COUNCIL MEETING

MONDAY 15 JANUARY 2024

TABLE OF CONTENTS

ITEM	SUBJECT PAGE		
1.	ACKNOWLEDGEMENT OF COUNTRY		
2.	APOLOGIES		
3.	DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE		
4.	OMNIBUS ITEMS44.1CONFIRMATION OF MINUTES44.2MAYOR'S COMMUNICATION44.3COUNCIL WORKSHOPS44.4.TABLING OF PETITIONS54.5REPORTS FROM OUTSIDE BODIES6•REPORTS FROM SINGLE AND JOINT AUTHORITIES6•REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE64.6WEEKLY BRIEFING REPORTS7		
5. 6.	PUBLIC QUESTION TIME		
_			
7	PLANNING AUTHORITY MATTERS		
7.1	DEVELOPMENT APPLICATION PDPLANPMTD-2023/038850 – 7 BANGALEE STREET, LAUDERDALE - ADDITIONS AND ALTERATION (SINGLE DWELLING)		
7.2	DEVELOPMENT APPLICATION PDPLANPMTD-2023/037666 – 12 CHILEAN COURT, SANDFORD – DWELLING AND OUTBUILDING		
7.3	DEVELOPMENT APPLICATION PDPLANPMTD-2022/032299 – 6 PAIGE COURT, WARRANE – 10 Multiple Dwellings And Three Communal Residences		

8. **REPORTS OF OFFICERS**

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS - NIL ITEMS

8.2 ASSET MANAGEMENT - NIL ITEMS

8.3 FINANCIAL MANAGEMENT - NIL ITEMS

8.4 GOVERNANCE - NIL ITEMS

9. MOTIONS ON NOTICE - NIL ITEMS

10.	COUN	ICILLORS' QUESTION TIME	149
		QUESTIONS ON NOTICE	
	10.2	Answers To Questions On Notice	149
	10.3	ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING	
	10.4	QUESTIONS WITHOUT NOTICE	

- 11.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 11.2 PROPERTY MATTER ROKEBY
- 11.3 LEGAL MATTER

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:

"Before proceeding, I pay my respects to the Mumirimina people as the traditional and original custodians of the lands on which we meet, and I acknowledge the continuing connection of the Tasmanian Aboriginal people to the skies, land and waterways.

I pay respect to Elders past and present."

- 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

Cr James (Leave of Absence)

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 11 December 2023, as circulated, be taken as read and confirmed.

4.2 MAYOR'S COMMUNICATION

4.3 COUNCIL WORKSHOPS

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

RECOMMENDATION:

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

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** December Quarterly Report pending.

Representative Reporting

- SOUTHERN TASMANIAN REGIONAL WASTE AUTHORITY Representative: Cr Warren (Mayor's nominee) Cr Hunter (Proxy)
- TASWATER CORPORATION
- GREATER HOBART COMMITTEE

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 11 and 18 December 2023 and 1 and 8 January 2024 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 11 and 18 December 2023 and 1 and 8 January 2024 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.

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

Mr Thomas Chick of Mornington has given notice of the following question:

GREATER HOBART BUSHFIRE EXPOSURE INDEX

Geoneon has recently released their Greater Hobart Bushfire Exposure Index, funded by the Australian Government and in partnership with Hobart, Glenorchy and Kingborough Councils. The Index and associated report cover only those three councils. It is notable that Clarence, the only remaining member of the Greater Hobart Committee, is not included.

Was Clarence City Council approached by Geoneon to participate in the Index? If so, did Clarence decline? If so, for what reason(s)?

5.2 ANSWERS TO QUESTIONS ON NOTICE

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

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda.

