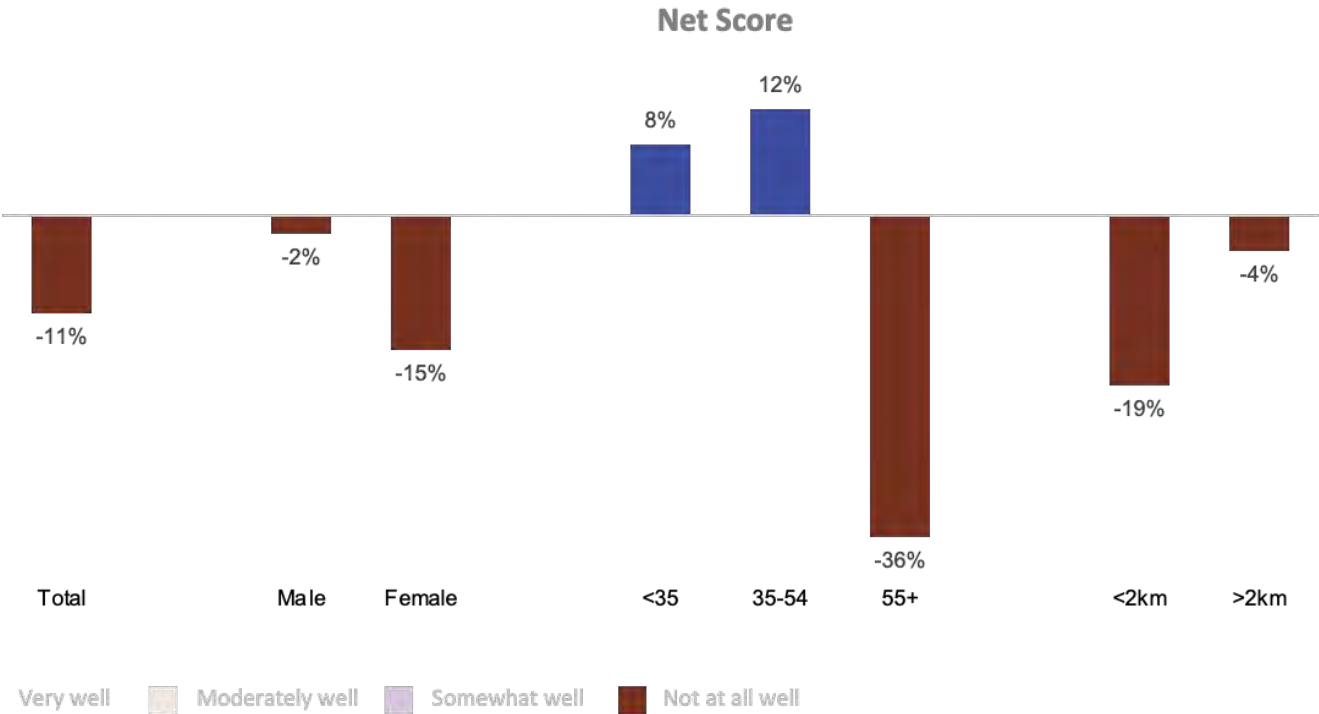
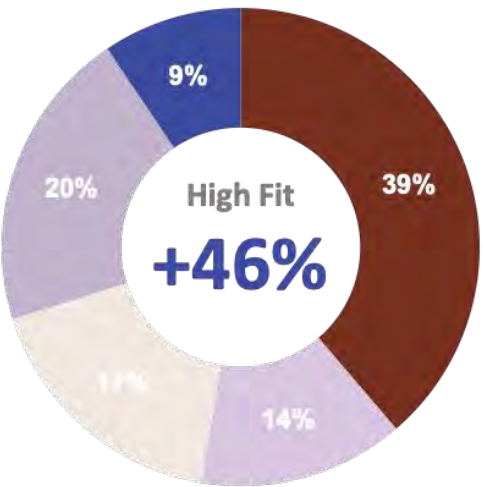
Question(s): How does the proposed hotel fit within the location? (i.e. connected to place, water, surrounds, etc.)

Note(s): Weighted data | Net = Extremely-to-very well – Not at all well

Qualitative and Quantitative Data Summary *cont.*

DESIGN FIT X KEY SUBGROUPS

Total (n=302) Male (n=115) Female (n=174) <35 years (n=59) 35-54 (n=123) 55+ (n=120) <2km (n=78)
>2km (n=210)



Question(s): How does the proposed hotel fit within the location? (i.e. connected to place, water, surrounds, etc.)

Note(s): Weighted data | Net = Extremely-to-very well – Not at all well

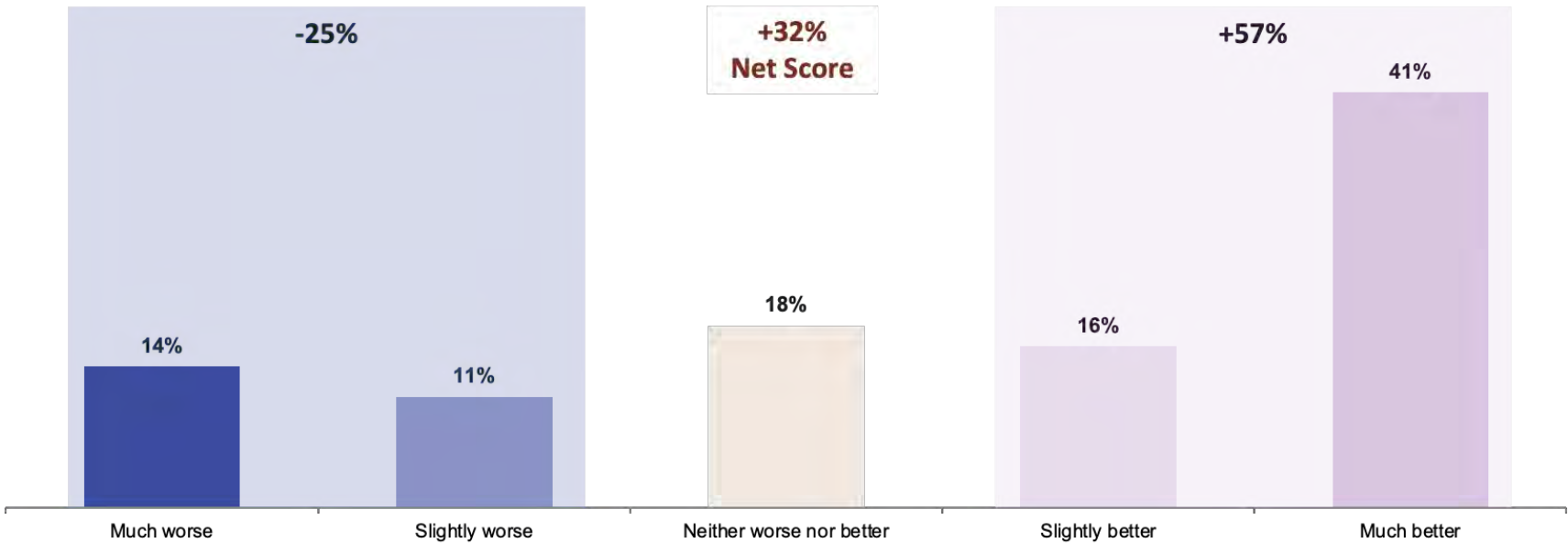
Qualitative and Quantitative Data Summary *cont.*

CONCEPT DESIGN COMPARED TO EXISTING COMMERCIAL ARCHITECTURE IN THE LOCATION.

Regardless of the view of the design, there is an overwhelmingly positive sentiment that the proposed Kangaroo Bay concept design is superior to the existing commercial architecture in the Bellerive Village. Over a third indicating the design is 'much better' than the quality of commercial architecture in the area –

exceeding 50% on top 2 basis, however, a reasonable proportion (19%) are 'on the fence' (i.e. neither worse or better). Those within 2km of Kangaroo Bay site with much more positive outlook when compared to established commercial architecture. The most positive response to this question is from the younger cohorts.

DESIGN COMPARISON - Total (n=302)



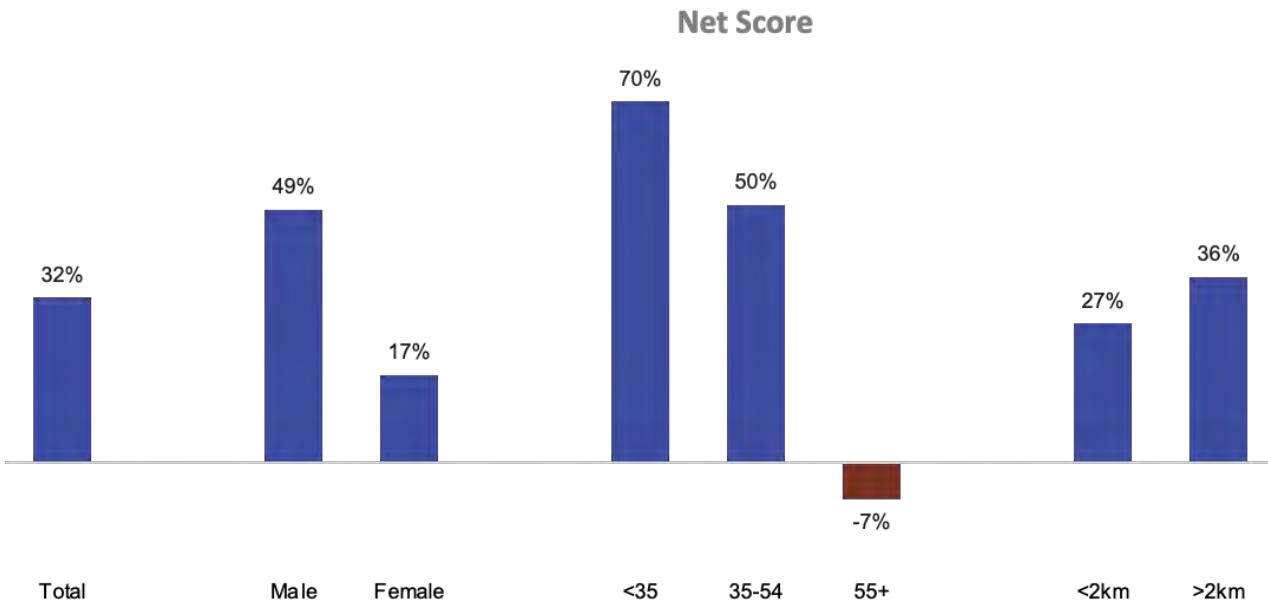
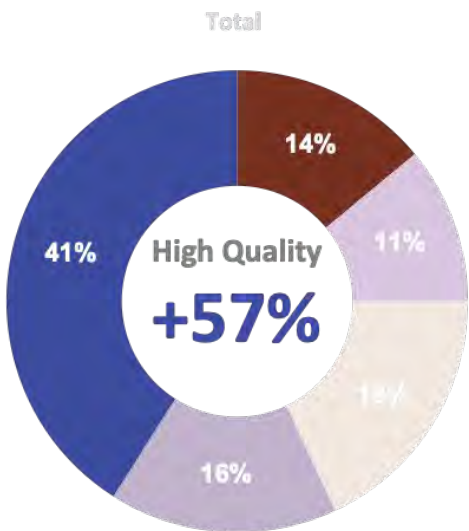
Question(s): How does the design concept compare with the quality of commercial architecture in the area? (e.g. shops, offices, shopping centres, schools, venues, etc.)

Note: Weighted data | Net Score = Slightly-to-much better – Slightly-to-much worse

Qualitative and Quantitative Data Summary *cont.*

DESIGN COMPARISON x SUBGROUPS

Total (n=302) Male (n=115) Female (n=174) <35 years (n=59) 35-54 (n=123) 55+ (n=120) <2km (n=78)
>2km (n=210)



■ Much better ■ Slightly better ■ Neither worse nor better ■ Slightly worse ■ Much worse

Question(s): How does the design concept compare with the quality of commercial architecture in the area? (e.g. shops, offices, shopping centres, schools, venues, etc.)

Note: Weighted data | Net Score = Slightly-to-much better – Slightly-to-much worse



3P ADVISORY
PEOPLE • PLACE • PURPOSE

Thank You

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Kangaroo Bay Wharf Site Consultation

Workshop Presentation

6 February 2023

Contents

- Project background
- Methodology
- Survey results
- Consultation summary



Background

BACKGROUND (from Your Say)

The development of Kangaroo Bay is of strong interest to many in the Clarence community and the following notice of motion details the intent to gain community feedback to help inform council as they assess the future of this important site.

At its meeting on 23 January 2023 Council resolved:

“That during January / February 2023, council, through its “have your say” program conducts independent consultation on questions surrounding the Kangaroo Bay Hotel Development, to provide further community insight to help inform council as it assesses the future of this important site.”

We are interested in your opinions and encourage you to complete the short 2-minute survey below. This survey will be live for 4 weeks until 23 February 2023.

One of the questions relates to our City Heart project which is a plan to bring together Rosny Park, Kangaroo Bay and Bellerive Village into a thriving activity centre. You can find out more on the City Heart project page at www.yoursay.ccc.tas.gov.au/cityheart or click [here](#).

We will provide updates and further opportunities to be involved as they arise during 2023 and beyond.

Consultation methodology

Timeframe: 25 January - 23 February 2023

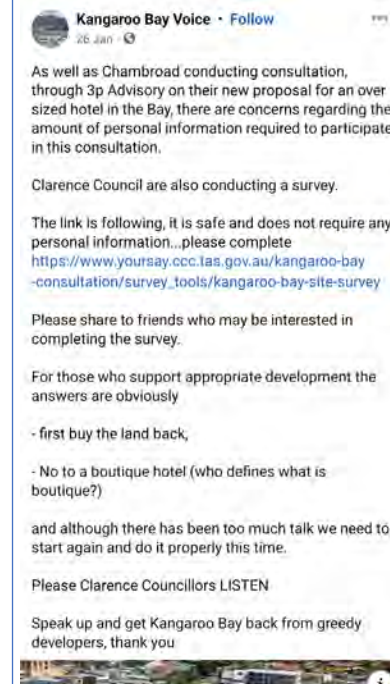
Key consultation activity: Your Say survey online

Responses:

- 1527 completed surveys including one over the phone
- Two email submissions

Promotion:

- Council website
- Weekly Facebook posts and additional final reminder (widely re-shared)



Clarence... a brighter place

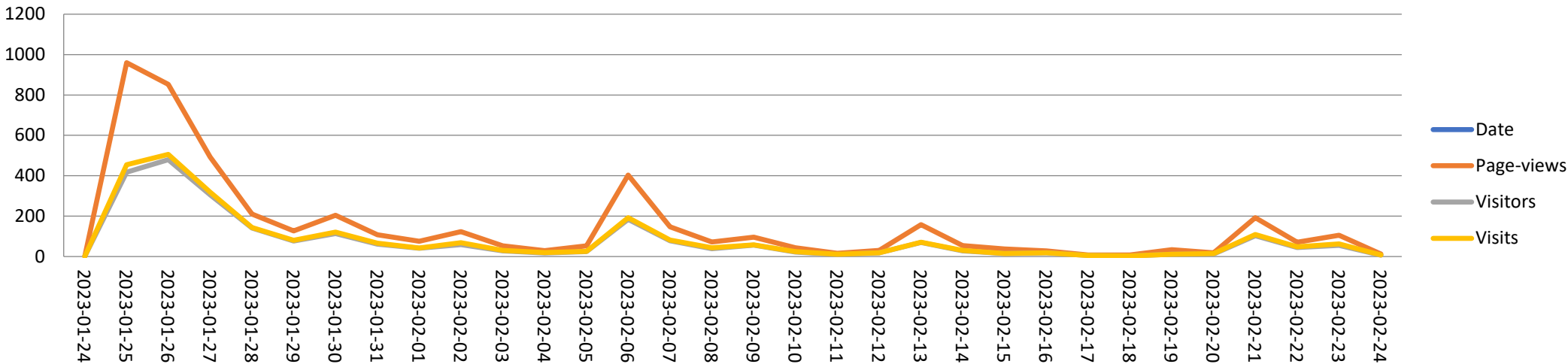
Visitor summary on council Your Say pages

Reach and visits to the consultation pages:

- **Reach:** 19,474 people reached via Facebook
- **Aware:** 2,266 visited at least one page of Your Say
- **Engaged:** 1527 completed surveys

Facebook Post date	Reach	Link clicks
25 Jan	10,387	725
30 Jan	1098	41
2 Feb	1673	21
5 Feb	823	24
9 Feb	2549	28
13 Feb	1655	49
20 Feb	717	5
23 Feb	572	9
	TOTAL = 19474	TOTAL = 902

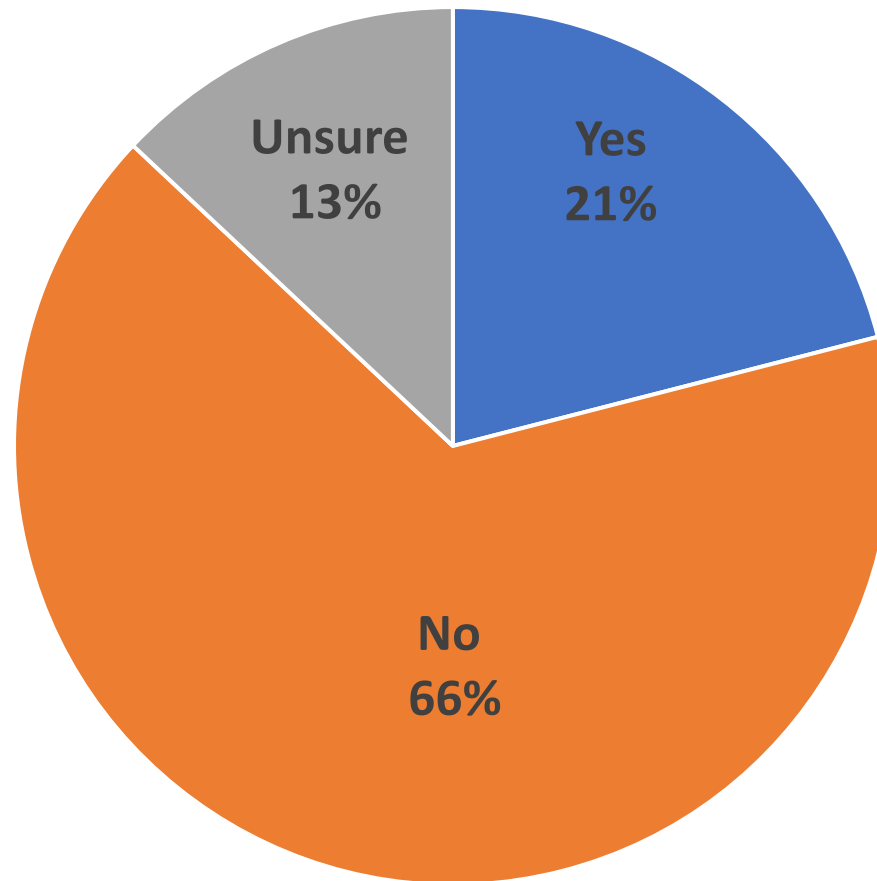
Visitors Summary



Clarence... a brighter place

Low level of support for a Boutique Hotel with over 6 in 10 telling us 'no'

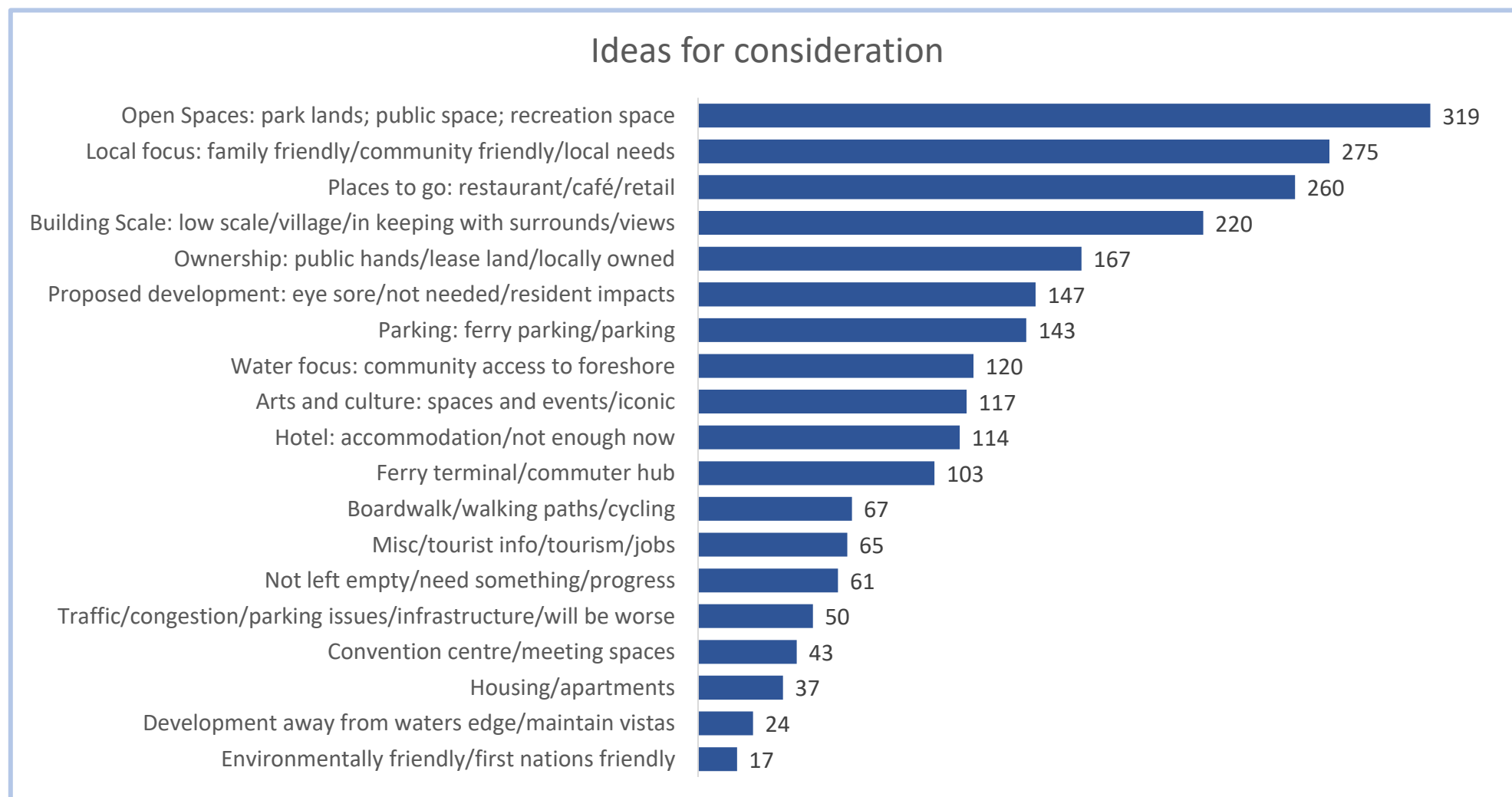
Do you support a boutique hotel development in Kangaroo Bay?