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

Council's Public Question Time Policy can be found on Council's website at <u>Public</u> <u>Question Time - City of Clarence : City of Clarence (ccc.tas.gov.au)</u>

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)

11

7 PLANNING AUTHORITY MATTERS

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

7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2023/038850 – 7 BANGALEE STREET, LAUDERDALE - ADDITIONS AND ALTERATION (SINGLE DWELLING)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for Additions and Alteration (Single Dwelling) at 7 Bangalee Street, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential, and subject to the Parking and Sustainable Transport Code, Coastal Inundation Hazard Code and Safeguarding of the Airports Code under the *Tasmanian Planning Scheme - Clarence* (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 15 January 2024.

CONSULTATION

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

RECOMMENDATION:

- A. That the Planning Application for Additions and Alteration (Single Dwelling) at 7 Bangalee Street, Lauderdale (Cl Ref PDPLANPMTD-2023/038850) be refused because the proposal is contrary to the provisions of the *Tasmanian Planning Scheme Clarence* for the following reason.
 - 1. The proposal does not comply with Clause 8.4.2 P2 of the Scheme relating to setbacks for carports and garage because the setbacks for the proposed garage are not comparable to any carports or garages existing within the street.
- 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-2023/038850 - 7 BANGALEE STREET, LAUDERDALE - ADDITIONS AND ALTERATION (SINGLE DWELLING) /contd...

ASSOCIATED REPORT

1. BACKGROUND

The site is currently developed with a dwelling and carport, with the dwelling approved by building permit B-1967/299 and carport approved under permit reference D-1998/124.

2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned General Residential under the Scheme.
- **2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
 - Clause 5.6 Compliance with Applicable Standards;
 - Clause 6.10 Determining Applications;
 - Clause 10.0 General Residential Zone;
 - Clause C2.0 Parking and Sustainable Transport Code;
 - Clause C11.0 Coastal Inundation Hazard Codes; and
 - Clause C16.0 Safeguarding of the Airports Codes.
- **2.4.** Council's assessment of this proposal must 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 519m² triangular, fully serviced, and flat parcel of land with a sealed crossing to Bangalee Street. The site is located adjacent to the community purpose zone containing the Lauderdale Fire Station, Family and Child Health Centre and a Childcare Centre.

3.2. The Proposal

The proposal is for alterations and additions to an existing single dwelling encompassing an upper-level addition to provide for a new master suite. Various internal works and a replacement sunroom would occur on the ground floor.

The existing double carport would be demolished, and a new driveway installed with a single garage and uncovered parking space in the frontage setback. The proposed garage will be setback 2.9m from the primary frontage.

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.

> Applicable standard means in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective."

To assist with deciding whether the proposal complies with the two tests of each applicable standard, the scheme defines technical terms and unless the contrary intention appears, the scheme uses ordinary meanings.

Streetscape is defined by the scheme to mean:

"the visual quality of a street depicted by road width, street planning, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures fronting the road reserve. For the purposes of determining streetscape for a particular site, the above matters are relevant when viewed from either side of the same street within 100m of each side boundary of the site."

4.2. Determining Applications [Section 6.10]

- "6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:
 - (a) all applicable standards and requirements in this planning scheme; and
 - (b) any representations received pursuant to and in conformity with section 57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised."

References to these principles are contained in the discussion below.

4.3. General Provisions

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

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

4.4. Compliance with Zone and Codes

The proposal does not require an assessment against the Safeguarding of Airports Code because the proposed development height is below the Obstacle Surface Layer (OSL) height of 147m, and it is located outside the airport noise attenuation area.

The eastern rear of the site is mapped within the low-risk band of coastal inundation hazard. No construction would occur within the mapped extent and therefore the proposal will not trigger an assessment under the Coastal Inundation Hazard Code.

The proposal meets the Scheme's relevant Acceptable Solutions of the General Residential Zone and Parking and Sustainable Transport Code, with the exception of the following.

General Residential Zone

• Clause 8.4.2 A2 relating to the setbacks – the proposed garage provides for a setback of 2.9m from the primary frontage, which is below the 5.5m minimum setback prescribed under the Acceptable Solutions.

The proposal must be assessed against Performance Criteria P2 of Clause 8.4.2, as follows.

Clause	Performance Criteria	Assessment
8.4.2 P2	"A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints."	The proposed garage is to be setback 2.9m from the frontage and is not compatible with the pattern of development within the street. Generally, the streetscape is dominated by dwellings setback approximately 4.5m from the frontage. The prevailing car parking arrangements within the street is uncovered car parking spaces within the driveway, with carports and garages observed on properties further along the street, at 14, 19 and 20 Bangalee Street. These properties are more than 200m from the subject site and the garages and carports are setback from the frontage by between 5.5m and 7.5m from Bangalee Street. Furthermore, as mentioned under Section 4.1 of this report, for the purpose of determining streetscape for a particular site, consideration is given to that viewed within 100m of the site.

Considering the above, these existing garages and carports cannot be included in the determination of streetscape for this particular site, as they are located more than 200m away from the subject site.
On this basis, it is assessed that the proposed garage setback is not compatible with the pattern of development prevailing within Bangalee Street and will set an unacceptable precedent for future development, which will have a negative visual impact on the existing streetscape and character of the area.
It is noted that what is proposed would improve conformity with the streetscape, compared to what is existing. However, this is not the test prescribed in the performance criteria. Instead, the proposal must demonstrate compatibility with the frontage setbacks of other garages and carports within the extent of the streetscape.
The applicant was advised that the proposal is unlikely to be supportable given the site does not provide any topographical constraints for alternative parking arrangements, coupled with the fact that there are no garages or carports with similar setbacks within the street. The applicant was encouraged to explore alternative solutions, however, the applicant advised of their intention to proceed with the application as it is. The applicant then agreed to an extension of time to allow for the application to proceed to the next scheduled Council meeting.

In summary, the introduction of a garage within the frontage setback will create a precedent for future development within the street, which will significantly alter the overall streetscape.
On this basis, the proposal fails to comply with performance criteria P2 of Clause 8.4.2 and is recommended for refusal.

General Residential Zone

• Clause 8.4.2 A3 relating to the building envelope for all dwellings – the proposed development cannot meet (a)(i) and (a)(ii) of the acceptable solution by virtue of the garage encroachment within the front setback and the dwelling protrusion outside of the building envelope.

The proposal must be assessed against Performance Criteria P3 of Clause 8.4.2, as follows.

Clause	Performance Criteria	Assessment
8.4.2 A3	<i>"The siting and scale of a dwelling must:</i>	The proposal is assessed as satisfying the performance criteria as discussed below.
	(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:	The proposal is assessed as not causing an unreasonable loss of amenity to the adjoining properties through siting and scale. Shadow diagrams provided have been reviewed in assessing the Performance Criteria.
	(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;	The south elevation of the

	The analysis of the shadow
	diagrams (refer shadow diagram drawings provided as part of plan set) indicate that the habitable rooms of the adjoining dwelling to the south will not be impacted between 9am and 1pm. This is taken to be reasonable because the habitable rooms will receive more than three hours of sunlight at Winter Solstice.
	The adjoining property to the north at 12 Aragoon Street will remain unaffected throughout the day.
(ii) overshadowing the private open space of a dwelling on an adjoining property;	The designated private open space for the dwelling at 5 Bangalee Street is located to the eastern side of the dwelling. The shadow diagrams provided indicate that this area will remain unaffected between 9am and 12pm and will be partially overshadowed in the late afternoon.
	As mentioned above, the adjoining property to the north will not be impacted.
(iii) overshadowing of an adjoining vacant property; or	Not applicable. There are no adjoining vacant properties.
(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;	The height and proportion of the proposed development is consistent with the characteristics of other dwellings in the area and therefore will not result in loss of amenity by way of visual impact.
(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and	Lauderdale is an established residential area with a pattern of single dwelling development. The proposed side and rear boundary setbacks of the proposed additions and alterations are assessed as providing separation to adjoining properties, which is consistent with that established in the area.