Do you support a boutique hotel development in Kangaroo Bay?		%
Yes	322	21%
No	1007	66%
Unsure	198	13%

Key suggestions included public and open spaces and desire for local needs to be considered for the site

Additionally, food and retail is of interest along with low scale development



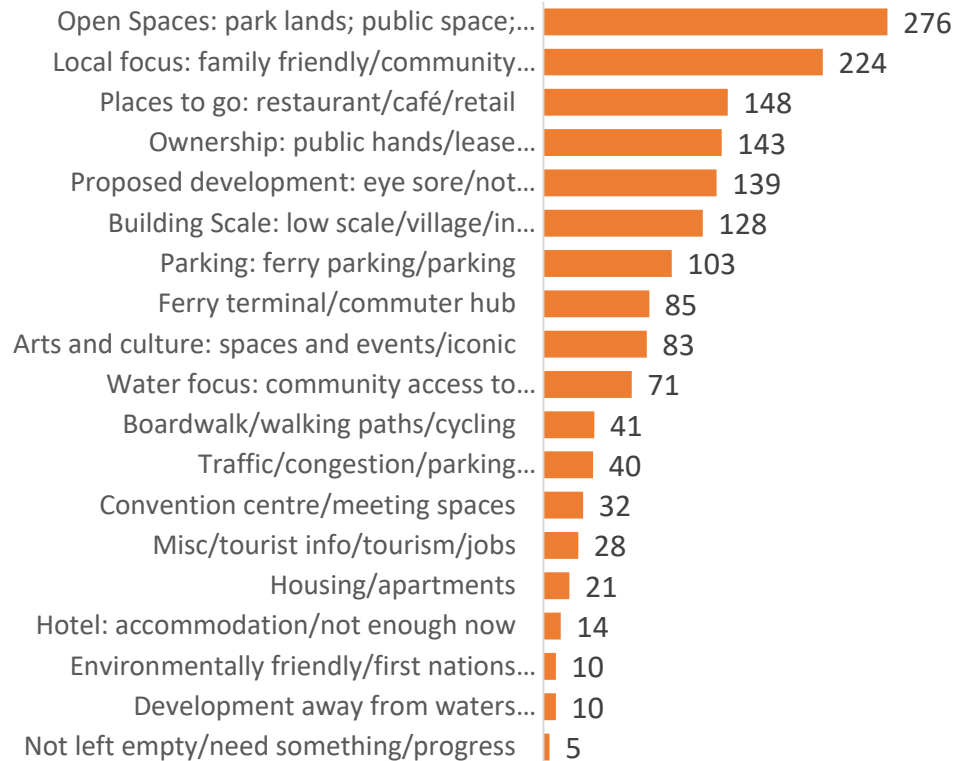
Why and is there anything else you think should be considered by the developers or council for the site?
(asked after Boutique Hotel any support responses)

n=1338 comments with 2352 themes coded

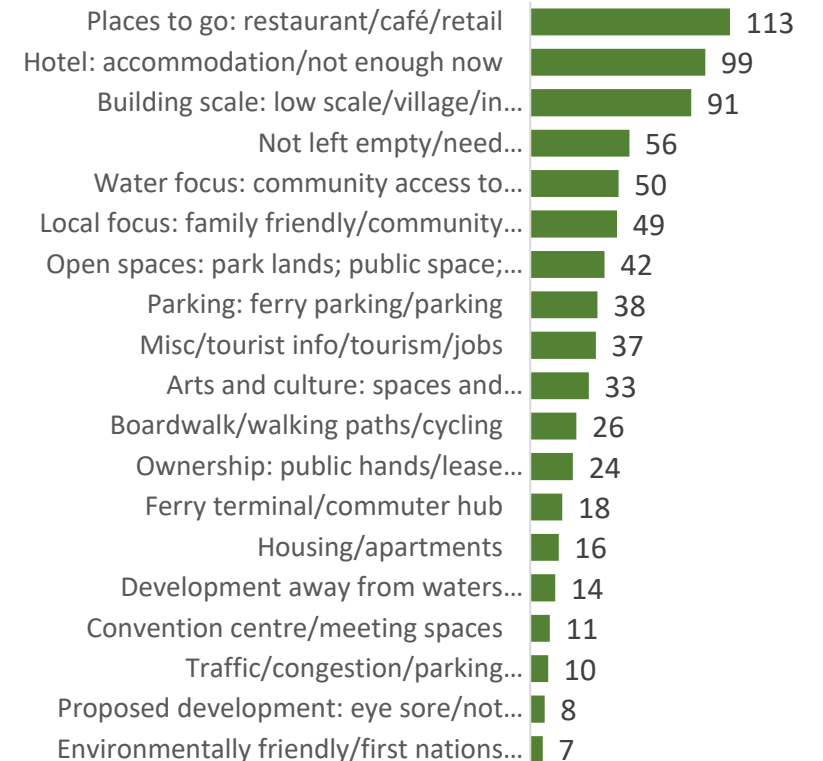
Many suggested mixed uses for the site as their ideal

The 'no' hotel responses have more interest in open space and the 'yes and unsure' group are more concerned that they don't want it left empty in the current state

Ideas for consideration
From the 'no hotel' responses



Ideas for consideration
From the 'yes and unsure' responses



Clarence... a brighter place

Why and is there anything else you think should be considered by the developers or council for the site?

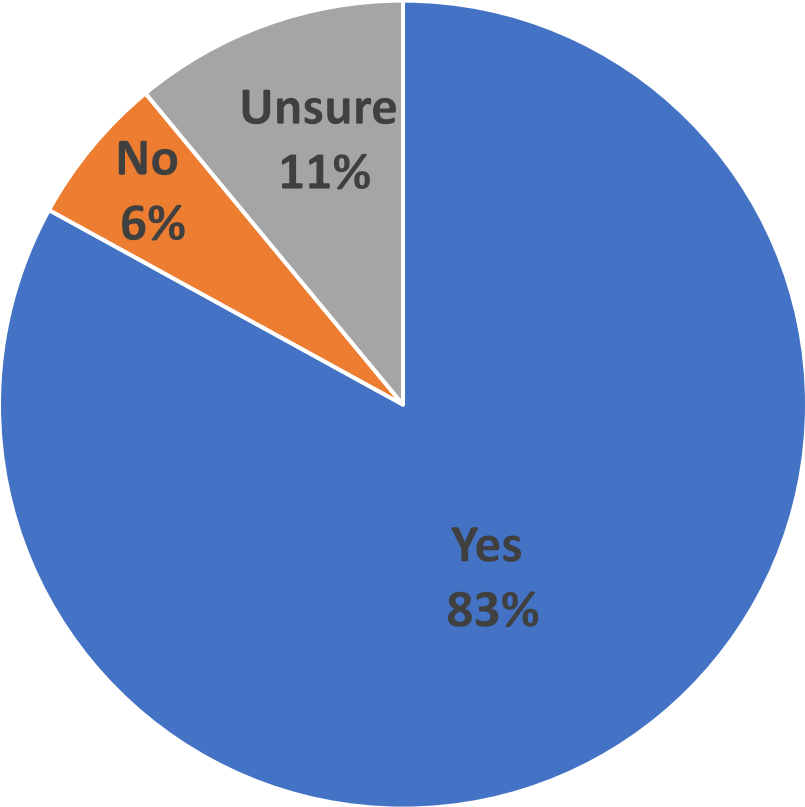
(asked after Boutique Hotel any support responses)

n=1338 comments; n=431 comments (yes/unsure); n=903 (yes)

Strong support for a ‘buy-back’

Notably, there are some (nearly 20%) who support a Boutique hotel but also support a buy-back

Do you support a “buy-back” of the Kangaroo Bay land?



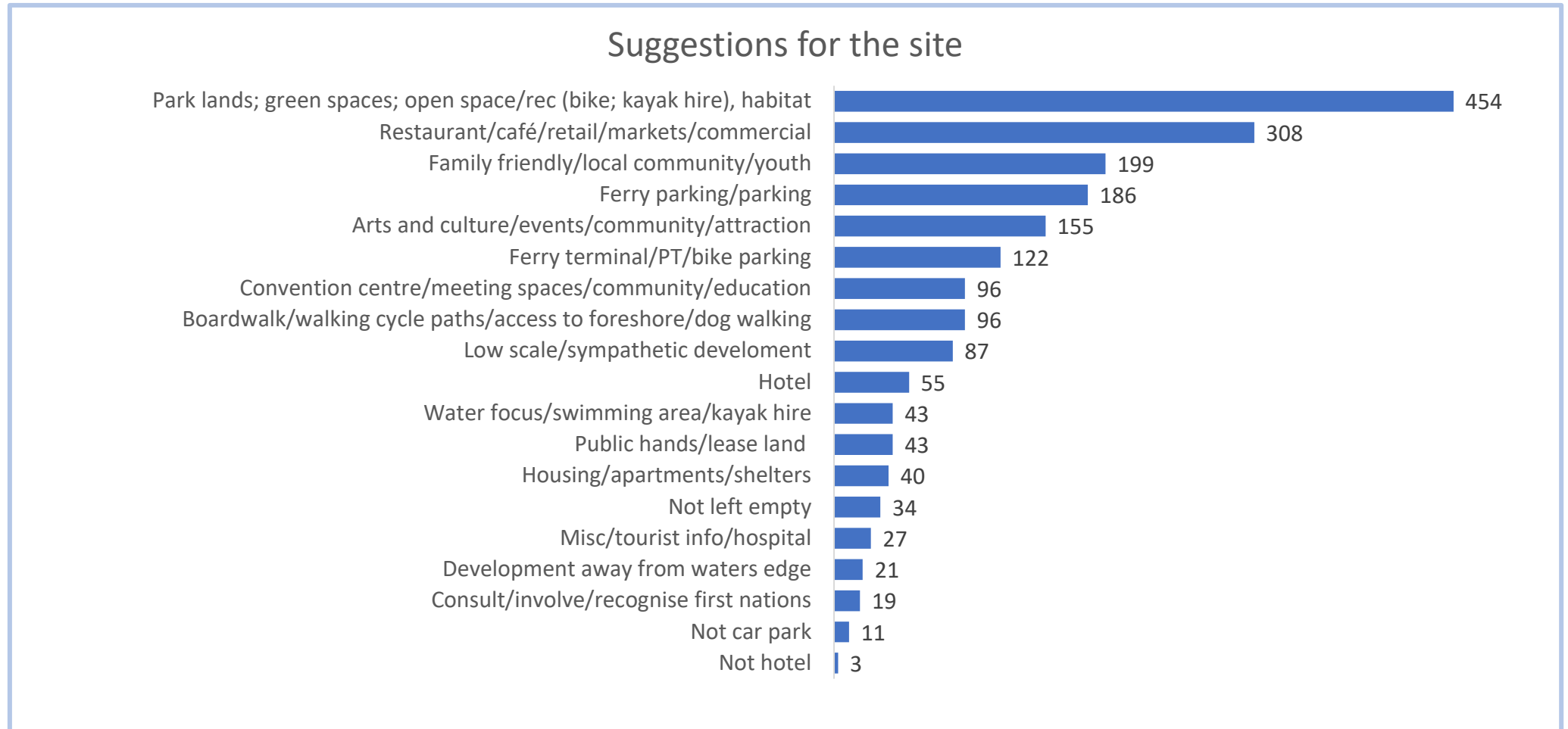
Do you support a “buy-back” of the Kangaroo Bay land?		%
Yes	1266	83%
No	92	6%
Unsure	166	11%



Clarence... a brighter place

Supporters of a buy-back reiterating a desire for a benefit for the local community

Again, green space is strongly supported as are restaurants and shops



What would you propose council utilises the land for?
(asked after buy-back 'yes' responses with 'no' responses asked a different question)

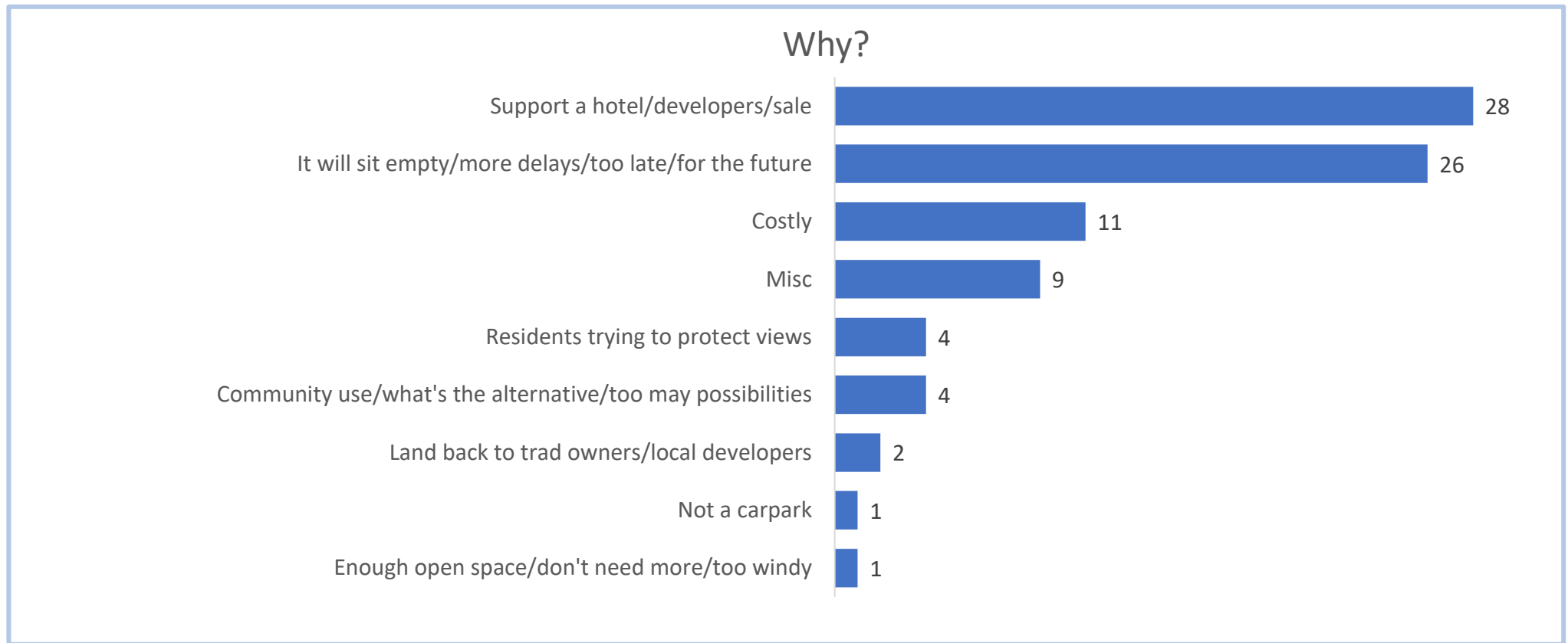
n=1155 comments



Clarence... a brighter place

The reasons given for a 'no' to a buy-back

Some reiterating their support for a hotel and others are more focused on wanting to see an end to the empty space. There were also a few comments of concern around cost to council of a buy back.

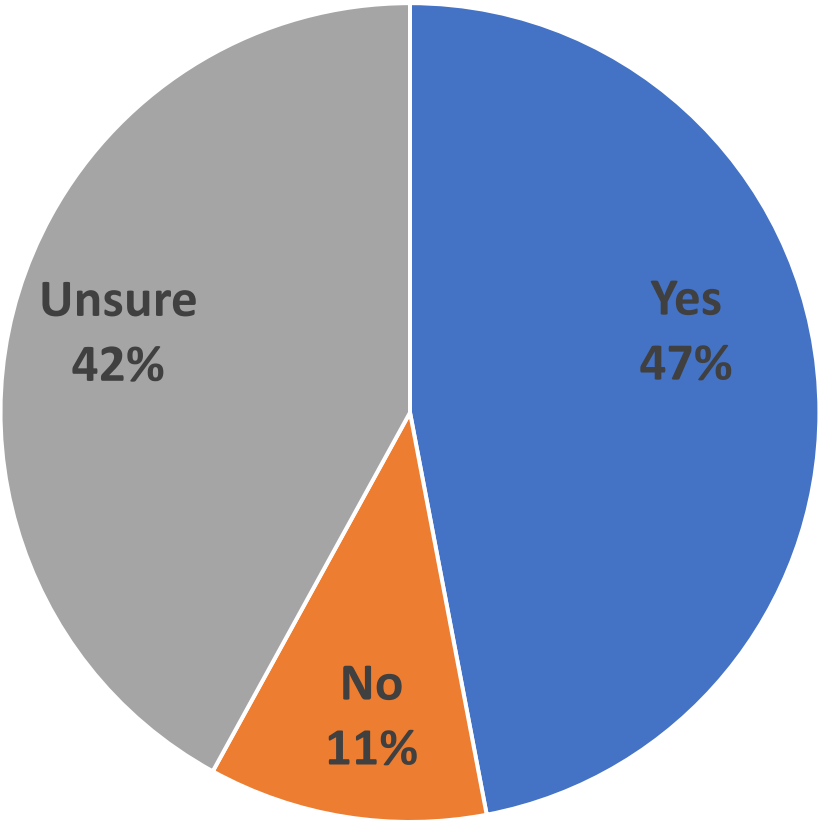


Clarence... a brighter place

Some support for inclusion in City Heart scope. Only 1 in 10 said 'no'.

The high number of 'unsure' responses is likely due to not everyone being aware of this project. The next consultation stage is in March where concepts will be shared. We are planning for high community visibility and many opportunities to engage.

Do you support adding this site into the City Heart project scope?



Do you support adding this site into the City Heart project scope?		%
Yes	714	47%
No	164	11%
Unsure	637	42%



Clarence... a brighter place

Consultation Summary

- Consultation for the Kangaroo Bay site was a short online survey hosted on the council Your Say webpage (www.yoursay.ccc.tas.gov.au/kangaroo-bay-consultation).
- The community and interested parties were asked to comment on questions including use of the site as a Boutique Hotel, opinion on a buy-back and inclusion in the City Heart plan. There were opportunities to share ideas of how the site should be used or provide any thoughts on the site with council and developers.
- There was strong interest in the consultation with n=1527 surveys completed during the four weeks. Facebook was the key awareness building tool and over 19,000 people were reached with our posts during the consultation period.
- Overall the feedback showed a low level of support for a boutique hotel on the site with over 6 in 10 saying 'no' (66%). This was not an entirely unanimous view with nearly one third either unsure or supporting a hotel.
- The position on a buy-back was clearer with 83% of survey responses in favour of this outcome. It is important to note the 20% who are in support of a buy-back and also in support of a boutique hotel.
- There was some support for including the Kangaroo Bay site in the City Heart project (47% yes) and very little opposition to the idea (11% 'no'). The high proportion of unsure (42%) is likely due to this being a new project with the implications of inclusion being unclear.





Community response to the Concept Designs for the proposed Kangaroo Bay Hotel

PRESENTATION	:	CLARENCE COUNCILLORS' WORKSHOP
DATE	:	MONDAY 6 TH MARCH 2023, FINAL
STATUS	:	BRIEFING ON COMMUNITY CONSULTATION REPORT & ARCHITECTURAL RESPONSE

1. We have done what Council asked for

- On 19th December 2022, you asked us to conduct community consultation & provide the architectural response
- 6 of 8 stages of community consultation completed with final 2 stages is currently underway to obtain responses from the modified Hotel design by end of March.

2. We have strong support from both the business & residents in Clarence LGA

- Community Consultation using ABS quantitative approach with qualitative process supports the hotel development
- Key results – 4 segments

3. Kangaroo Bay Hotel is much more than just a hotel

- It is all about creating the “*Sense of Place*”
- It is all about storytelling - “*The Kangaroo Bay Story*”

4. We are ready to go

- Full & local team to make it happen
- Project Schedule
- We want to get on with it

5. What we are seeking

- Our request to you
- Pre-Assessment process & DA to be lodged by 30 June 2023
- Approval to proceed under the draft Development Agreement

SECTION ONE

We have done what Council asked for

We have done what Council asked for

The Community Consultation results are based on:

- **Direct engagement** **514**
- **Indirect engagement** **1,592**
- **Total overall engagement** **2,106**

This very high response rate provides a robust and reliable data set with a statistical standard error of 5% or less.

The survey used the 2021 Australian Bureau of Statistics (ABS) Census Update to ensure a representative sample of the LGA to produce weighted and unweighted results for the Clarence LGA.

This survey is the most comprehensive and accurate statistical study of the Clarence LGA conducted in at least the past decade.

We have done what Council asked for

Snapshot - Outputs and Outcomes

The key findings from the Community Consultation process are summarised in the following Snapshots:

Snapshot – Low awareness

- Less than 10% of the Clarence LGA demonstrated high awareness of the proposed design
- Almost a third of those in Clarence LGA have low or no awareness of the proposed Kangaroo Bay Hotel project
- The project is considered “high-profile and controversial” by some

Snapshot – Close by residents

- Residents aged 55 and over, living within 2 kilometres of Kangaroo Bay are more likely to provide a negative response to any/all elements of the concept design. This age segment response is slightly higher for females.

Snapshot – Positive response

- Higher level of positive rather than negative response to the overall concept designs for an international standard hotel with 5-star restaurants & dining options, 5-star accommodation and meeting and functions facilities, located at Kangaroo Bay

Snapshot – Car Parking

- Car parking is the most mentioned area of concern relating to the concept designs and links to broader car parking challenges in Bellerive. This is followed by sentiment on the height and mass of the building and its overall “fit” with the location.

Snapshot – Age 34-54 are supportive

- Residents aged 35-54 are more likely to provide a positive response to any/all elements of the concept design. The age segment response is slightly higher for males.

Snapshot – Green Space is a positive

- Participants expressed a positive sentiment to the amount of public, green open space, pedestrian-friendly access, connectivity and food and beverage opportunities for residents.

Background to the engagement

In December 2022, the Clarence City Council requested Chambroad Australia to conduct a comprehensive community engagement process to understand community sentiment on the proposed Kangaroo Bay Hotel concept designs.

Chambroad Australia appointed 3P Advisory, Tasmania's leading community engagement consultants to conduct an 'evidence based' research program to:

Understand attitudes of the Clarence community towards the proposed hotel concept designs (prepared by V and A Architecture Pty Ltd) as submitted to Council.

Identify opportunities to improve the hotel design to deliver improved community outcomes.

Objectives

The objectives of the community consultation were to:

- Inform the Clarence community about the hotel concept designs
- Identify and capture community perspectives about each of the hotel concept designs
- Ensure the Clarence City Council LGA community has an opportunity to participate in the process
- Provide timely feedback to the Clarence community on its feedback and contribution at the end of the engagement activities

Methodology

The methodology ensured multiple engagement opportunities and to enable an inclusive approach.

Participation was only open to Clarence City Council residents, property owners and business owners/operators.

Background to the engagement *cont.*

In total 514 participants were directly engaged through the process. A further 1,592 unique engagements occurred through the Engagement Hub platform site.

The engagement opportunities included:

- Open forums
- Presentation from the architects and small group discussion and question and answers.
- Walk-ins, an informal option to look at the concept designs, chat to the architect and/or 3P team and provide sentiment.
- Hotel Concept Design Survey.
- Engagement platform, to enable people to view the concept designs, register for the forums, undertake the survey and request further information.
- Dedicated phone line for direct contact through a contact number for support with registration, general questions and a call back option for people wanting to provide verbal feedback.

A number of open forums and walk-in sessions were held at the Bellerive Yacht Club from 6th to 12th February 2023.

Date of session	Time of session	Target group	Type of Session
Monday 6 th	10.30 – 12.00	General registration	Forum
Monday 6 th	1 – 4.30	General public from LGA	Walk-in
Tuesday 7 th	1.30 – 3	General registration	Forum
Wednesday 8 th	10 – 3.30	General public from LGA	Walk-in
Wednesday 8 th	6 – 7.30	Cambridge Rd residents only	Forum
Thursday 9 th	6 – 7.30	Bellerive Village business	Forum
Saturday 11 th	2.30 – 4	General registration	Forum

Background to the engagement *cont.*

- The forums were structured with a detailed presentation from the architects and the opportunity for questions and feedback.
- The walk-in sessions provided an informal approach for people to look at a range of concept designs and a video flyover of the hotel designs. During the walk-in sessions, people were able to talk with the architects and provide either verbal or written feedback using a range of options available onsite.

Engagement Type	Number of Participants
Forums	42
Walkthrough	73
Engagement Hub – direct registrations and email questions and indirect views of designs	1454
Phone, email and direct conversations in the community	24

An engagement hub platform was established to provide the opportunity for people to view the concept designs, register for forums, direct link to the online survey, email with any questions or comments and receive updates and further information.

A dedicated phone-line was established to provide people without digital access or digital capability to engage. The phone-line provided a call-back option. The call-back provided options to register for a forum, undertake the survey over the phone, request direct email of information and/or provide general feedback.

Social Media,
Flyer & Billboard
examples

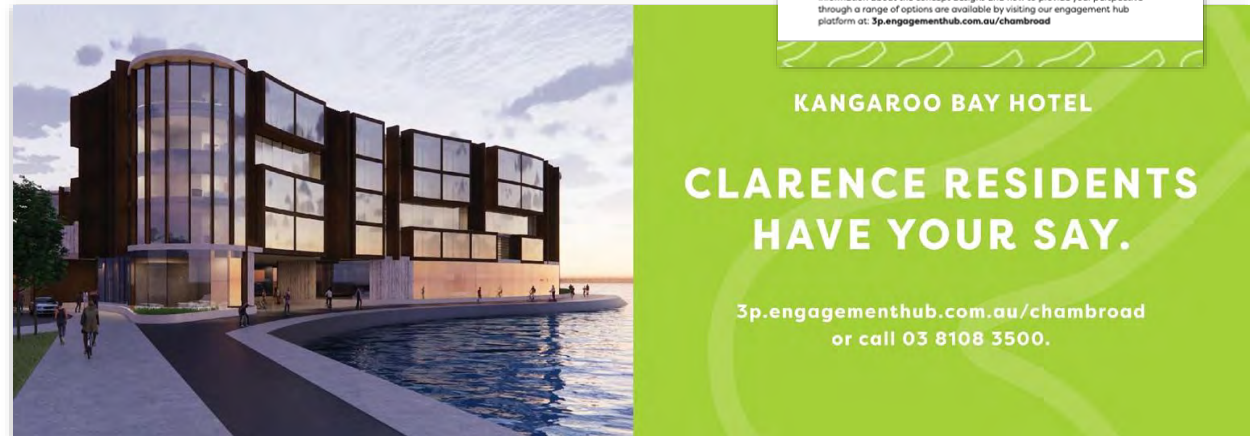
Background to the engagement *cont.*

MULTIPLE COMMUNICATIONS TO BUILD AWARENESS AND ENGAGEMENT

A range of advertising and promotion was undertaken to raise awareness of opportunities to engage. This included:

- Flyer drops through direct mail delivery - 1000 letterboxes
- Letterbox drop - 8507 households
- Eastlands Billboard
- Eastern Shore Sun advertising
- The Mercury Newspaper advertising
- Social media promotion

The Appendix contains the full details of promotional materials including letterbox & flyer delivery map

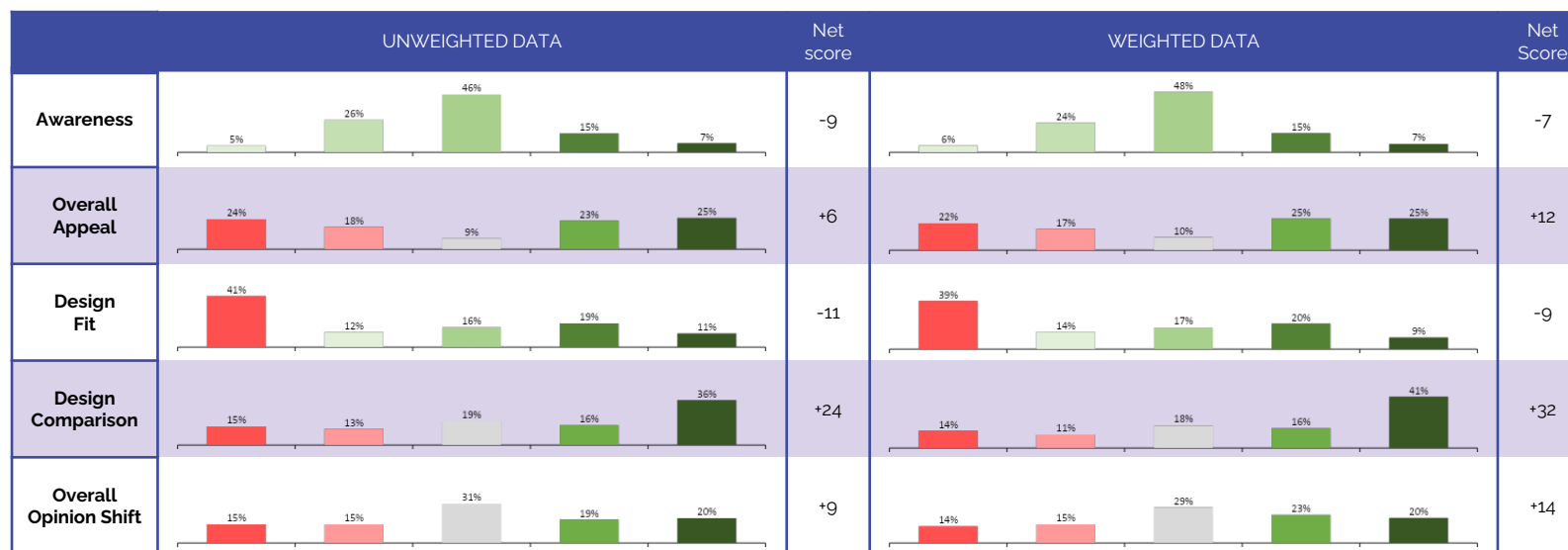


Background to the engagement *cont.*

RESULTS WEIGHTED AND UNWEIGHTED

- Overall results remains the same regardless of unweighted or weighted responses
- Overall positive skew on Design Comparison a signal of designs positive overall performance

SUMMARY DESIGN PERFORMANCE METRICS (n=302)



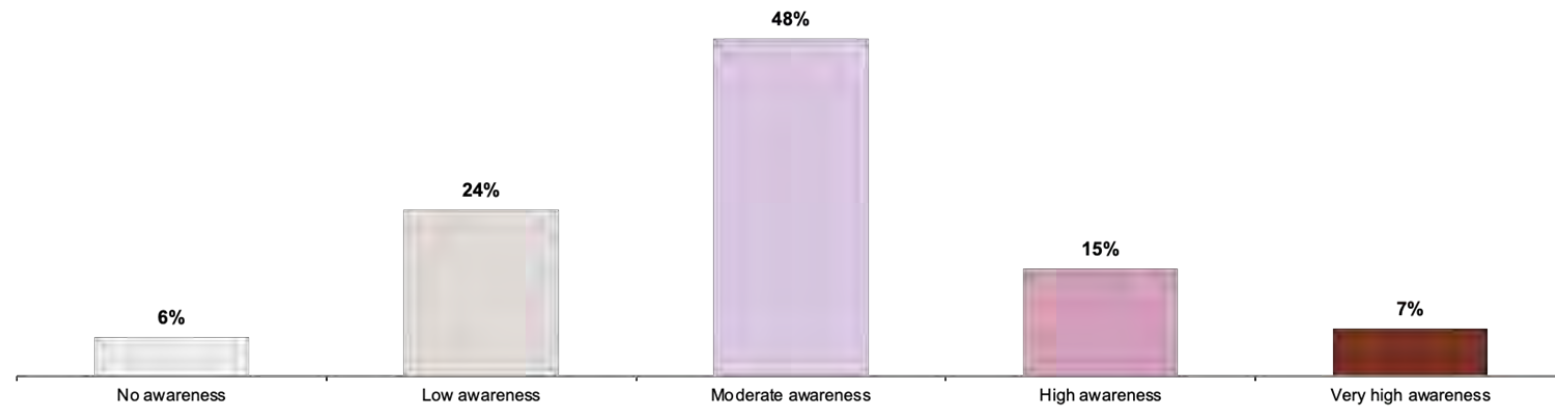
Note: Data weighted based on Gender and Age as per Clarence LGA data from Australian Bureau of Statistics (ABS)

Qualitative and Quantitative Data Summary *cont.*

AWARENESS OF PROPOSED DESIGN

- Almost a third of those in Clarence LGA have low or no awareness of the proposed Kangaroo Bay Hotel project
- Qualitative observations indicate awareness spread across historical hotel designs

AWARENESS Total (n=302)



Question(s): How much awareness would you say you have of the proposed Kangaroo Bay Hotel design?

Note: Weighted data

Qualitative and Quantitative Data Summary *cont.*

KEY THEMES - GENERAL COMMENTS AND FEEDBACK - Total sample (n=122)

Qualitatively, across the forums, walk-throughs and direct conversations, a number of common themes/comments and questions were captured. The quotes below are a sample of the themes expressed through a range of qualitative engagements across a range of people.

"Love the promenade but will it be safe for cyclists"	"If you could just make it one floor lower...."	"What colour will the roof be?"	"It's a bit blocky looking, can it be broken up at all"	"I really like the design and the access to restaurants and conference area, have you had any conversations with the Rosny Hill Hotel developers so as not to duplicate?"
"Have you thought about the risk of graffiti and how you will mitigate that"	"If you could just make it two floors lower...."	"What will be on the roof – will there be any mechanical equipment?"	"The design does not connect with the history of the area or the history of the site itself"	"Thinking about the village feel of the area, this is a major bulk coming onto landscape."
"It looks great, how will you ensure safety after dark? "	"Parking is already a big problem in Bellerive, will you be have enough parking? "	"Would love to see green, open space on the roof."	"What consideration is there for the Aboriginal history of the site?"	"there will never be enough parking because parking is an issue for the area and this will just contribute to more problems."
"Have you thought about staggering the height so provide some more view."	"Does it have full accessibility access in all the public areas?"	"Will you put something around the edge of the promenade so people don't fall in?"	"What will be the traffic impact, has a traffic impact assessment been undertaken?"	"This is a massive improvement on the previous design....removing the wall and opening up the green, public space is so much better."
"The foot-traffic flow along Cambridge Rd may impact access to the greenspace"	"Just get on with it, the design is great, now build it."	"The connection to Bellerive and Rosny is good"	"What will you do to address sound management, including towards the marina as well as Cambridge."	"You can't legislate for a view, this interrupts my current view, but I'm ok with that, I want to see a hotel go ahead on this site"

Question(s): Please provide any feedback relating specifically to the...

Beyond the overall concept designs, key themes relating to jobs, tourism and helping to stimulate the local economy were raised by participants.

We have done what Council asked for

Consultation identified 10 key issues for improvement

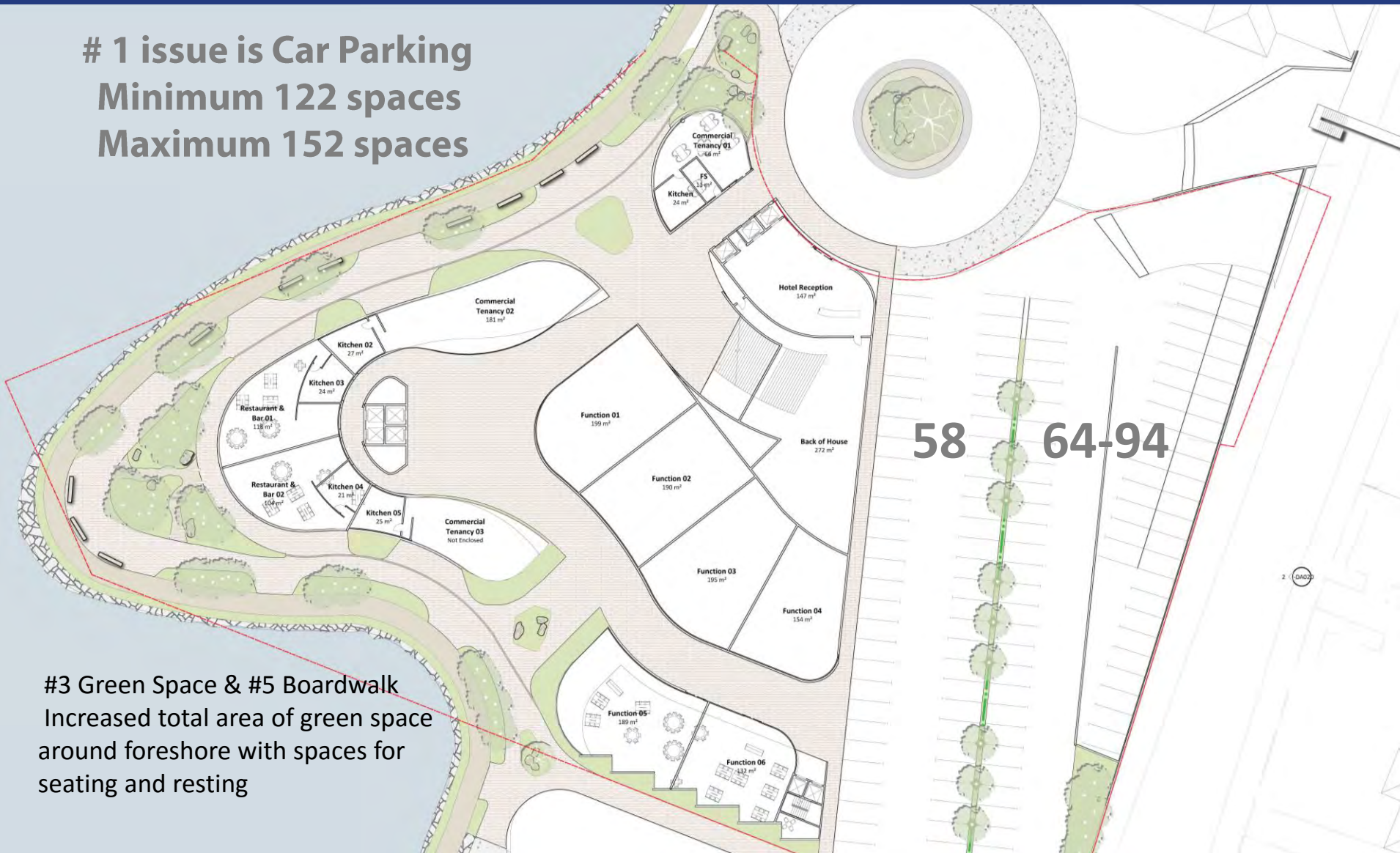
- Each of the 10 issues has been addressed in the Architectural Response
- Substantial improvements are delivered through the revised Concept Design

Theme in ranked priority order of importance	Areas of focus	Architectural Responses
1. Car parking	Consideration for guests and F & B, function space needs. Understanding of the car-parking challenges already in the area	<p>The area already experiences significant car-parking challenges:</p> <ul style="list-style-type: none"> The activities of Bellerive Yacht Club especially on Regatta days and special events. The absence of street parking around the Bellerive Village. The Bellerive Oval especially when interstate or test matches are being played. The lack of parking for the nearby ferry wharf. <p>The hotel cannot solve this existing problem. The hotel will need all planning obligations for vehicle parking without the need to seek any discretionary approvals.</p>
2. Height and Mass	Number of floors Mass/block nature Concerns relating to the area	<p>The hotel must reflect the Kangaroo Bay story to create a Sense of Place.</p> <p>Each floor of the hotel will be developed around a specific theme that tells the story of the bay.</p> <p>Floor 1: Indigenous</p> <p>Kangaroo Bay was once an Indigenous community with a history dating back over 3000 years. The Indigenous tribe in the area was called <i>moomairemener</i>, and they lived here for thousands of years while also hunting and gathering in nearby areas.</p>
3. Public access and the green plaza	General acceptance A bigger green area Ensure entry and understand the layout Better landscaping between the public and the hotel	<p>During the public consultation, attendees at the forum were generally positive.</p> <p>Two specific matters were identified:</p> <ul style="list-style-type: none"> Access by BYC members towing vessels through the proposed car park and under the 7metre cover way Access to and from the Board walk particularly across the vacant joint land <p>The acoustic engineers have been appointed, and has commenced base line monitoring for the statutory period of 4 week.</p> <p>The hotel will be compliant on all matters related to acoustic amenity as required under the planning scheme.</p> <p>Lighting considerations in all pedestrian areas will include night safety as well as avoiding light spillage.</p> <p>Hotel security will ascertain that the grounds will be safe and monitored 24/7. Graffiti and vandalism risks will be taken in consideration when external finishes are chosen</p> <p>Window reflections</p> <p>Careful specification of glazing will ensure low reflectivity.</p> <p>Possible long-term deterioration of a timber finish</p> <p>Advanced CLT has been chosen to ensure compliance with all statutory fire regulations, the product has a high fire retardant rating</p> <p>Weathering of timber finishes does occur, however is no with the CLT timber product</p> <p>Need to soften the façade, potentially using greenery</p> <p>This has been adopted with the insertion of judiciously chosen vertical panels throughout the façade. It is envisaged that native climbers will be used to withstand site conditions.</p>
4. Design fit with the location	Consideration of the Aboriginal history Consideration of the industrial history Understanding of a "village" feel Consideration of incorporating a local feel through elements of sandstone, landscaping, railway/industrial	
5. Boardwalk	Safety of all users Segregation of cycle Surface of the boardwalk	
6. Roof	Colour considerations Opportunity for greenery Ensure it is free of	
7. Connectivity	Generally positive, however there is a need to understand the current foot/natural flow of pedestrians relative to the entry points Enhancements, greater clarity/visuals will help the community better understand the relationships with the existing areas such as Kangaroo Bay playground and BYC	
8. Noise/acoustics	Consideration of the current noise challenges of the Marina and whether there is any impact Consideration of general noise/activity coming from the green space towards Cambridge Road	
9. Safety	Lighting considerations in walk through areas Potential to attract "youths" on the green space overnight. Graffiti risk	
10. External facade	Window reflections Possible long-term deterioration of a timber finish Need to soften the façade, potentially using greenery	

We have done what Council asked for

1 issue is Car Parking
Minimum 122 spaces
Maximum 152 spaces

#3 Green Space & #5 Boardwalk
Increased total area of green space
around foreshore with spaces for
seating and resting



We have done what Council asked for

2 issue is Height and Mass, Visual height reduced

▼ View from Clarence Uniting Church - During Community Consultation



Artist Impression

▼ View from Clarence Uniting Church - After Public Consultation



We have done what Council asked for

2 issue is Height and Mass, Visual height reduced

▼ Approach from Rosny Childrens Choir Building - Before Public Consultation



▼ Approach from Rosny Childrens Choir Building - After Public Consultation



We have done what Council asked for

2 issue is Height and Mass, Visual height reduced

▼ Approach from Driveway - During Public Consultation



▼ Approach from Driveway - After Public Consultation



We have done what Council asked for

2 issue is Height and Mass, Visual height reduced

▼ Approach from Bellerive Yacht Club - Before Public Consultation



Artist Impression

▼ Approach from Bellerive Yacht Club - After Public Consultation



We have done what Council asked for

5 issue is Boardwalk, set back from 6.8M to 10M with green separation

▼ The Boardwalk looking North - Before Public Consultation



▼ The Boardwalk looking South- After Public Consultation



SECTION TWO

**Strong support for the Hotel Design from both
the business & residents in Clarence LGA**

Strong support for the Hotel Design from both the business & residents in Clarence LGA

Community Consultation

The major take-outs were

1. There is a high level of positive rather than negative responses to the overall concept designs
2. The highest level of support is among 35-54 year olds and centres around job creation, economic development, and opportunities for local small businesses
3. Only a very small number – aged over 55 and mostly living within 2 kilometres of Kangaroo Bay are negative towards the hotel proposal
4. Almost a third of those surveyed have no awareness of the project at all

Top 5 of 10 issues identified for improvement were

1. Parking (and broader parking challenges in the area)
2. Height and mass of the hotel and blocking of views
3. Public access and Green Plaza
4. Design fit with the location
5. Boardwalk

Strong support for the Hotel Design from both the business & residents in Clarence LGA

The engagement process identified four distinct segments of the CCC community that have different attitudes towards the design concepts presented:

1. The “Just get on with it” group

This group are those who are more geographically spread across the CCC LGA.

This group also said they love the area and their desire to ensure development is well thought through and continues to build on the liveability of the area.

Many in this segment are interested in seeing the Kangaroo Bay site activated by a hotel. They commonly use the term “just get on with it”.

They also articulated the importance of economic activity and local jobs for themselves and their children.

This group was focused on ensuring the best possible fit and design in keeping with the area, including community access to as much open/public space as possible, functionality and visual impact.