		This can be further demonstrated by the proposed pattern of separation being similarly compatible with the surrounding and established properties
r e	not cause an unreasonable reduction in sunlight to an existing solar energy nstallation on:	
(<i>(i) an adjoining property; or</i>	Solar installations are not evident on the adjoining properties.
(<i>(ii) another dwelling on the same site.</i> "	Not applicable, the site contains a single dwelling.
		Considering the above, the proposal is deemed to satisfy the performance criteria and complies with the standard.

5. **REPRESENTATION ISSUES**

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

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 inconsistent with the objectives of Schedule 1 of LUPAA by virtue of not complying with applicable standards of the scheme.

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal is for dwelling additions and alterations. It is assessed that the proposal does not meet Performance Criteria P2 of Clause 8.4.2 of the Scheme because the proposed setback to the garage is not compatible with the frontage setbacks of other existing garages and carports in the street. The proposal is therefore recommended for refusal.

Attachments: 1. Location Plan (1)

- 2. Proposal Plan (19)
- 3. Site Photo (1)

Daniel Marr HEAD OF CITY PLANNING

ATTACHMENT 1





Low coastal inundation hazard		
Property ID: 5186684 Council: Clarence City Council Planning Zone: General Residential Covenants N/A General Overlays: N/A Code Overlays: Airport obstacle limitation area Low coastal inundation hazard Soil Classification: N2 Region: A Shielding Classification: 1.0 Topographic Classification: PS Design Wind Gust Speed: 40 m/s (Vh,u): Climate zone: PS Bushfire Attack Level (BAL): N/A NCC Building Class: 1a Land area: 519m ² Existing: Dwelling 132.87m ² Carport 19.91m ² Proposed: Dwelling (Ground Floor) 137.62m ² Extension (First Floor) 78.76m ² Garage 19.91m ² Building Footprint 157.53m ² Total Site Coverage: 171.75m ² (30.35%)	SITE INFORMATION	
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Carport 19.91m ² Proposed: Dwelling (Ground Floor) 137.62m ² Extension (First Floor) 78.76m ² Garage 19.91m ² Building Footprint 157.53m ² Total Site Coverage: 171.75m ² (30.35%) Wind Rose Annual (5 Year Average) 20% 20% 20% 20% 20% 20% 20% 20	Existing:	
Proposed: Dwelling (Ground Floor) 137.62m ² Extension (First Floor) 78.76m ² Garage 19.91m ² Building Footprint 157.53m ² Total Site Coverage: 171.75m ² (30.35%)	Dwelling	132.87m ²
Dwelling (Ground Floor) 137.62m ² Extension (First Floor) 78.76m ² Garage 19.91m ² Building Footprint 157.53m ² Total Site Coverage: 171.75m ² (30.35%)	Carport	19.91m ²
Extension (First Floor) 78.76m ² Garage 19.91m ² Building Footprint 157.53m ² Total Site Coverage: 171.75m ² (30.35%)	Proposed:	
Garage 19.91m ² Building Footprint 157.53m ² Total Site Coverage: 171.75m ² (30.35%)	Dwelling (Ground Floor)	137.62m ²
Building Footprint Total Site Coverage: 157.53m ² 171.75m ² (30.35%)	Extension (First Floor)	78.76m ²
Total Site Coverage: 171.75m ² (30.35%)	Garage	19.91m ²
Wind Rose Annual (5 Year Average) ~ (20%) 11.25% 2.5% 2.5%	Building Footprint	157.53m ²
Annual (5 Year Average) ~	Total Site Coverage:	171.75m² (30.35%)
Annual (5 Year Average) ~		
2.5%	Annual (5 Year Average) 🛩	 ◎ 山
1% WSW	11.25%	
Calm Near Gale		
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	Calm	Near Gale





MATT KENNEDY DRAFTING & DESIGN P: 0472 655 173 E: admin@matt-kennedy.com.au Licence: 189009392

BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

CLIENT: SOUTHERN ADDRESS: PROJECT STAGE **DEVELOPMENT APP.**

JOB NO: 2311

PROPOSAL EXTENSION





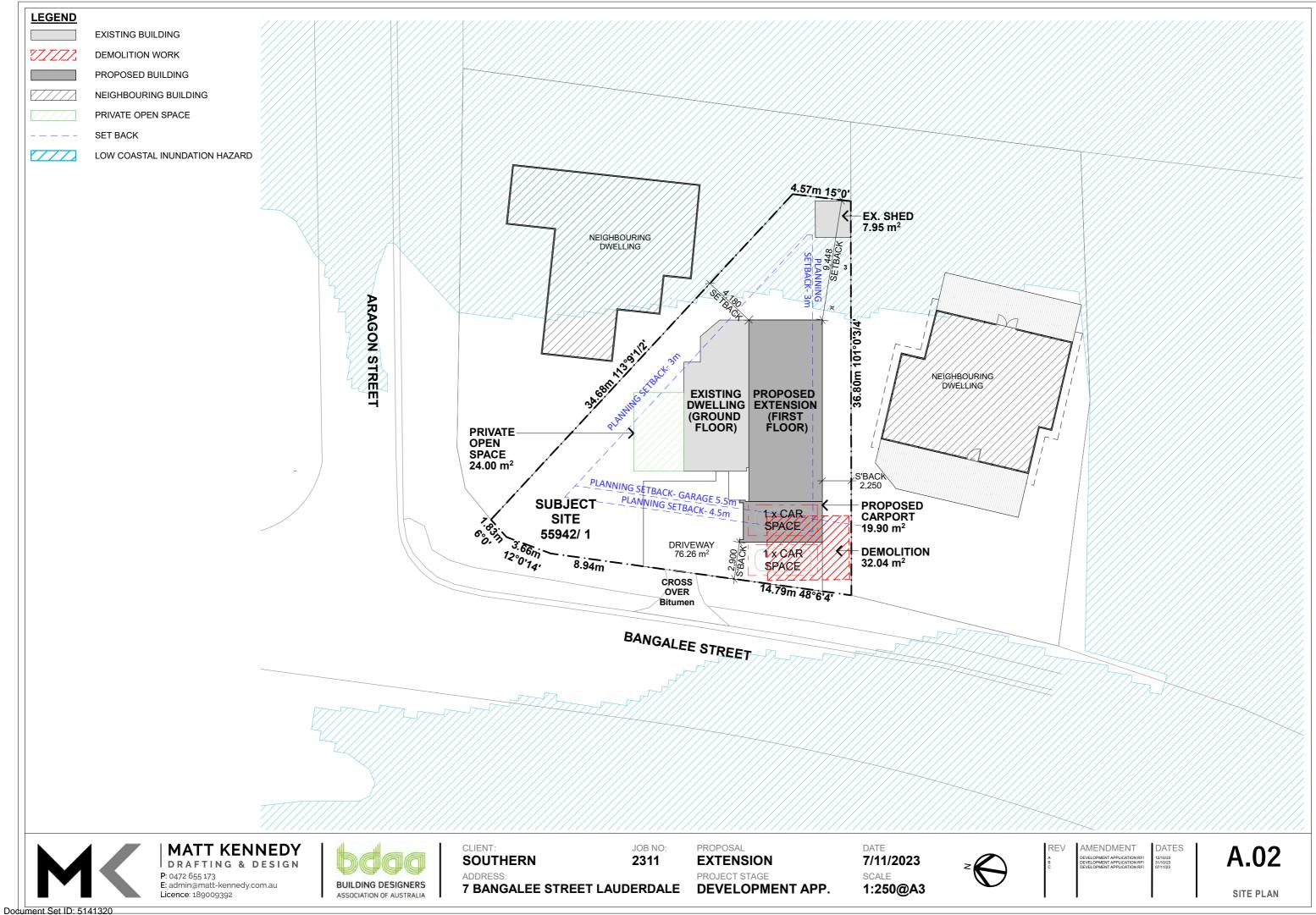