2. Local businesspeople

This group work in and around the Bellerive Village predominantly want to see the area activated.

Many from the local business community talked about the commercial imperative to stimulate activity in the Bellerive area and beyond. They see the potential to grow their business and the advantage of new and increased foot-traffic and services to the local community, but also to increase the spend from visitors from further afield.

3. Nearby Residents

This group who predominantly live nearby (within 2 kilometres) and care deeply about the history of area and their sense of “place” living in Bellerive.

Many said they grew up in Bellerive and have a deep connection to and understanding of its history. They are committed to the preservation of what they describe and believe is the integrity and character of the area.

In doing so, while some in this group do not want to see a hotel development on the site, many provided insightful ideas to enhance the design of the hotel and provide information that could assist in better understanding the history of the area.

4. Low awareness or knowledge

This group had little or no awareness or knowledge of the Kangaroo Bay Hotel proposal until seeing the hotel concept designs.

This group provided a unique perspective as they had no pre-existing conscious or unconscious bias for or against the project, the designs, or the developer (Chambroad Australia) and therefore provided inputs with no preconceived ideas.

Strong support for the Hotel Design from both the business & residents in Clarence LGA

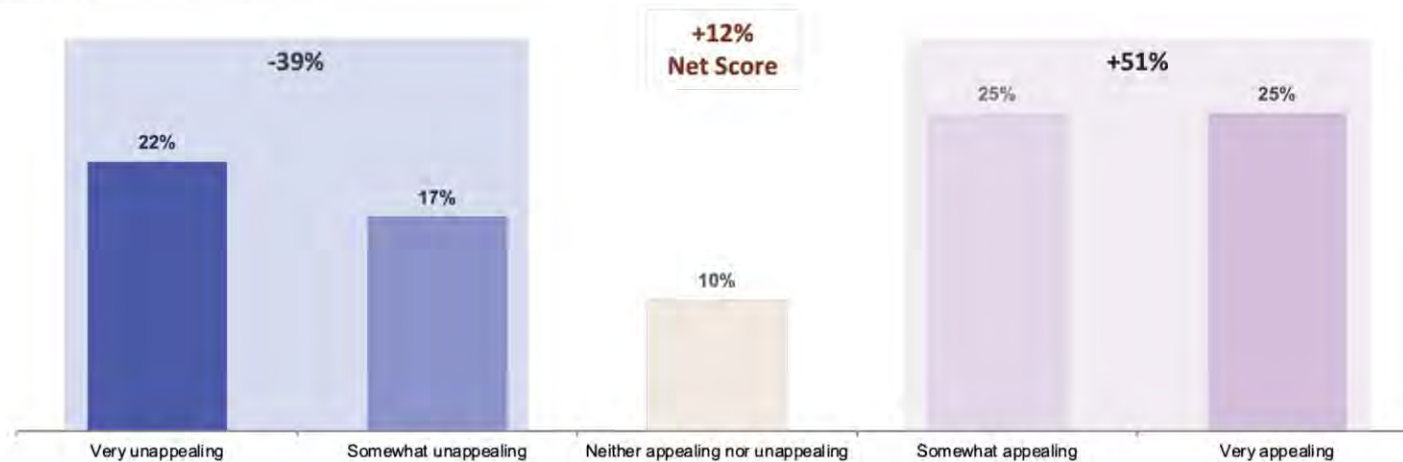
Qualitative and Quantitative Data Summary *cont.*

OVERALL SENTIMENT ON THE DESIGN

The quantitative and qualitative input to the concept designs highlights a more positive than negative result in the appeal for the overall hotel design displayed in the concept drawings. A small proportion of ~10% remain 'on the fence'.

When assessing positive appeal against the demographic profile, there are similar appeals for the under 35's and the 35-54 aged cohort. Male participants were more positive than females. The main profile for participants who rated the concept design as very unappealing/somewhat unappealing were over 55 living within 2km of Kangaroo Bay.

OVERALL DESIGN APPEAL (WEIGHTED) Total (n=302)



Question(s): Thinking about the hotel concept as a whole, how appealing is the overall design?

Note: Weighted data | Net Score = Somewhat-to-Very Appealing – Somewhat-to-Very unappealing

*51% is total of 25.4% and 25.6%

Strong support for the Hotel Design from both the business & residents in Clarence LGA

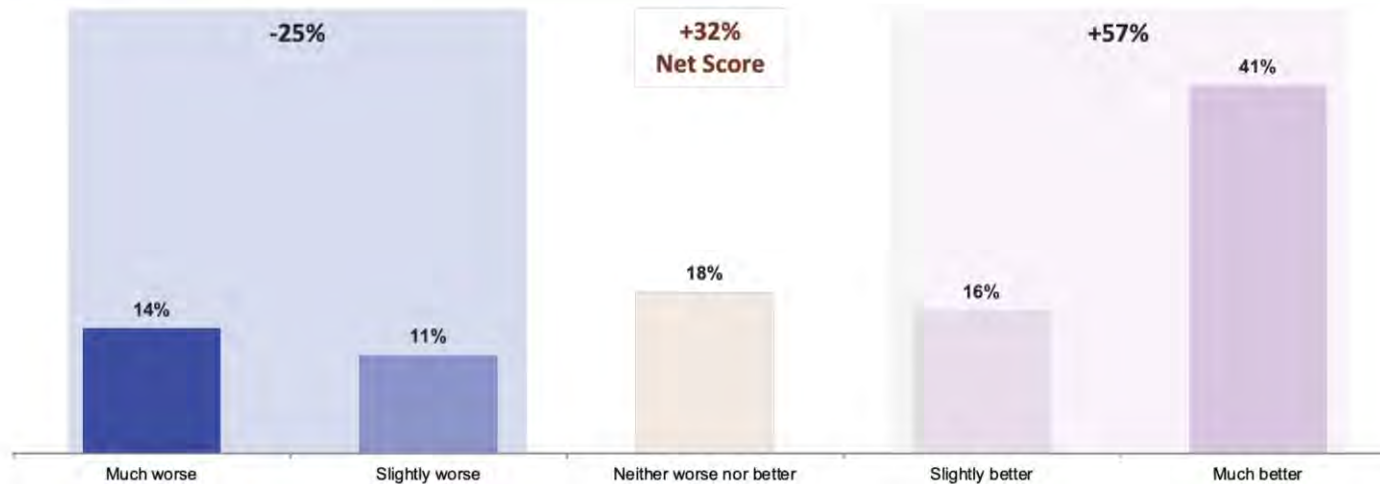
Qualitative and Quantitative Data Summary *cont.*

CONCEPT DESIGN COMPARED TO EXISTING COMMERCIAL ARCHITECTURE IN THE LOCATION.

Regardless of the view of the design, there is an overwhelmingly positive sentiment that the proposed Kangaroo Bay concept design is superior to the existing commercial architecture in the Bellerive Village. Over a third indicating the design is 'much better' than the quality of commercial architecture in the area –

exceeding 50% on top 2 basis, however, a reasonable proportion (19%) are 'on the fence' (i.e. neither worse or better). Those within 2km of Kangaroo Bay site with much more positive outlook when compared to established commercial architecture. The most positive response to this question is from the younger cohorts.

DESIGN COMPARISON - Total (n=302)



Question(s): How does the design concept compare with the quality of commercial architecture in the area? (e.g. shops, offices, shopping centres, schools, venues, etc.)

Note: Weighted data | Net Score = Slightly-to-much better – Slightly-to-much worse

SECTION THREE

**Kangaroo Bay Hotel is
much more than just a hotel**

Kangaroo Bay Hotel is much more than just a hotel

The hotel must reflect the Kangaroo Bay story to create a “Sense of Place”

Each floor of the hotel will be developed around a specific theme that tells the story of the Bay.

- **Ground Level - Public Space**
 - View from the weather-protected space looking north-west across the Bay
 - Walk through the building to access the restaurants or walk and cycle around the boardwalk
 - Community meetings and events spaces
- **Level 1: Tasmanian Aboriginal**
 - The traditional owners and custodians of Kangaroo Bay were the *moomairemener*, people
 - The Tasmanian Aboriginal history on lutriwita/Tasmania spans over 40,000 years and the Tasmanian Aboriginal people are the original story tellers of this place
 - This area will respect this history and celebrate the Tasmanian Aboriginal people, heritage and history
- **Level 2: Maritime heritage**
 - Bellerive historian and author John Sargent’s 34 books and his extensive collection of maritime artifacts will be used as reference together with material that may be available from Bellerive Historical Society
- **Level 3: The Bay & Beyond**
 - Evolution of the area post colonisation
 - Visual (residential, commercial, industrial)
 - Geography, geology, topography
 - The KB precinct – the land on which the hotel is located
- **Level 4: Produce, Producers and Provenance**
 - The ‘paddock to the plate’ from the East-of-Hobart region (Eastern Shore, Coal River Valley, Sorell, Tasman)
 - Key personalities of the area over time (similar to the existing “Faces of...” publications)
 - The top floor restaurant to be “best of the best” from the region

GROUND FLOOR PUBLIC SPACE

Inset Top to Bottom
Render of the hotel facade
facing Rosny Point.
Red highlight showing
Ground Floor.



- View from the weather-protected space looking north-west across the Bay
- A common space for guests and residents to meet and mingle
- Walk through the building to access the restaurants or walk and cycle around the boardwalk

LEVEL 1 TASMANIAN ABORIGINAL

It is inappropriate to solidify the images until we can agree a pathway forward with members of the Tasmanian Aboriginal community.

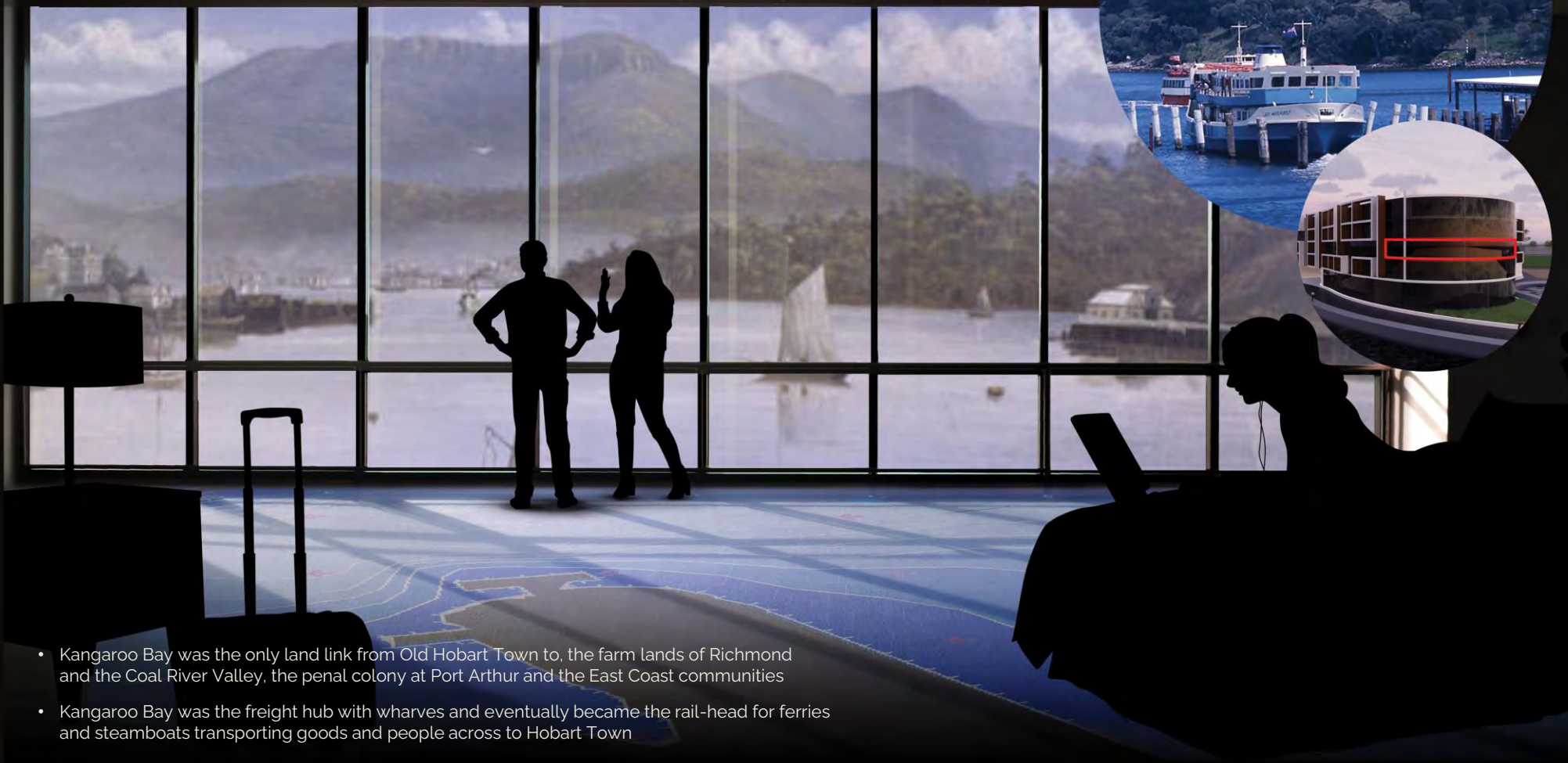
Inset Image
Red highlight showing
First Floor.
Carpet image courtesy of Art
Mob and the estate of
the artist"



- The traditional owners and custodians of Kangaroo Bay were the moomairemener, people
- The Tasmanian Aboriginal history on lutriwita/Tasmania spans over 40,000 years and the Tasmanian Aboriginal people are the original story tellers of this place
- This area will respect this history and celebrate the Tasmanian Aboriginal people, heritage and history

LEVEL 2 MARITIME

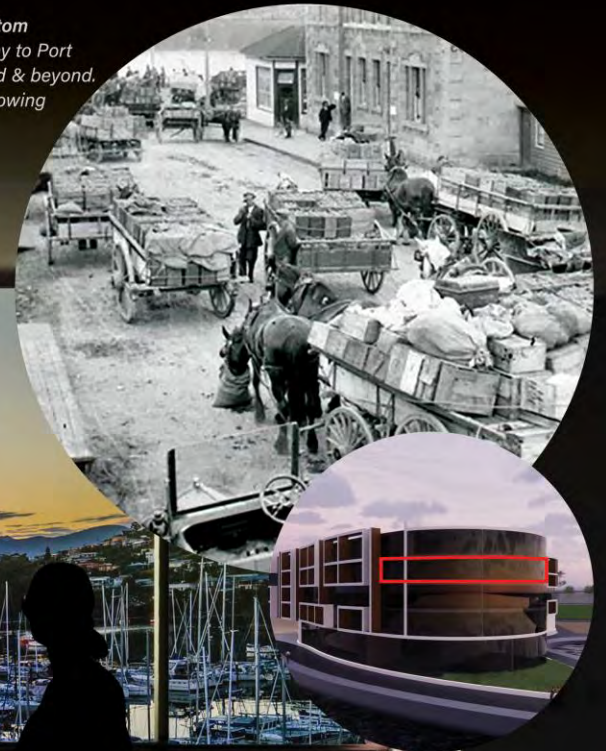
*Inset Top to Bottom
As the link to the Eastern Shore,
ferries were a way of life.
Red highlight showing
Second Floor.*



- Kangaroo Bay was the only land link from Old Hobart Town to, the farm lands of Richmond and the Coal River Valley, the penal colony at Port Arthur and the East Coast communities
- Kangaroo Bay was the freight hub with wharves and eventually became the rail-head for ferries and steamboats transporting goods and people across to Hobart Town

LEVEL 3 THE BAY & BEYOND

*Inset Top to Bottom
Once the gateway to Port
Arthur, Richmond & beyond.
Red highlight showing
Third Floor.*



- The Bay area depicting the evolution of residential, agricultural, commercial and industrial development
- The geography, geology, topography
- The land on which the hotel is located from wharves to railhead and today

LEVEL 4 PRODUCE & PROVIDENCE

*Inset Top to Bottom
Discover the region's produce
and its providence.
Red highlight showing
Top Floor Restaurant.*



- The premium restaurant will feature *"farm to the table, from the water to the plate dining"* from the East-of-Hobart region (Eastern Shore, Coal River Valley, Sorrel, Tasman & East Coast)
- The top floor restaurant to showcase the "best of the best" from the region

SECTION FOUR

We are ready to go

We are ready to go

Since 19th December 2022, we have appointed specialists and consultants to commence preparation of the Pre-Assessment documentation so that we can lodge material from April 2023

Community Consultation

Community Engagement	-	3P Advisory
Communication Strategy	-	Font
Social Media, Advertising	-	Cor Comm
Media relations	-	M&M

Project Management

Planning & Scheduling & Management	-	Skyscape Management Group
------------------------------------	---	---------------------------

Project Team - Architecture

Town Planning & Urban Design	-	V&A
Acoustic	-	Ireneinc Planning Urban Design
Landscaping	-	NVC (Noise Vibration Consulting)
Structural Engineering	-	REALMstudios
Façade Engineering	-	V&A
Branding and Story Telling	-	G.James
Hotel design, Global Brand and Operations	-	Inclusivecreatives

Project Team - Specialists to be appointed

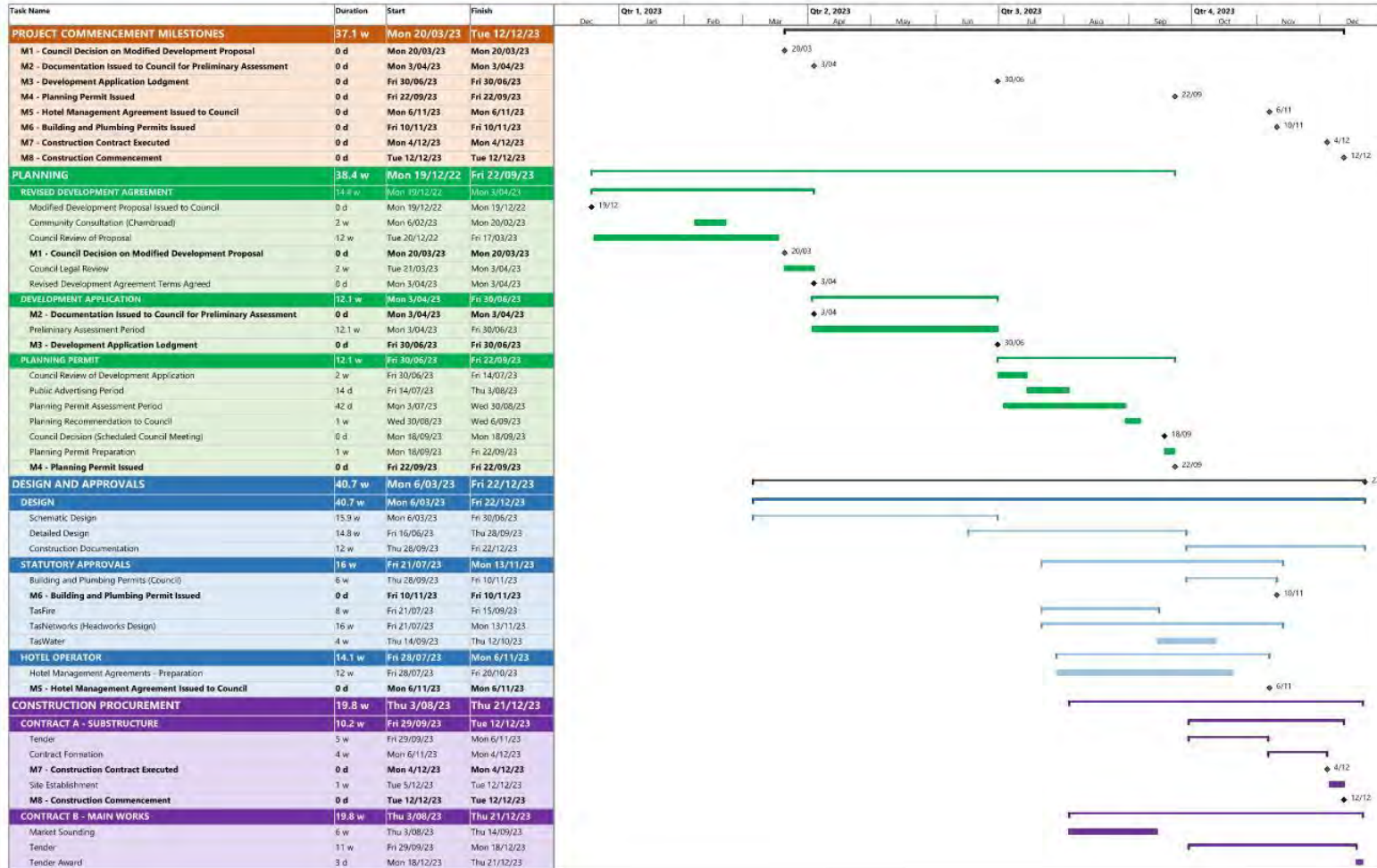
Traffic, Fire, Geotech, Hydrology etc.

We are ready to go

Project Plan March to December 2023

KANGAROO BAY HOTEL DEVELOPMENT PROJECT COMMENCEMENT PROGRAMME

SKYSCAPE
MANAGEMENT GROUP



SKYSCAPE
MANAGEMENT GROUP

SECTION FIVE

What we are seeking

What we are seeking

We are seeking your support to bring Kangaroo Bay to life

- This will be a unique to Kangaroo Bay – Storytelling Hotel
- The Hotel will have the very best of all things Tasmanian, reflecting the essence of the Eastern Shore
- The premium dining environment on the roof level serving outstanding produce from the region of SERDA (South East Region Development Association)

Kangaroo Bay Hotel will create huge community benefits

- An improved iconic location and destination
- An entirely new events and function centre in Clarence
- The activation of the entire Kangaroo Bay precinct for locals and visitors, during day-time and evenings
- A significant increase of permanent and part time jobs located within the Clarence Municipality
- The potential for the site to contribute to the City Heart Strategy

Impacts & Implications for Eastern Shore

During hotel constructions

- Economic impact is about \$25M each year for 2 years – with about 40% being labour and 60% materials
 - Multipliers are (conservatively) about x2 for labour and about x1.5 for materials
 - More than \$42.5M each year of economic activity in the region (about \$85M benefit)

Kangaroo Bay Hotel opens 2025

- An entirely new 5-star hotel - the only internationally branded Hotel on the Eastern Shore
 - 150-200 Full Time Equivalent (FTE) jobs
- In 2026, hotel occupancy (seasonal) forecasts will mean an additional 200 to 250 adults per night staying in Kangaroo Bay
- The marketing objective is to retain local 'share of wallet' spend on the Eastern Shore and shift existing CBD focus
 - Local residents to the restaurants, bars and meeting facilities
 - Predominantly interstate and intrastate visitors to the accommodation

We want to get on with it

Stage 1 Milestones (Draft Development Agreement)

Stage 1			
No.	Milestone		Timeframe
1A	Preliminary Planning Assessment	Chambroad Australia submits draft documentation for the Stage 1 works with the Clarence City Council for Preliminary Planning Assessment	31 March 2023
2A	Development Application	Chambroad Australia lodges a Development Application for Stage 1 with the Clarence City Council	30 June 2023
3A	Provision of Further Information	Chambroad Australia responds to further requests for information from the Clarence City Council (if any) in relation to the Development Application for Stage 1.	Within a reasonable timeframe of receipt of the request for further information from Council
4A	Hotel Management Agreement	Chambroad Australia provides Council with written confirmation from the operator of the Hotel that Chambroad Australia has entered into a Hotel Management Agreement	30 days from the satisfaction of the condition precedent in clause 15.1(a) (Planning Permit)
5A	Construction Contract	Chambroad Australia provides Council with written confirmation from the Contractor that Chambroad Australia has entered into a Construction Contract for the Development Works	60 days from the satisfaction of the Milestone in Item 4A (Hotel Management Agreement)
6A	Substantial Commencement	The Development Works achieve Substantial Commencement in accordance with clause 7 (Substantial Commencement).	The earlier of: (a) 60 days from the satisfaction of the condition precedent in clause 15.1(b) (Building Permit); and (b) 12 December 2024 (subject to clause 15.4).



Let's make it happen, together

What we are seeking

We are serious about getting on with the project and we are now ready to go with the new Hotel Design.

We want to complete the project.

We have acted in good faith to deliver the Council's decision of 19th December 2022 and have done more than you requested.

Our request to you

In our view, the appropriate and fair course of action is for you to allow the project to proceed through the planning process.

If you take this path, the March 20 Council Meeting is not the final opportunity for either the Community or Councillors who still have questions to be addressed.

- The second round of community consultation provides an opportunity to comment on the revised designs and is underway as we previously committed. The report on feedback about the revised designs will be available later this month.
- As we move into the Pre-Assessment process, there are further opportunities for the community to have public input and for Councillors to review progress against the Draft Development Agreement.
- We have contractually committed to Council to lodge Pre-Assessment documentation on 31 March and the submission of the Development Application documentation by 30 June 2023.

Let's just get on with it

We know from our community consultation that while there are some concerns and reservations in some areas, overall there is strong community support to just get this thing done.

We ask that you take advantage of this – provide your frank and fearless feedback to us now, and vote to allow us to lodge a Development Application which you can then judge on its merits.



Chambroad Australia
www.chambroad.com.au



Kangaroo Bay Hotel

Tasmania

06.03.2023
Response to Kangaroo Bay Hotel Community Consultation

Contents //

1.0 Introduction	P.03
2.0 Response of Kangaroo Bay Community Consultation	P.14
2.1 Car Parking	P.15
2.2 Height & Mass	P.17
2.3 Public Access & Green Plaza	P.19
2.4 Design Fit with Location	P.22
2.5 Boardwalk	P.23
2.6 Roof	P.26
2.7 Connectivity	P.27
2.8 Noise	P.29
2.9 External Facade	P.31
3.0 Conclusion	P.33

1.0

Introduction

This report outlines the purpose, the guiding design principles and approach that underpin this scheme. It also illustrates the Architect's Response to the ten main themes arising from the public consultation process. We believe that the changes resulting from the Public consultation process have positively impacted the design. This report highlights those themes and the resulting changes. The report firstly explores the purpose, the guiding design principles and the approach as a background to the scheme then it illustrates how the design was changed after the Public Consultation Process.

1 Introduction

1.1 - Purpose: This unique site requires an iconic building as a symbol of the future of the locality; and at the same time, embracing the history, culture and environment. The proponents have set out to create a unique opportunity for the City of Clarence to have a world class boutique hotel which would provide an economic driver for the community.

A true iconic building does not necessarily draw attention to itself above all else. It may simply provide an association with a particular place or time, or it may act as a landmark that defines the skyline of its town or precinct. Iconic buildings may be admired and celebrated for their social and cultural symbolism becoming powerful symbols of a city or locality.

In formulating this design, the advocates had a complete change of direction. Instead of creating a building that provides “eye candy” and turns its back to the locality, they aspire to deliver an architecture that tells the story of Kangaroo Bay. The proposed precinct sets out to create a hub for the community. It will activate the waterfront and will breathe life into the boardwalk connecting the whole locality, creating opportunities for social interaction, public events, planned or impromptu performances, excellent dining offerings, generous, sunny landscaped plazas for quiet moments or for simply having coffee with friends or walking the dog.

This design intends to draw its iconic status from being an interpretation of the historical and cultural context of Kangaroo Bay by telling the stories from the past present and future. The proponents were inspired by the following statement:

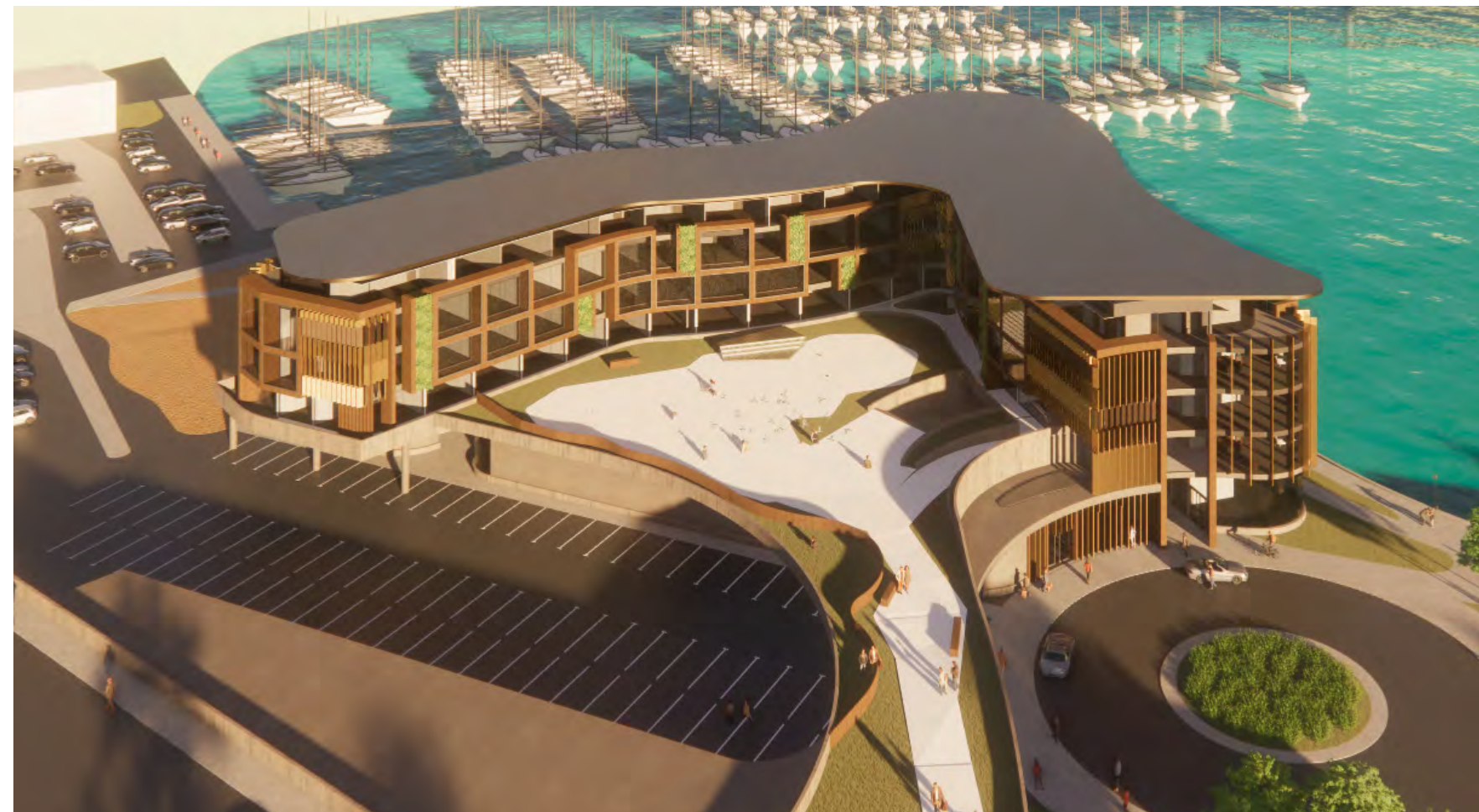
“A building is an icon when it is a popularly recognized symbol of something larger than itself.”

<https://www.bartleby.com/essay/What-Is-Iconic-Architecture-FJPILD6XJ3G>

1.2-Guiding Design Principles: The following principles shaped the design:

- Minimising the perceived bulk of the building.
- Maximising public access, providing unfettered connectivity and excellent public access through the site and onto an activated waterfront.
- Minimising the visual separation between the Cambridge Road residents and the river.
- Maximising views for hotel guests.

1.3-Approach: The building was located along the Boardwalk taking the form of the waterfront and is therefore located at the maximum distance away from the Cambridge Road neighbours. As a bonus, this approach has offered an opportunity to create a landscaped plaza fronting Cambridge Road above the ground floor level “back-of-house” facilities.



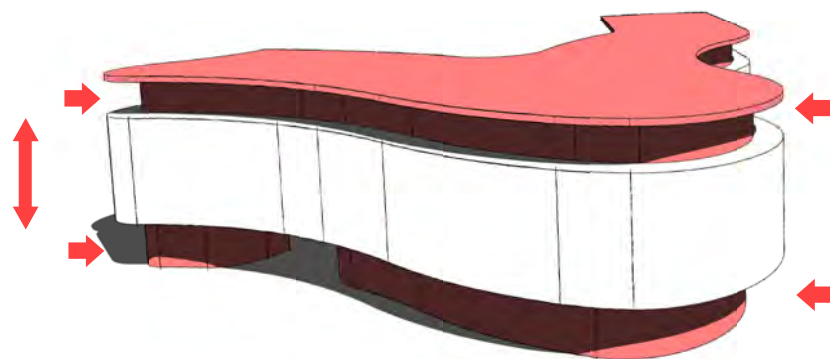
1 Introduction

The principle of minimising the perceived bulk of the building was achieved by pushing the building as far away as possible from the Cambridge Road homes and by raising the level of the plaza higher than hotel level 1 thereby masking that level with landscaping. The perceived bulk was further reduced after the public consultation as explained later.

The principle of maximising public space is illustrated by the following diagrams that show the proportion of public to private space on the Boardwalk level and the Cambridge Road level

The principle of minimising the visual separation between the Cambridge Road residents and the river has been achieved by clearing the boundary of Cambridge Road from any construction above road level thereby opening up the vistas available and reducing the perceived bulk of the building as it recedes into the distance and does not mask the view of the hills beyond the river.

The principle of Maximising views for hotel guests was achieved (despite the use of a double-loaded corridor system for efficiency) by designing the building to follow the shape of the shoreline (setting back 10 metres).



POST-CONSULTATION BULK REDUCTION



1 Introduction

▼ View from Clarence Uniting Church - During Community Consultation



Artist Impression

▼ View from Clarence Uniting Church - After Public Consultation



Artist Impression

1 Introduction

▼ Approach from Driveway - During Public Consultation



▼ Approach from Driveway - After Public Consultation

Artist Impression



Artist Impression

▼ Approach from Rosny Childrens Choir Building - Before Public Consultation



▼ Approach from Rosny Childrens Choir Building - After Public Consultation

Artist Impression



Artist Impression

1 Introduction

▼ Approach from Bellerive Yacht Club - Before Public Consultation



Artist Impression

▼ Approach from Bellerive Yacht Club - After Public Consultation



Artist Impression

1 Introduction

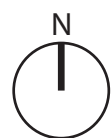
▼ The Boardwalk looking North - Before Public Consultation



▼ The Boardwalk looking South- After Public Consultation

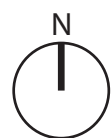


1 Introduction

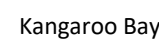


Ground Floor Plan

1 Introduction



First, Second & Third Floor Plans



20

Response of Community Consultation

Areas of Focus

- Consideration for guests and food & beverage, function space needs.
- Understanding of the car-parking challenges already in the area.

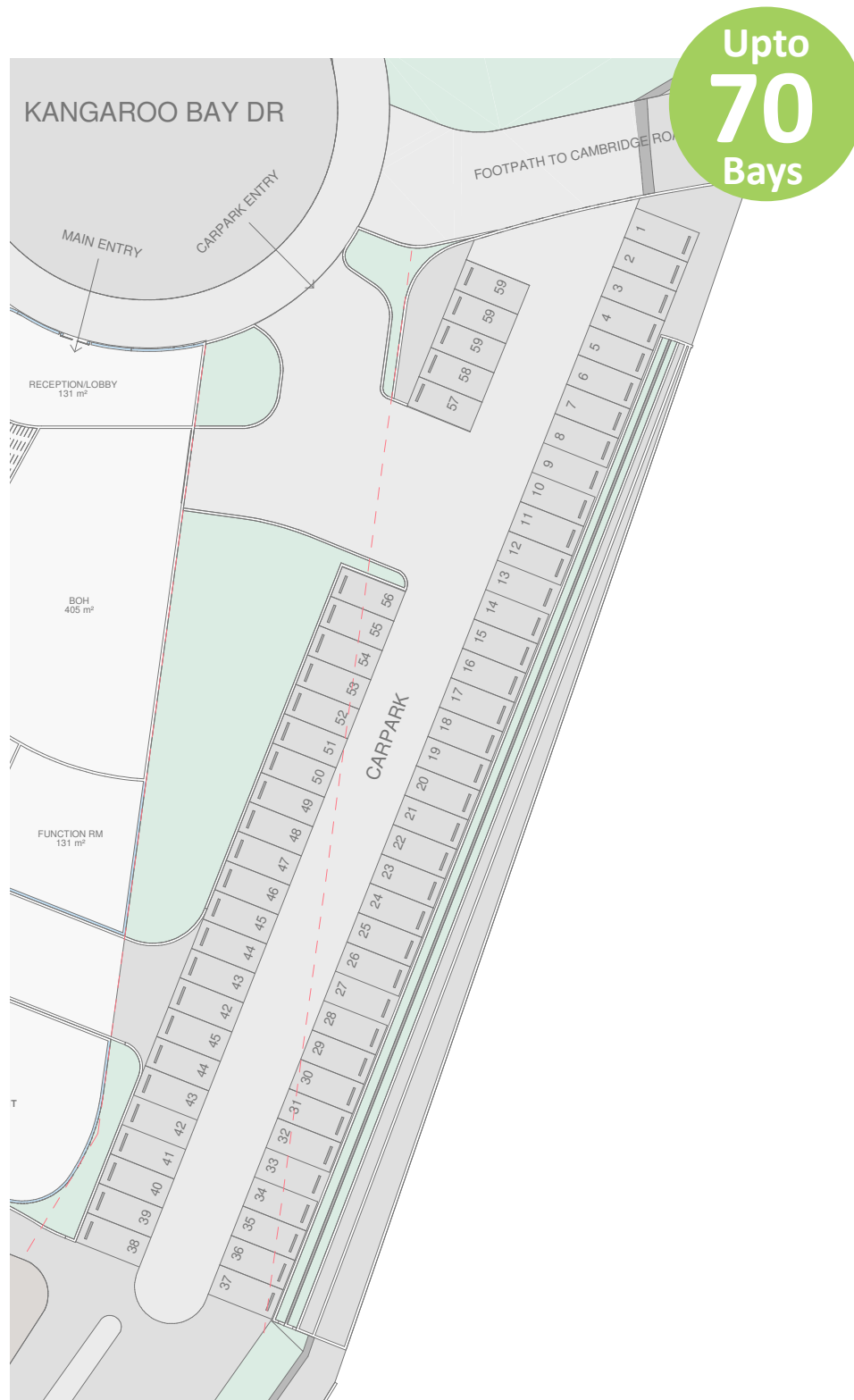
It must be mentioned in the outset that the area already experiences car-parking challenges due to the following factors:

- The activities of Bellerive Yacht Club especially on Regatta days and special events.
- The absence of street carparking along Cambridge Road.
- The proximity of Bellerive Oval especially when interstate or test matches are being played.
- The lack of parking catering for the nearby ferry wharf and commercial facilities.

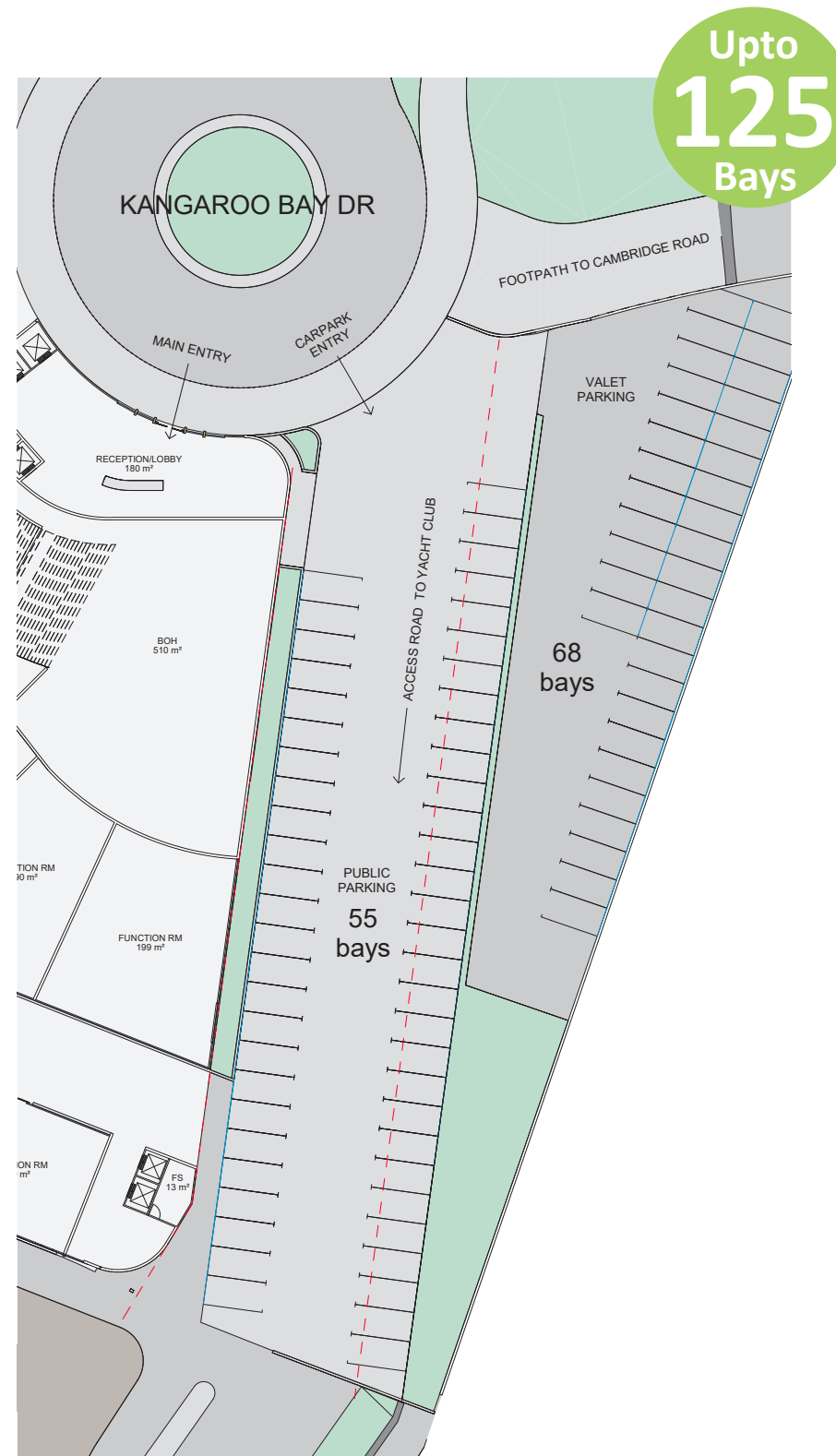
This scheme cannot single-handedly solve this existing problem. We set out to ascertain that we do not exacerbate the problem by providing sufficient parking for guests and F & B, function space needs. Initially we had up to 70 spaces (which was in line with the previous scheme). We then introduced additional spaces during the public consultation to bring the number up to 125 spaces. Due to the clear demands of the public, we pushed this number up to 150 spaces in the amended scheme.