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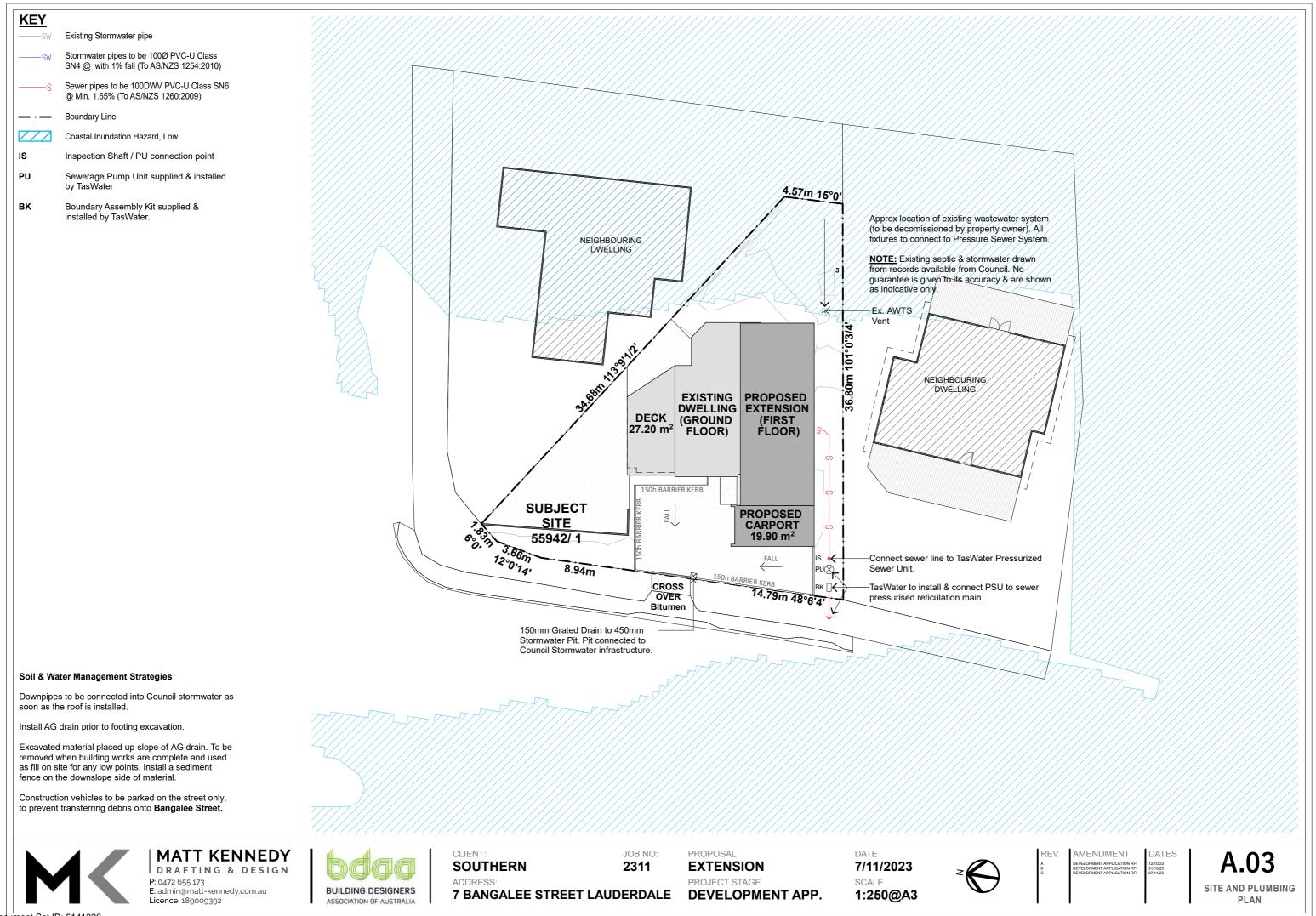
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AMENDMENT VELOPMENT APPLICATION RF DATES 12/10/23 31/10/23 07/11/23



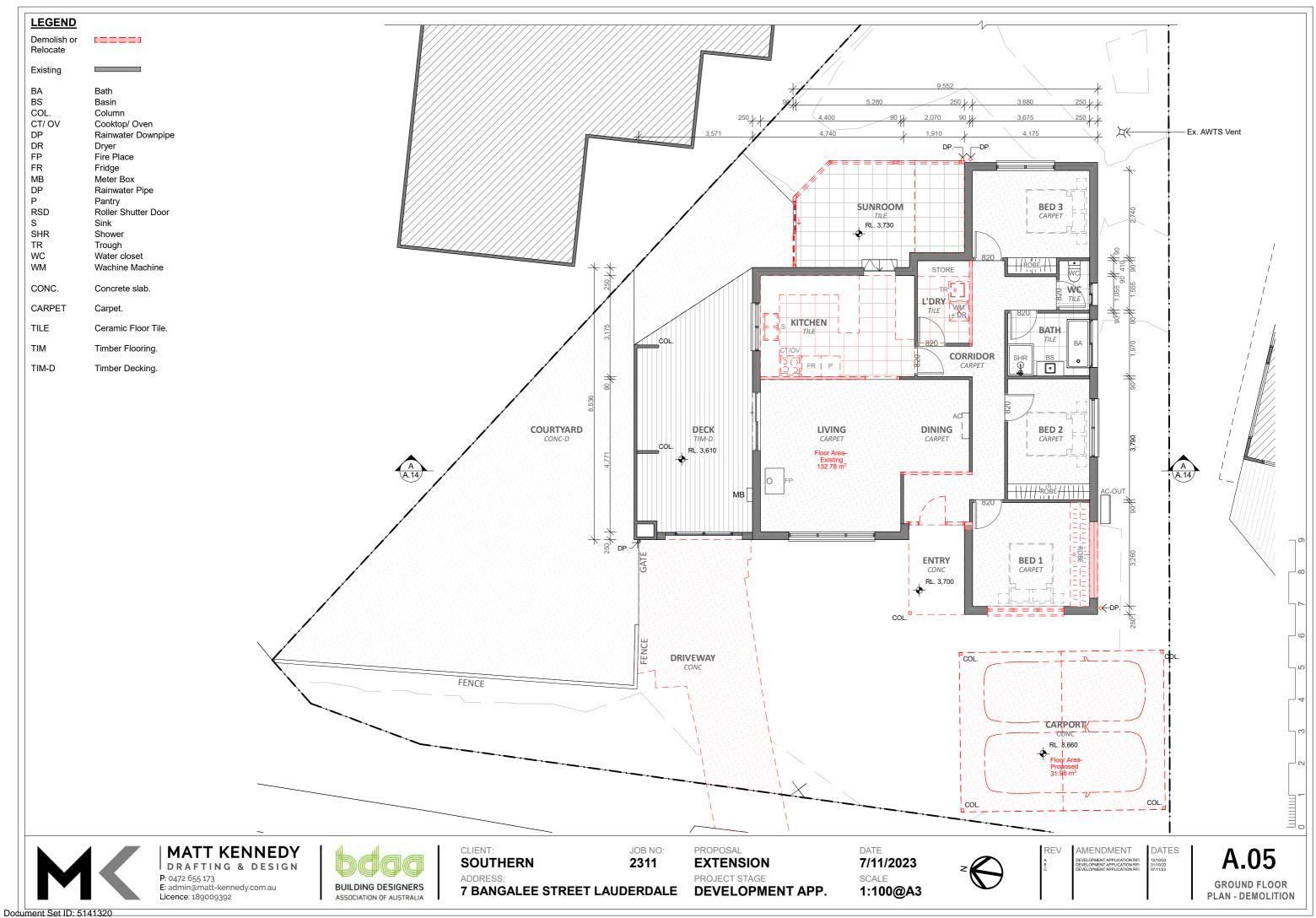
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