2.1 Car Parking

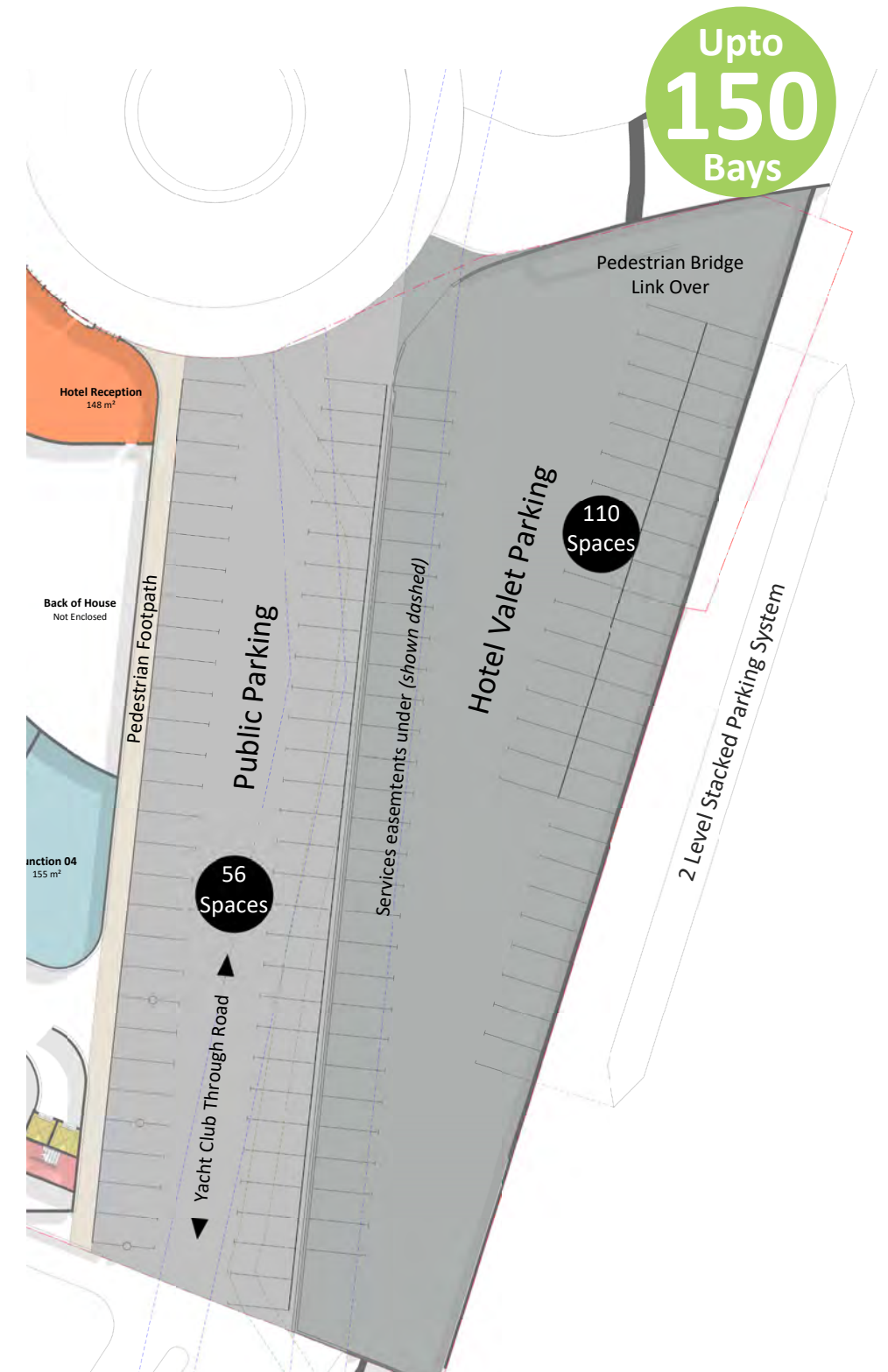
▼ V+A Architecture - Original Design Before Community Consultation



▼ V+A Architecture - Revised Design During Community Consultation



▼ V+A Architecture - Revised Design After Community Consultation



2.2 Height & Mass

Under this theme there were three sub-themes

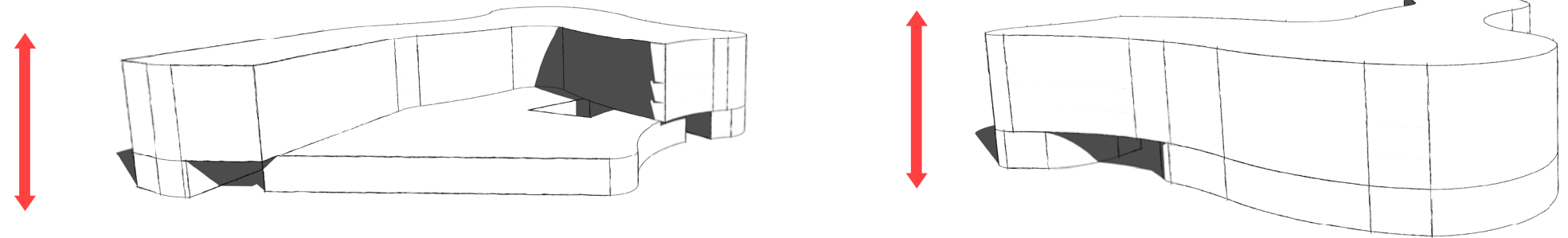
a) Number of floors and the impact on views:

The amended scheme has responded by setting back the top floor, thereby allowing the roof to appear to float above level 3 reducing the perceived height of the building by one floor. The initial idea of screening off level 1 from the plaza was preserved, thereby making the perceived height from the plaza to be only two floors. As mentioned earlier, we maintained siting the building as far as possible from Cambridge Rd following the shape of the headland. This has the effect of foreshortening the bulk of the building and minimising any view loss by the Cambridge Road residents.

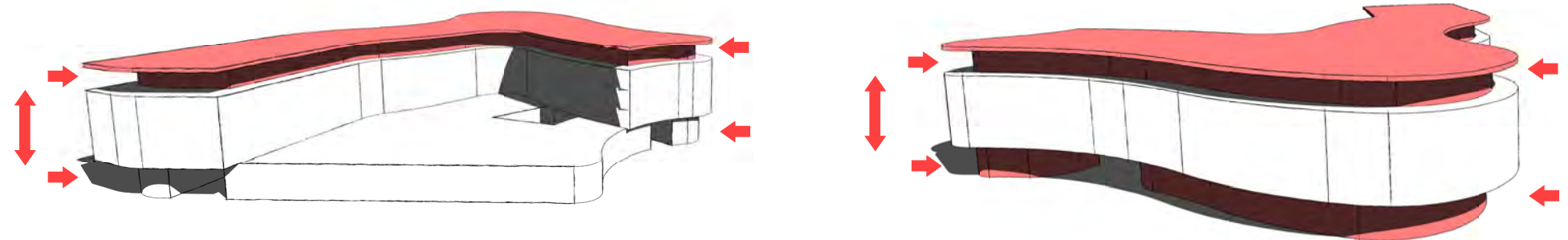
b) Mass/block nature of the design

The façade was further broken by vertical landscaped elements featuring native climbers to further animate the façade and provide a softer appearance. The facade landscaping was another request during the public consultation. The recessed top floor and floating roof further break up the horizontality of the building.

Building Mass before Public Consultation



Building Mass after Public Consultation



Areas of Focus

- Number of floors and the impact on views.
- Mass/block nature of the design.
- Concerns relating to shadows cast by the building.

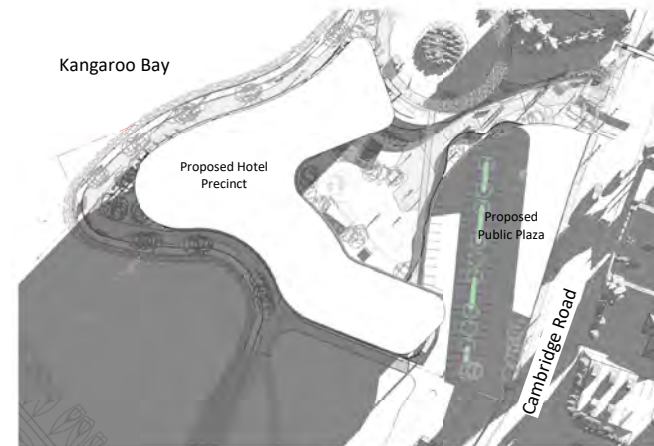


2.2 Height & Mass

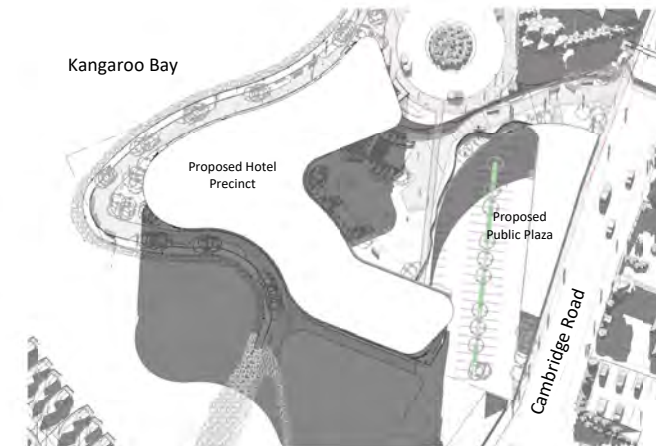
Shadow Studies

c) Shadows cast by the building on the plaza.

Shadow diagrams were prepared and they show that the public plaza and forecourt will be mostly sunny except for the late afternoon of the winter equinox.



21 June 9am
1 : 1000



21 June 12pm
1 : 1000



21 June 3pm
1 : 1000



21 September 9am
1 : 1000



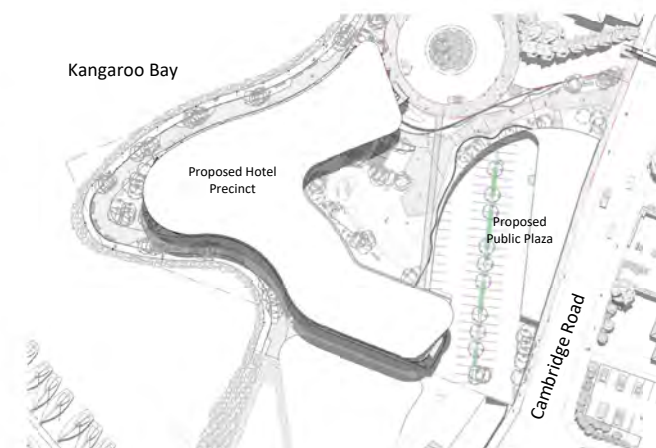
21 September 12pm
1 : 1000



21 September 3pm
1 : 1000



21 December 9am
1 : 1000



21 December 12pm
1 : 1000



21 December 3pm
1 : 1000

2.3 Public Access & Green Plaza

Areas of Focus

- General acceptance and pleased with the amount of public access.
- A bigger green area would increase opportunities for use.
- Ensure entry and exit points to Cambridge Rd align and understand the local foot traffic flow.
- Better landscaping options for better relationship between the public and hotel space.

a) Public access:

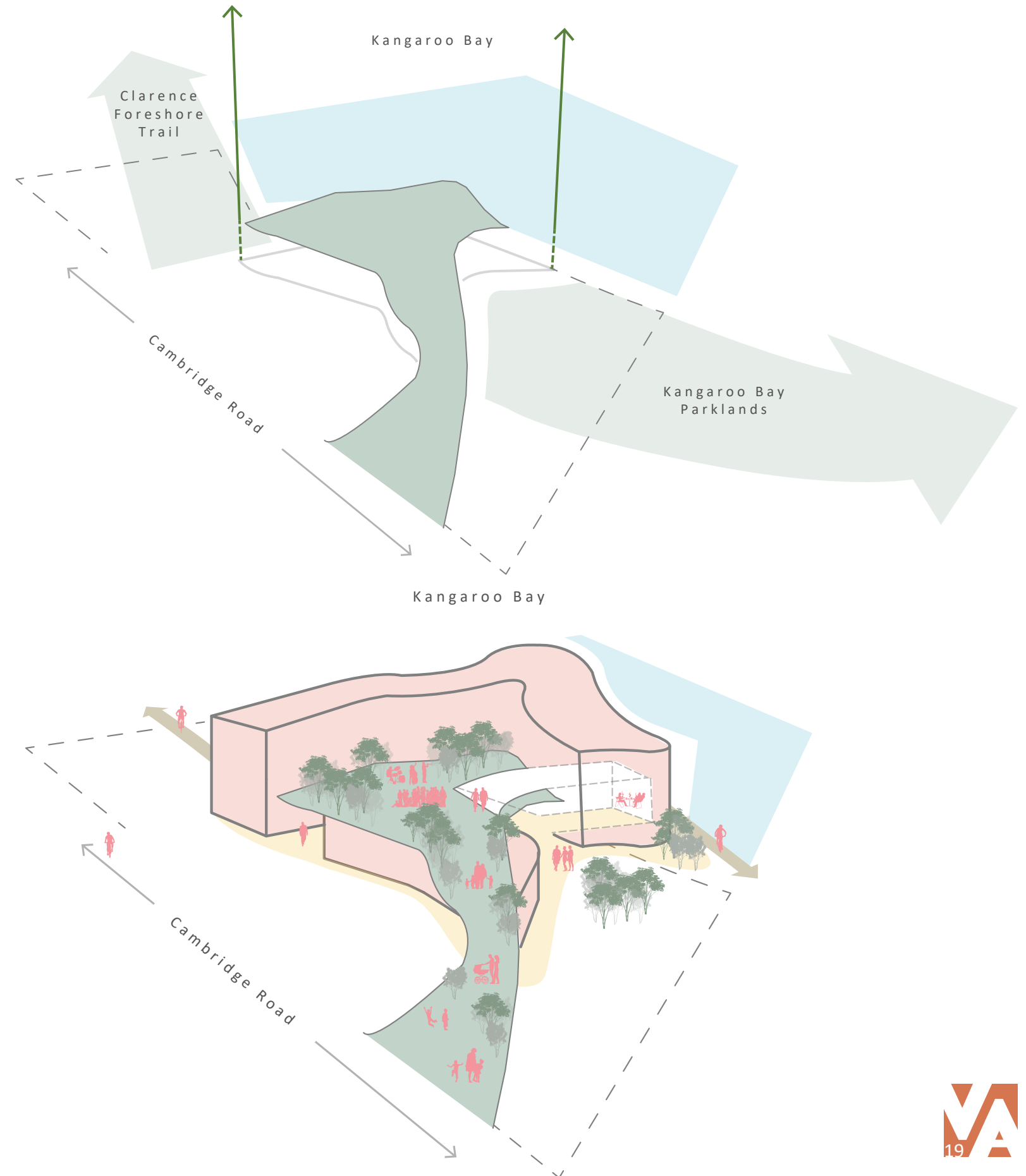
It was clear through the public comments that there was general acceptance of the volume and quality of public space.

b) A bigger green area would increase opportunities for use:

The proponents have reached the maximum feasible size of the public plaza; however, careful consideration will be given to the envisaged uses and more considered landscape design have taken place to optimise the use of the space and to introduce opportunities to reinterpret the history and significance of the precinct and to introduce different experiences in each area that will surprise and delight future users of the public domain.

c) Ensure entry and exit points to Cambridge Road align and understand the local foot traffic flow:

Better landscaping options were provided to guide users and to further develop the relationship between the public space and hotel space.



2.3 Public Access & Green Plaza

Response to Kangaroo Bay Hotel Community Consultation | Kangaroo Bay Hotel, Hobart, Tasmania

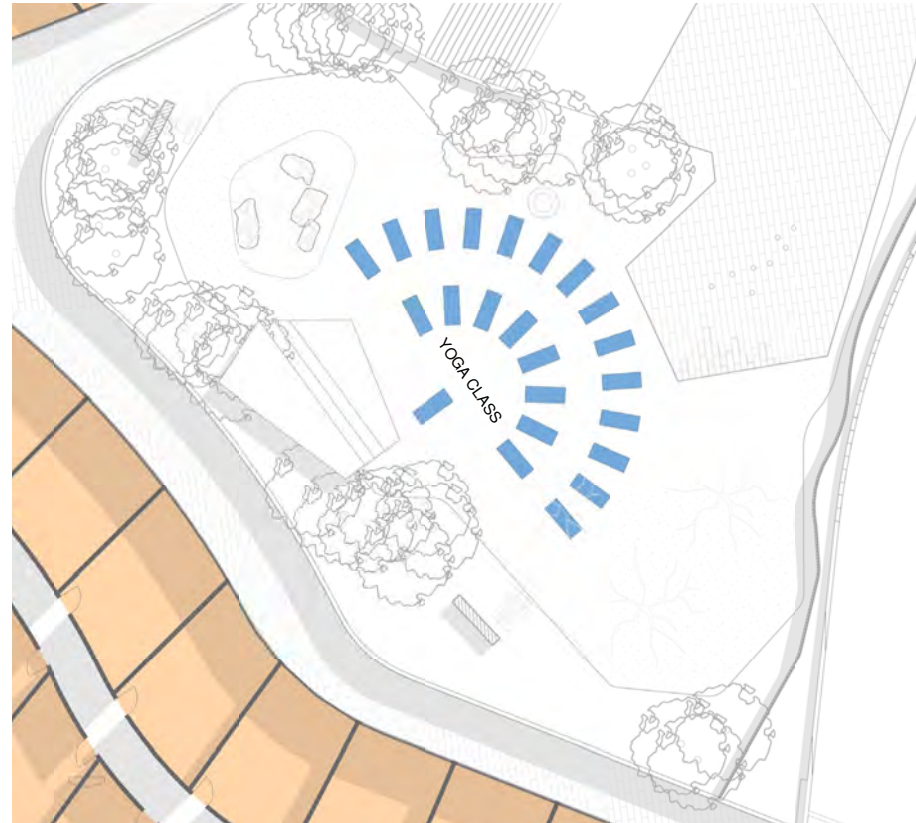


2.3 Public Access & Green Plaza

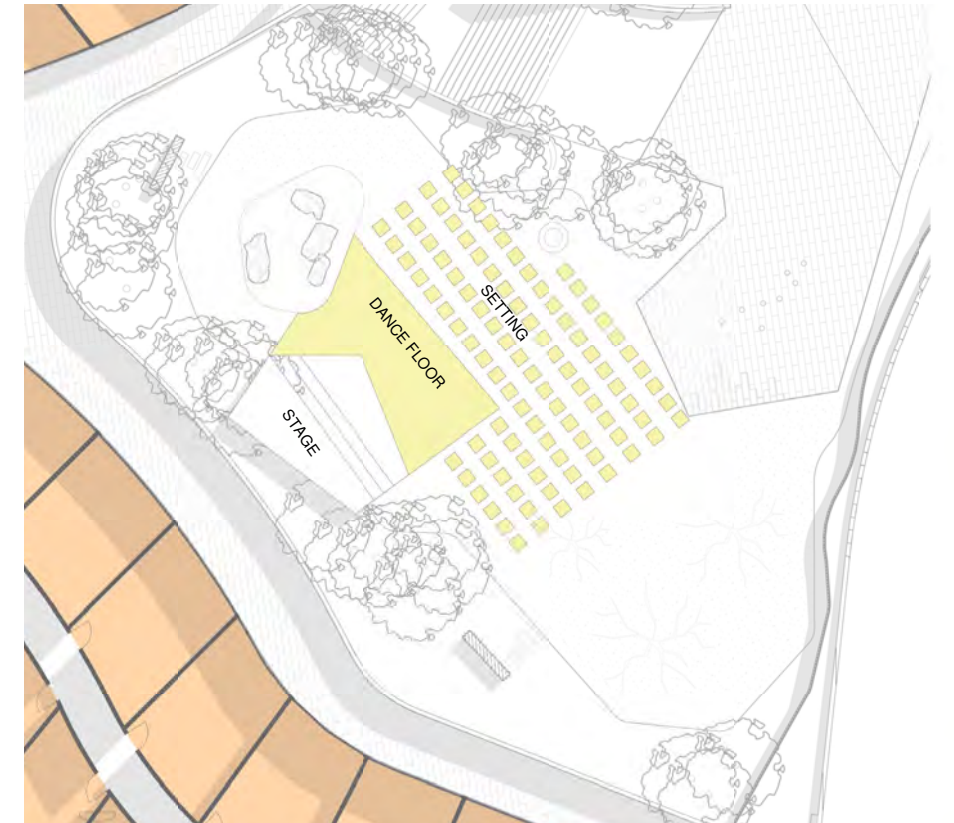
Public Plaza - Transformational Space



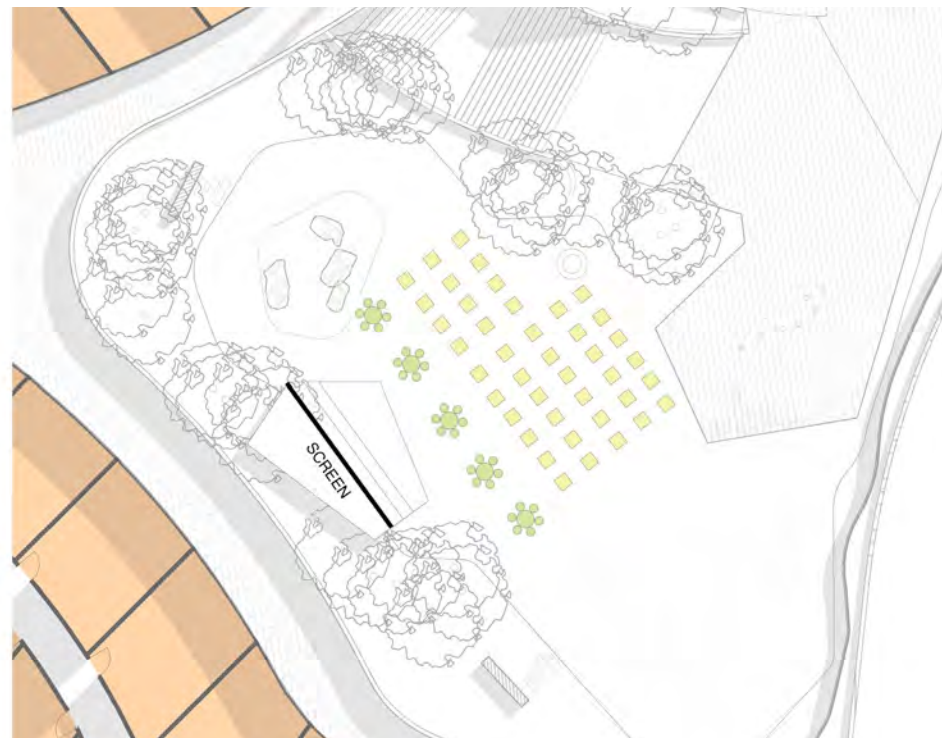
Fitness



Music



Media



Food & Drink



2.4 Design Fit with Location

Areas of Focus

- Consideration of the Aboriginal history.
- Consideration of the industrial history.
- Understanding of a “village” feel.
- Consideration of incorporating a local feel through elements of sandstone, landscaping.

To claim the iconic status of the building, the strategy that will be pursued by the building will recreaete the story of this site centred on the following:

a) Boardwalk Level: Railway and industrial history

Kangaroo Bay was the railhead for ferries and steamboats transporting goods and people across to Hobart Town, the rail and industrial theme will be reflected in the Boardwalk, landscaping and other details through this level.

b) Cambridge Road level (Floor 1): Maritime history of Kangaroo Bay

Bellerive historian and author John Sargent’s 34 books and his extensive collection of maritime artifacts will be used as reference together with material that may be available from Bellerive Historical Society.

c) Floor 2: Indigenous

Pre and post colonisation stories will be featured in close consultation with local representatives of the Indigenous community.

d) Floor 3: The Bay

Evolution of the area post colonisation. Visual character (residential, commercial, industrial). Geography, geology, topography

e) Floor 4: Faces of Kangaroo Bay:

Key personalities of the area over time - families, businesses, etc.
Floor 4 (Premium Restaurant)
The ‘paddock to the plate’ from the East-of-Hobart region (Eastern Shore, Coal River Valley, Sorrel, Tasman)
Consideration of incorporating a local feel through elements of sandstone, landscaping, railway/industrial



The Boardwalk looking South West

2.5 Boardwalk

Areas of Focus

- Safety of all users.
- Segregation of cyclists.
- Design of Boardwalk in line with safety and aesthetics.

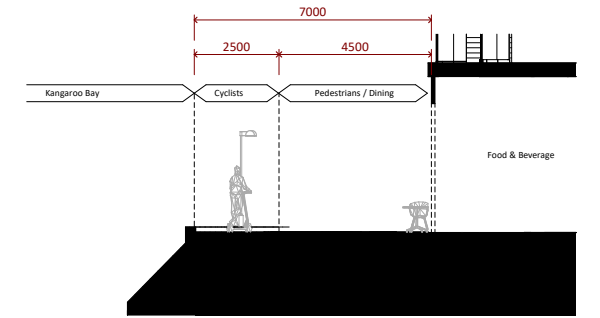
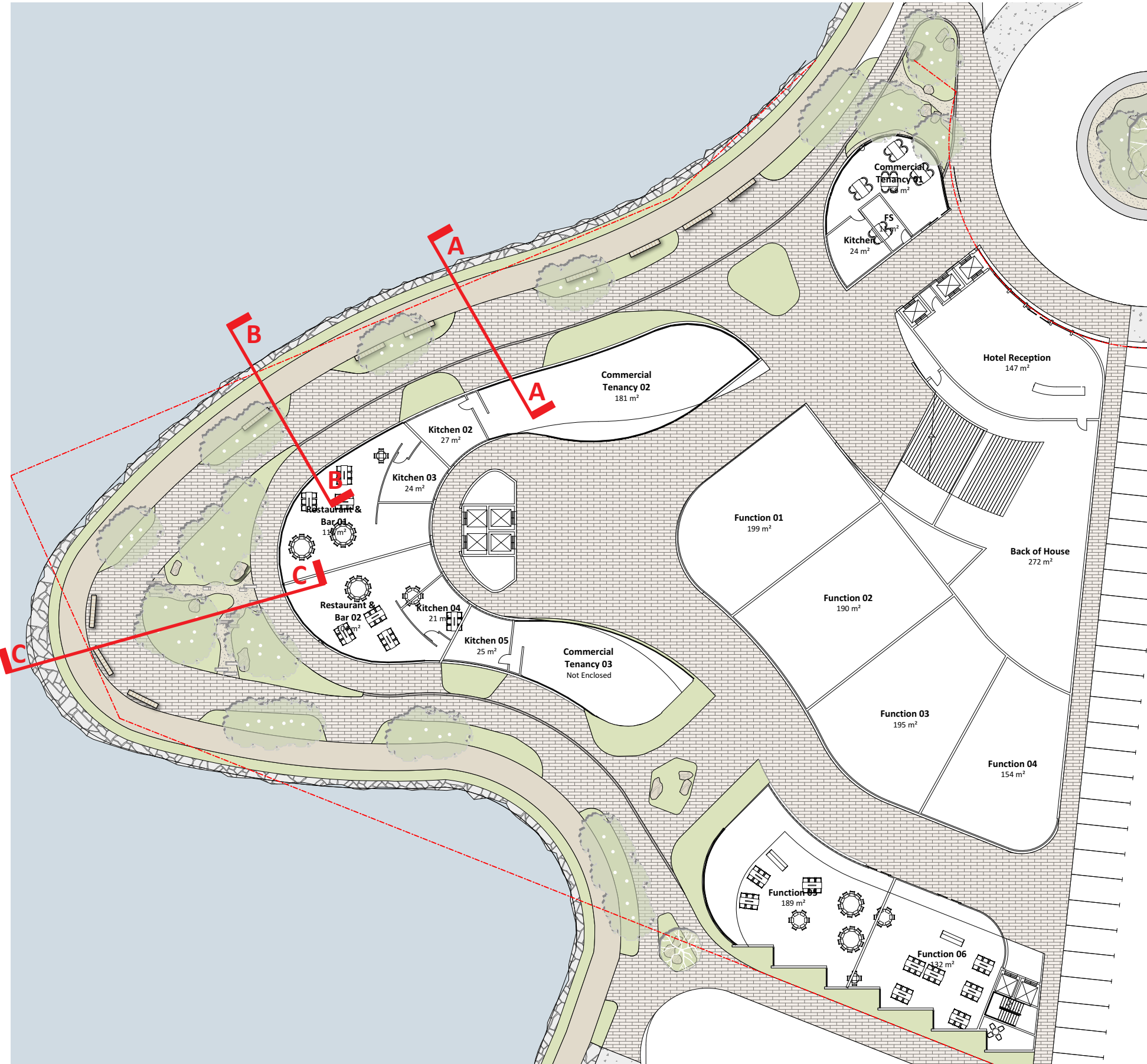
a) Safety of all users: The Boardwalk will have a minimum width of 10 metres. It will be subdivided into 3 zones by carefully designed landscape features including planting strips, planter boxes containing trees and kerbs:

- Zone 1 Cycleway (around 2 metres in width)
- Walkway
- AI fresco dining area under the colonnade.

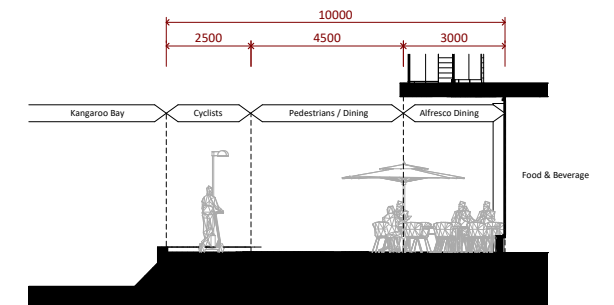
The design of the boardwalk will reflect the themes mentioned earlier and will above all provide safety for all.



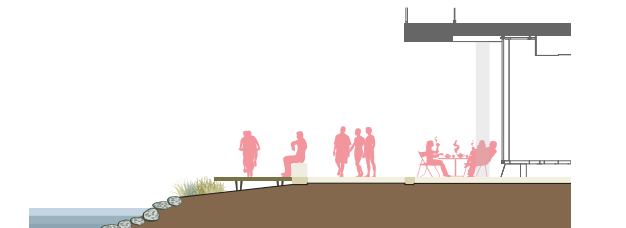
2.5 Boardwalk



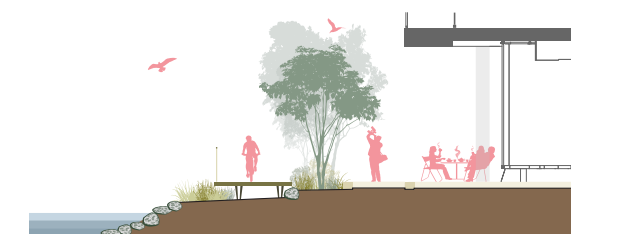
During Public ConsultationForeshore Boardwalk - Section A



Atfer Public ConsultationForeshore Boardwalk - Section A



Foreshore Boardwalk - Section A



Foreshore Boardwalk - Section B



Foreshore Boardwalk - Section C

2.5 Boardwalk

▼ Aerial View Before Community Consultation



▼ Aerial View After Community Consultation



2.6 Roof

Areas of Focus

- Colour considerations to reduce glare.
- Opportunity for greenspace.
- Ensure it is free of mechanics as much as possible.

a) Colour considerations to reduce glare:

An earthy colour was chosen to reduce glare.

b) Ensure the roof is free of mechanical equipment as much as possible:

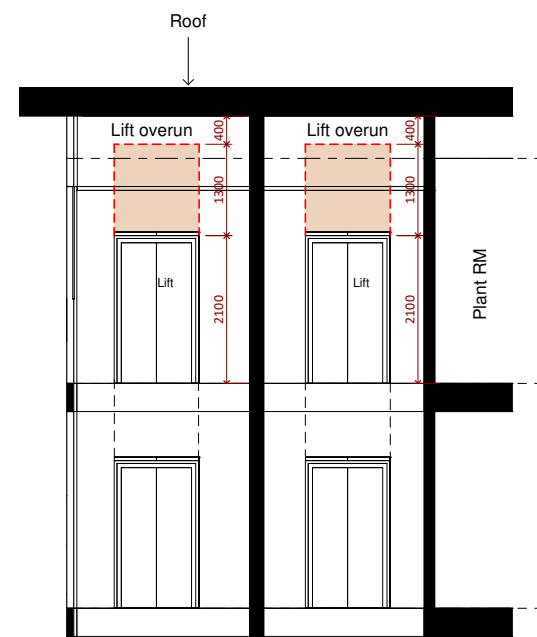
The roof is designed to float over the lift overrun and mechanical equipment will be housed away from the rooftop.

c) Opportunity for greenspace:

The proponents have not adopted this suggestion for several reasons including:

- The additional load and thickness of slabs and allowance for a soil zone would increase the height and perceived bulk of the building.
- Allowing for lifts and stairs to serve the roof together with covered amenities would further increase the height of the building.
- The climate will only allow limited usage making the cost and additional bulk unjustifiable.

The floating appearance of the roof will provide an aesthetically pleasing appearance to the building as viewed from different vantage points.



Areas of Focus

- Generally positive, however there is a need to understand the current flow of pedestrians relative to the entry points.
- Enhancements, greater clarity/visuals will help the community better understand the relationships with the existing areas such as Kangaroo Bay playground and BYC.

Public reaction was generally positive, however there is a need to clearly define entry flow of pedestrians relative to the entry points. This was achieved by introducing enhancements and architectural features to provide greater clarity helping the community to better understand the relationships with the existing areas such as Kangaroo Bay playground and the Bellerive Yacht Club.

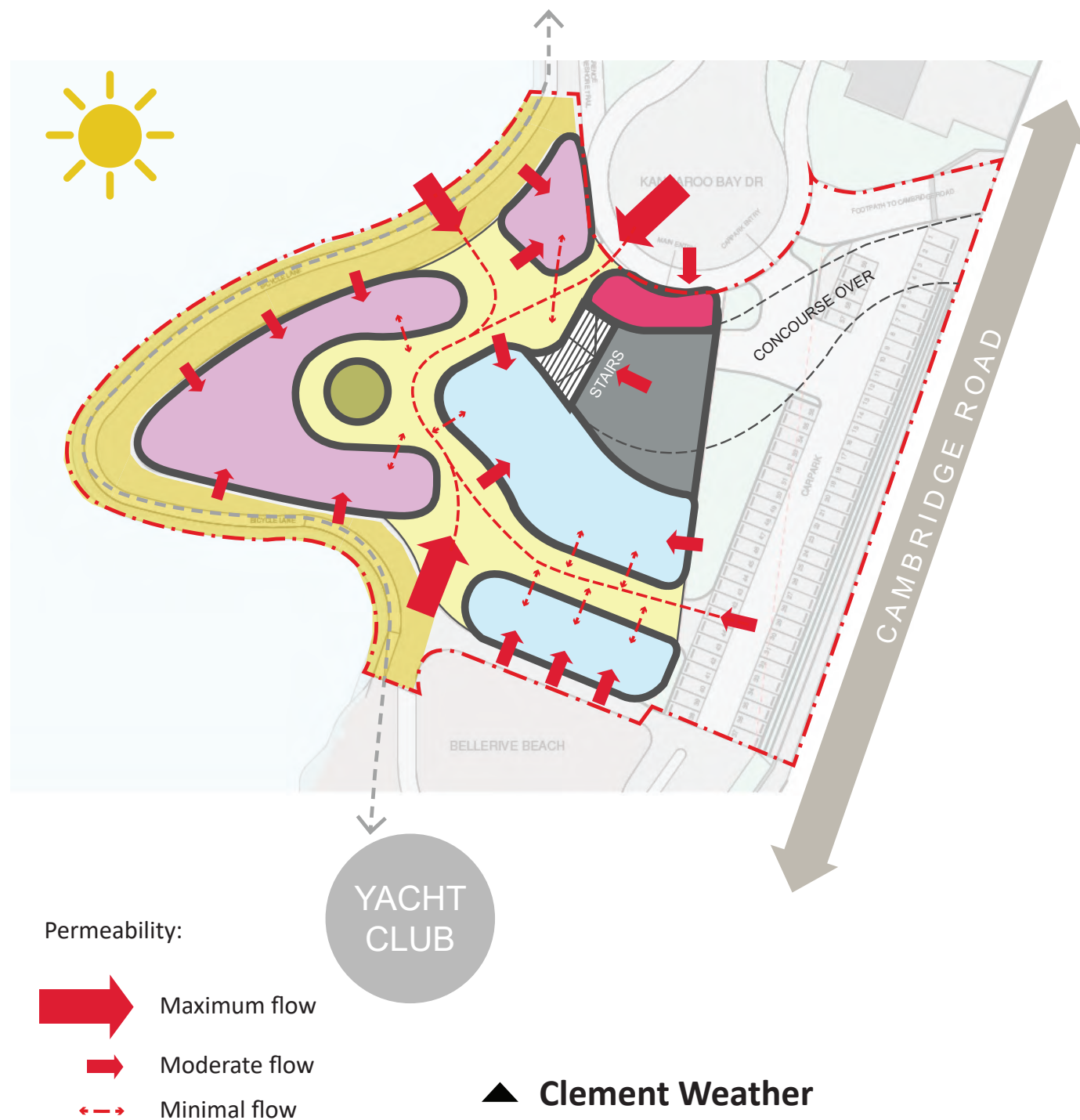
Legend

- 1 Ferry Wharf
- 2 Restaurant Precinct
- 3 Bellerive Yacht Club
- 4 Clarence Uniting Church
- 5 Rosny Childrens Choir
- 6 Tasmanian Produce Market
- 7 Kangaroo PBay Parklands
- 8 Clarence District Cricket Club
- 9 Rosny Hill
- 10 Clarence Foreshore Trail
- Primary Route
- Secondary Route
- ➡ Existing Vehicular Entry (Retained)

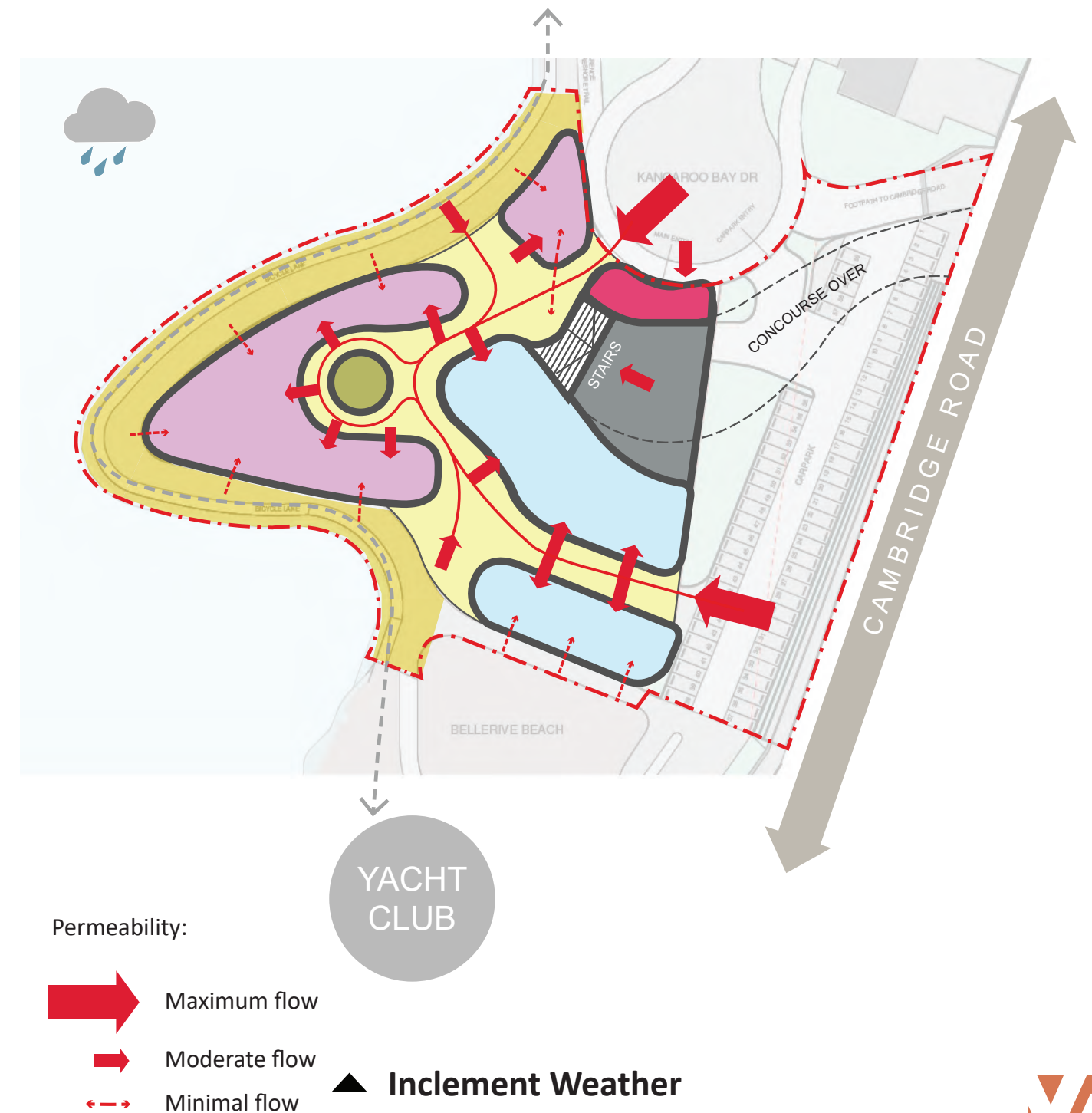


2.7 Connectivity

- Restaurant / Dining
- Function Spaces
- Circulation
- Main Entrance / Hotel Lobby
- Back of House



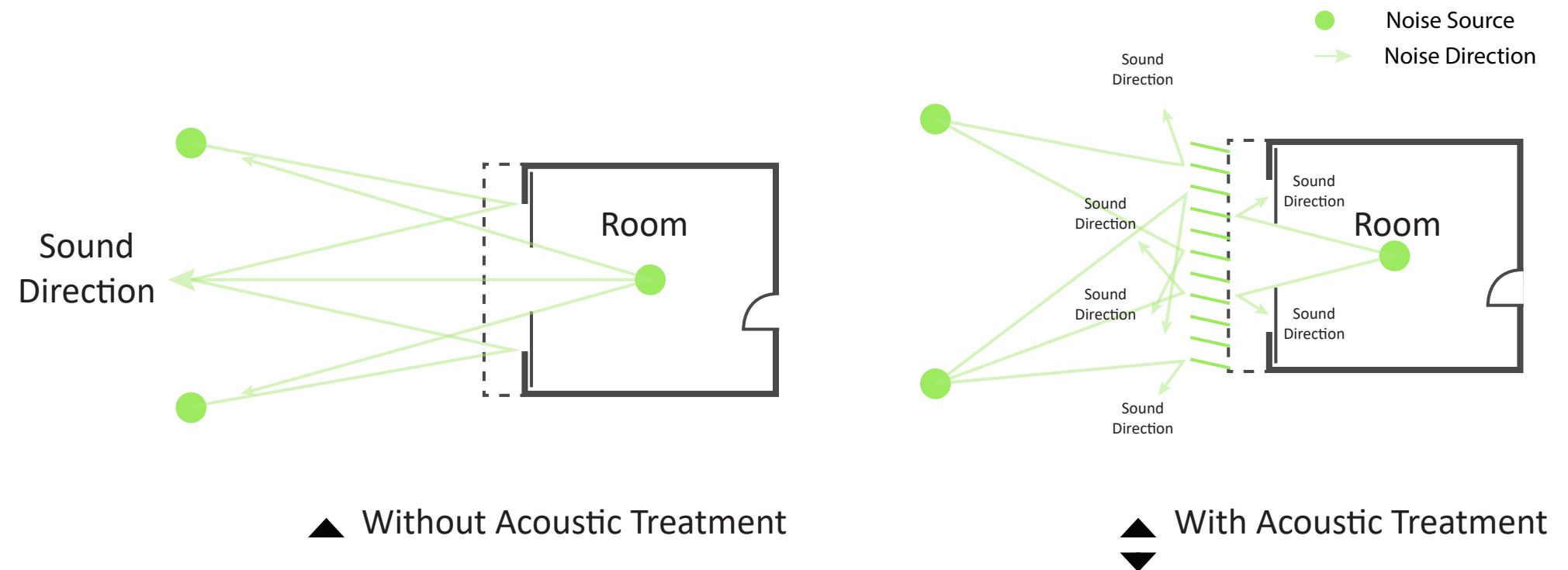
- Restaurant / Dining
- Function Spaces
- Circulation
- Main Entrance / Hotel Lobby
- Back of House



2.8 Noise

Areas of Focus

- Consideration of the current noise challenges of the Marina and whether there is any impact.
- Consideration of general noise/activity coming from the plaza towards Cambridge Road.



In consultation with the acoustic engineers, studies will be conducted in consideration of the current noise challenges of the Marina and any foreseen impact by the proposal. In addition, Consideration of general noise/activity coming from the plaza towards Cambridge Road due to the topography of the area and the tendency for sound to reverberate from one area to another. All recommended sound mitigation devices and measures will be adopted to ensure that the building will not be detrimental to the local acoustic amenity.

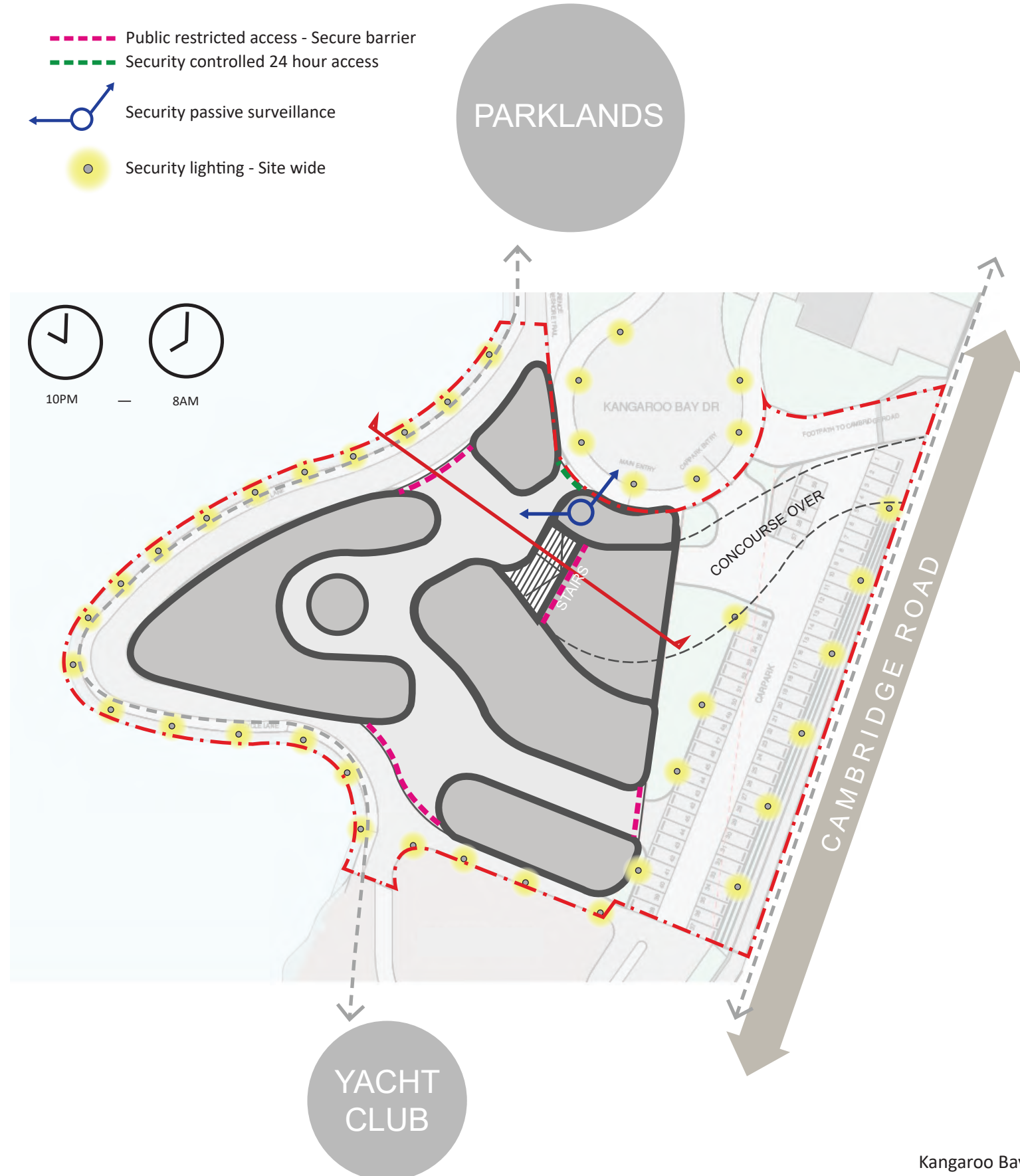
Artist Impression



2.8 Noise

- Lighting considerations in all pedestrian areas will include night safety as well as avoiding light spillage.
- Hotel security will ascertain that the grounds will be safe and not attract unruly users.
- Graffiti and vandalism risks are also controlled by hotel security, in addition, consideration of appropriate materiality will further limit this risk.

Concept Design Package | Kangaroo Bay Hotel, Hobart , Tasmania



2.9 External Facade

Areas of Focus

- Lighting considerations in walk through areas.
 - Potential to attract “youths” to the plaza overnight.
 - Graffiti risk.
-
- Window reflections: Careful selection of glazing to ensure low reflectivity.
 - Possible long-term deterioration of a timber finish: Advanced CLT will be researched and chosen to ensure compliance with the latest fire and waterproofing regulations and to ensure maintaining a good appearance with low maintenance.
 - Need to soften the façade, potentially using greenery: This was adopted with the insertion of judiciously chosen vertical panels throughout the façade. It is envisaged that native climbers will be used to withstand site conditions.



After Public Consultation



During Public Consultation

2.9 External Facade

Wall Cladding

Legend

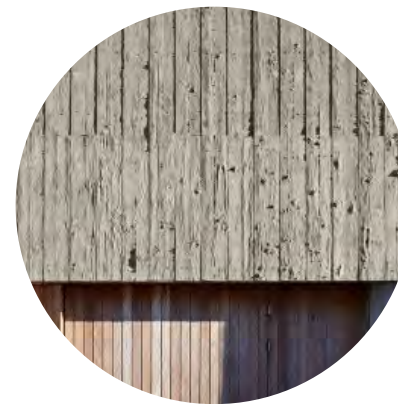
-  Recyclable / Recycled material
-  UV resistant material
-  Slip Resistant
-  Anti-Reflective
-  Fire-resistant

Facade Cladding



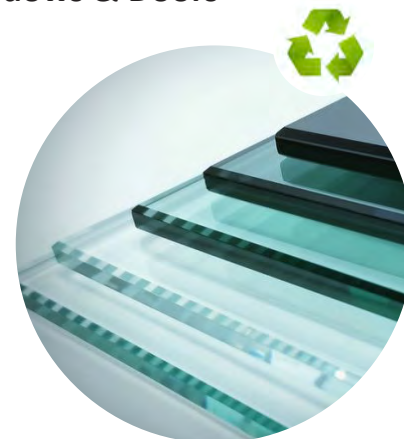
1 Tasmanian Oak Composite Timber Cladding

Podium Walls



2 Off-form / Board-Form Concrete Tint - Latte

Windows & Doors

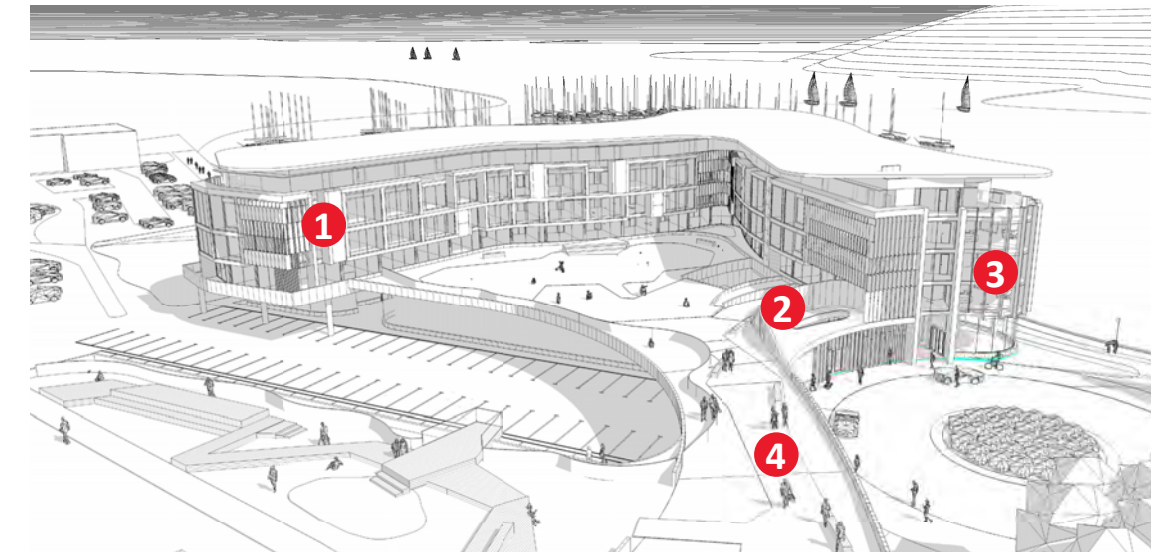


3 Glazing

References:

- Innowood "Innoclad"
- Adbri Masonry "Euro Stone"
- Glassform [Luxar Anti-Reflective Glass]

Specifications shown are for design intent, subject to design development, regulatory approvals and market conditions.



Hard Landscaping



4 Stone Paving

3.0

Conclusion

This report has explored some amendments resulting from public consultation. Undoubtedly future consultation with the council and the public will further benefit the scheme. The proponents desire for this scheme to be embraced by the public and having as such, they are willing to listen and act in the public interest. We trust that the mostly positive reaction gained so far will be further enhanced and improved with further design development.



9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - COUNCILLOR RITCHIE
REVIEW OF PLANNING CONTROLS FOR SHORT STAY ACCOMMODATION**

In accordance with Notice given, Cr Ritchie intends to move the following motion:

“That Council:

- A. Recognises that the current planning controls applicable to the regulation of short-stay accommodation are insufficient to properly regulate short-stay accommodation under the Tasmanian Planning Scheme – Clarence (TPS-Clarence).
- B. Authorises the Chief Executive Officer to write to the Premier and State Minister for Planning on behalf of council to request the State Government establishes a review to address issues including, but not limited to:
 - (i) The safety and protection of people accessing short-stay accommodation given the failure to require those operating short-stay accommodation to have a Working With Vulnerable People (WWVP) registration.
 - (ii) The rating options that may be applicable to short-stay accommodation providers by local Councils.
 - (iii) The location of short-stay accommodation and the ability for individual Council’s to determine exclusion zones and density levels.
 - (iv) Improved ability for Councils to address parking and community/residential amenity in assessing all applications for Visitor Accommodation.
 - (v) The requirement for all short-stay accommodation providers to be registered regardless of whether or not they are determined to be a permitted or discretionary use under the planning scheme.
- C. That the review be required to consult with all Councils across Tasmania, the results of the consultation be publicly available and the review to be completed in a period of 6 months or less.
- D. Authorise the Chief Executive Officer to write to the Local Government Association of Tasmania (LGAT) and request that the motion be placed on the agenda for the next LGAT General Meeting seeking support of other councils for Recommendations A, B and C.
- E. Authorise the Chief Executive Officer to prepare a more detailed report for the consideration of Council identifying the options and any difficulties related to any consideration of implementing a different rating system for Short Stay Accommodation in Clarence.”

EXPLANATORY NOTES

The growth in Tasmania's tourism economy has seen shifts in the market for visitor accommodation.

Sharing economy platforms like AirBNB have fundamentally changed the visitor accommodation market, providing more diversity in Tasmania's accommodation offering and allowing homeowners to derive a share from the informal accommodation market segment.

This shift has not been without controversy and public consultation on the draft planning directive in 2017 saw concern raised about many issues including residential amenity and impacts on the sharing economy on housing affordability particularly in the rental market. In July 2018 the Minister for Planning issued a Planning Directive adopted under the interim planning schemes to categorise the various types of visitor accommodation into a use class, enable an exemption for that use and provide standards to assess Visitor Accommodation applications when the exemption was not applicable. The exemption caused visitor accommodation meeting certain criteria to not need a planning permit to operate.

The Planning Directive formed part of a package to streamline the approval process and included a Building Self-assessment component authorised via a Director's Determination under the Building Act 2016. The Planning Directive now forms part of the Tasmanian Planning Scheme – Clarence (TPS-Clarence) and the building requirements are reviewed by private building surveyors and reported to CBOS.

Assessment of Visitor Accommodation under the TPS-Clarence enables a planning permit to not be required for Visitor Accommodation in a dwelling when the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation, or the dwelling is used by the owner or occupier as their main place of residence, and Visitors are accommodated in not more than 4 bedrooms. If this requirement is not met a planning application must be made for the use and development of land for Visitor Accommodation.

Dependant on the applicable provisions of the TPS-Clarence such applications may be permitted where the Planning Authority must issue a permit subject to conditions, and some applications will require the Planning Authority to exercise its discretion to approve or refuse the planning application, but only insofar as relevant to the particular discretion being exercised.

In zones where Visitor Accommodation is taken to be an acceptable use in the first instance, there are standards to ensure the Visitor Accommodation is compatible with the character of the area, does not cause an unreasonable loss of residential amenity, and does not impact the safety and efficiency of local roads. However, it is important to note that if the visitor accommodation is for guests in an existing habitable building and has a gross floor area of not more than 200m² per lot, the impacts on residential amenity and the impact on local roads is not scrutinised within the zone standards.

In relation to the codes, the number of onsite parking spaces required for all Visitor Accommodation types is 1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater.

The TPS-Clarence does not have a head of power to demand more onsite parking be provided. Other codes, such as the hazard management codes may be applicable depending on the siting of the use and development.

Objections or representations may only be considered for discretionary planning applications. There is no opportunity to lodge a representation against land being used for Visitor Accommodation if the proposal meets the relevant exemption or is a 'permitted' application.

Visitor Accommodation as land use and development is largely regulated through the State planning provisions by Council acting as the Planning Authority. Several other Acts regulate visitor/short to medium term stay accommodation, such as the Building Act 2016, Short Stay Accommodation Act 2019 which requires the booking platform providers to collect and display certain information regarding short stay premises listing on their booking platforms, and Liquor and Accommodation Act 1990.

Council may choose to adopt its own Policy in relation to visitor accommodation. However, such a policy would not have any determining weight in deciding a planning application made under LUPAA.

In relation to Council adopting a planning provision, this would require the amendment of the State Planning Provisions (SPP) or the Local Provisions Schedule (LPS). An amendment to the SPP's or the LPS is tightly regulated and must meet the sustainable development objectives of LUPAA, be consistent with the State Policies and the Tasmanian Planning Policies, met the SPP/LPS criteria, and drafting guidelines.

The Hobart City Council's bid to secure a Visitor Accommodation draft planning scheme amendment to block new permits being issued for entire homes in residential zones was recently rejected by the Tasmanian Planning Commission.

Numerous councils throughout Australia have explored options designed to slow the uptake of visitor accommodation, such as rate surcharges of up to 50%, restrictions on numbers and bans. These options are currently outside the scope of current planning controls.

In recent years, the total numbers of properties in Clarence that have been approved to operate as short-stay accommodation are as follows:

- 2019 - 78 planning permits
- 2020 – 19 planning permits
- 2021 – 37 planning permits
- 2022 – 52 planning permits

Importantly, these figures do not include the Visitor Accommodation that did not require a planning permit, such as those meeting the relevant exemptions.

It is clear that the highly deregulated nature of short-stay visitor accommodation requires an overhaul to address very serious concerns around issues such as the lack of planning controls, effects on residential amenity, consumer safety and effects on housing and homelessness.

Councillor A Ritchie
DEPUTY MAYOR

CHIEF EXECUTIVE OFFICER'S COMMENTS

There is currently no clear, definitive means by which to regulate short stay visitor accommodation within the city. The recent decision of the Tasmanian Planning Commission arising from the proposed Hobart City Council scheme amendment suggests that legislative reform is required.

While there are some opportunities under the Local Government Act to rate short stay visitor accommodation properties differently, that approach is not a complete solution. The key issue to be resolved is the classification of certain types of property coupled with a means to accurately 'register' properties used for short stay accommodation. Without an accurate register of properties, enforcement of any scheme or legislative requirements is problematic.

Within the current legislative and planning structures, it will be necessary to undertake a detailed legal review of the current system. That review would necessarily need to involve the Valuer General's Office and relevant Tasmanian Government departments (such as Treasury and the State Planning Office). In that context, state government agreement to participate in any review is likely to be a necessary element in order to achieve the full intent of the motion.

A matter for Council.

**9.2 NOTICE OF MOTION - COUNCILLOR DARKO
ESTABLISHMENT OF A LGBTIQA+ WORKING GROUP**

In accordance with Notice given, Cr Darko intends to move the following motion:

“That Council request the Community Wellbeing Advisory Committee (when formed) to establish a Standing Working Group to investigate and report on the experiences and issues experienced by lesbian, gay, bi+, trans, gender diverse, non-binary, intersex, queer, asexual and aromantic (LGBTIQA+) people and their families in regard to genuine inclusion in our communities”.

EXPLANATORY NOTES

1. In Tasmania, there has been a recent increase in public transphobia and transmisogyny. These include but are not limited to:
 - An anti-trans motion by one of the councillors from a neighbouring council.
 - An anti-trans protest outside a public swimming pool.
 - An anti-trans misinformation letter published in a Tasmanian newspaper, describing a fake incident at a public swimming pool.
 - Online harassment of pro-trans councillors.
 - A high profile anti-trans activist from the UK is doing a tour of Australia and will be speaking on Parliament Lawns the day after this meeting.
2. Neighbouring councils have recently implemented several pro LGBTIQA+ measures, and this motion aims to increase safety and protection for LGBTIQA+ residents of Clarence City Council, and to reassure them that Clarence will continue to be a safe and welcoming city, where they are respected and valued.
3. In 2022, council adopted its Community Wellbeing Strategy 2022 – 2032 to identify objectives to support the health and wellbeing of our community. Central to this strategy, and to all of council’s adopted strategies, are the key themes of access, inclusion and equality. Clarence strives to be a welcoming and inclusive city where community safety is valued.
4. The aim of the working group would seek to identify actions aligned with council’s adopted community wellbeing objectives to further support collaborative and inclusive practices in our community.

5. Initial investigations to include, but not limited to:
- reviewing council policies to support LGBTIQ+ inclusion (including a ban on the use of Council facilities for events related to prejudice against LGBTIQ+ people – such as the promotion of homophobia, biphobia, or transphobia)
 - achieving the Rainbow Tick Accreditation
 - supporting staff who choose to march in pride events
 - flying the Progress Pride Flag on International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT), and
 - developing an LGBTIQ+ Action Plan outlining recommendations for council consideration.”

J Darko
COUNCILLOR

CHIEF EXECUTIVE OFFICER’S COMMENTS

The motion aligns with work underway in accordance with the council’s Access and Inclusion Plan as well as the Age Friendly Plan.

A matter for council.

**9.3 NOTICE OF MOTION - COUNCILLOR HULME
RESTRICTIVE COVENANTS**

In accordance with Notice given, Cr Hulme intends to move the following motion:

“That Council:

1. Authorises the Chief Executive Officer to write to the Attorney General urging legislative change to outlaw the creation of covenants which place restrictions on the use of land and property for:
 - a. public, social or affordable housing; or
 - b. tenants or occupants based on their source of income, or social or financial circumstances; and
2. Brings a motion to the next general meeting of the Local Government Association of Tasmania to adopt the same position.”

EXPLANATORY NOTES

- It was reported on ABC News Tasmania and ABC Radio’s PM Program on Monday 20 February 2023 that restrictive covenants were being applied to housing estates in Tasmania disallowing the use of properties for public housing or to lease to tenants in receipt of government payments. The story referred to such covenants being used in estates in Glebe Hill and Mornington, both of which are in the City of Clarence.
- Some people including welfare agencies have expressed concern that allowing such covenants makes it more difficult for Tasmanians who are homeless or at risk of homelessness to secure affordable accommodation.
- While the regulation of covenants is a matter for the Tasmanian Government and Parliament, it is appropriate for local government to adopt a position on this issue as advocates for the rights of people to access affordable housing. Such restrictive covenants also have the potential to curtail efforts by local government to improve the supply of affordable housing through the instruments available to us.

- There appears to be little, if any, legislative restriction on using covenants in this way in either the *Land Titles Act 1980* or other legislation relevant to the administration of land rights. There is also no restriction on covenants being in this way in the *Anti-Discrimination Act 1998* because economic circumstances are not a prescribed attribute. It would be prudent of the Attorney-General to consider whether amendments to both legislative instruments are required.

D Hulme
COUNCILLOR

CHIEF EXECUTIVE OFFICER'S COMMENTS

A matter for council.

**9.4 NOTICE OF MOTION - COUNCILLOR MULDER
NO CONFIDENCE – MINISTER FERGUSON**

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

“That Council has lost confidence in Minister Ferguson”.

EXPLANATORY NOTES

The Minister has described Clarence Council as "bloody minded", despite following the Government's policies and procedures in regard to the Skylands proposal.

The Skylands proposal sought to pre-empt a holistic review of the urban growth boundary to be undertaken under the auspices of the Greater Hobart Committee.

Various Ministers have established policies and procedures for urban growth boundary changes, including a requirement that a council must make a formal request before the proposal would be considered. On July 22, 2022, Minister Ferguson wrote:

“until such time as Council endorses the proposal and a formal request to amend the UGB is received, no further action can be taken”

Despite Council declining to "endorse the proposal" or make a formal request, the Minister has "taken action" and usurped the role of council and undermined the authority of the Greater Hobart Committee whose decisions are made by a majority vote.

Council can have no confidence in a Minister who arbitrarily changes policies and procedures, then brings into disrepute those who properly exercised their role.

T Mulder
COUNCILLOR

CHIEF EXECUTIVE OFFICER'S COMMENTS
A matter for council.

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 Hulme

I draw council's attention to news that featured on both ABC News Tasmania the TV news and also the ABC Radio's PM program on Tuesday of last week about covenants on subdivisions in Tasmania that disallow public housing and also disallow leasing houses to tenants who are receiving government payments. A lot of people like me who would have heard that story would have been surprised that this sort of practice is legal and what I found particularly disappointing was that of the 3 suburbs featured in that story two of them were in the City of Clarence, Mornington and Glebe Hill. My question is, is there anything Council can do about this?

ANSWER

(Chief Executive Officer) When I heard that story I was as surprised as most people were. We certainly were not aware of those covenants or the manner in which they were used. The reason for that is when covenants are put on land titles it is a matter that is between the landowner and other parties that might be involved in that transaction and they are registered through the Land Titles Office. From a council point of view, we simply do not have any visibility of that sort of activity, so it comes as a surprise. In terms of the discussions we have had internally, really the issue now becomes what is legal and what is not in respect to a covenant on a title and in the context of the use of this type of covenant, having spoken with Commissioner Bolt from Equal Opportunity Tasmania, it does not fall within the ambit of the anti-discrimination legislation either. So really, the issue here is about legislative change and discussing what is fair and reasonable in the context of the use of caveats and covenants on titles.

Question contd

In summary there is really nothing we can do about it?

ANSWER

(Chief Executive Officer) Not without legislative change is the advice that I have at this point in time.

Cr James

1. Has council been advised of the 3 Droughty Point Road decision in relation to some land on Droughty Point Road where they wanted a machinery base and stockpile of the material? As I understand it went to mediation and I think it may have gone to appeal and I have been advised by a local that a decision has been made and council will be advised?

ANSWER

Taken on notice.

(Further information)

This appeal was resolved by mediation. A memo has been prepared for the weekly briefing report, with details of the mediated outcome approved by TASCAT.

2. My questing is regarding Regal Court and the situation with the golf course. Would Mr Lovell be able to advise us of the current situation in relation to this matter?

ANSWER

(Mr Lovell) It is still a matter that has been deferred to a date to be fixed. That is out of our hands, when we know when it will resume we will inform the council.

Cr Warren

Could Mr Graham clarify who is responsible for the footpaths along East Derwent Highway because I know East Derwent Highway itself is a State road but is council responsible for the footpaths because I have been advised of some issues?

ANSWER

(Mr Graham) I will seek clarification from council officers. I do believe we are responsible under the Roads and Jetties Act, but I will provide advice to council.

(Further information) While East Derwent Highway is the responsibility of the Department of State Growth, the footpaths each side of the highway are the responsibility to council to maintain.

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 matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

11.1 APPLICATIONS FOR LEAVE OF ABSENCE

11.2 JOINT AUTHORITY MATTER

11.3 TENDER T1478-22 MICROSURFACING WORKS – RESEALING PROGRAM

11.4 TENDER T1484-22 ANNUAL RESEAL PROGRAM – SPRAY SEAL WORKS

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

- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential; and
- 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”.