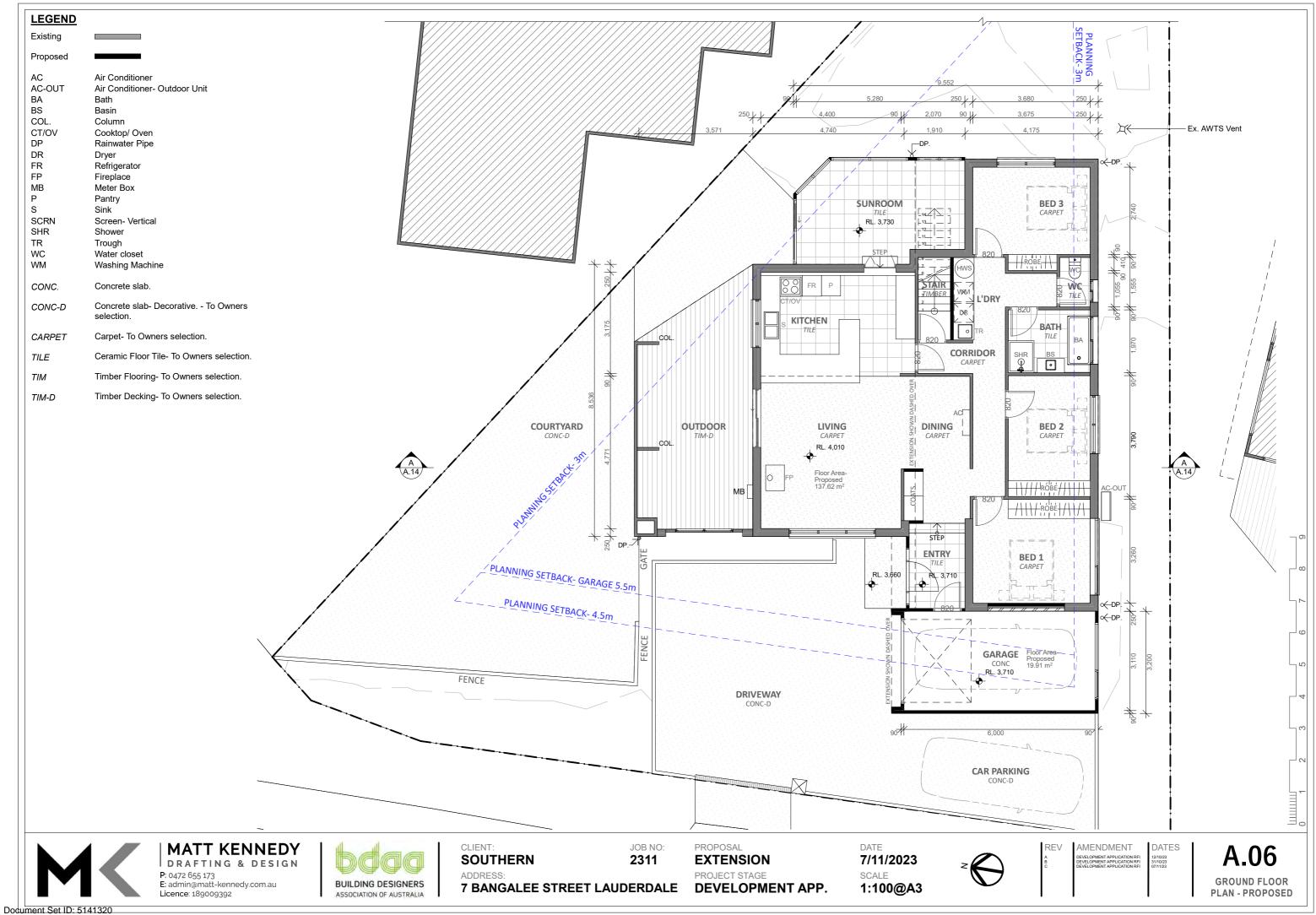


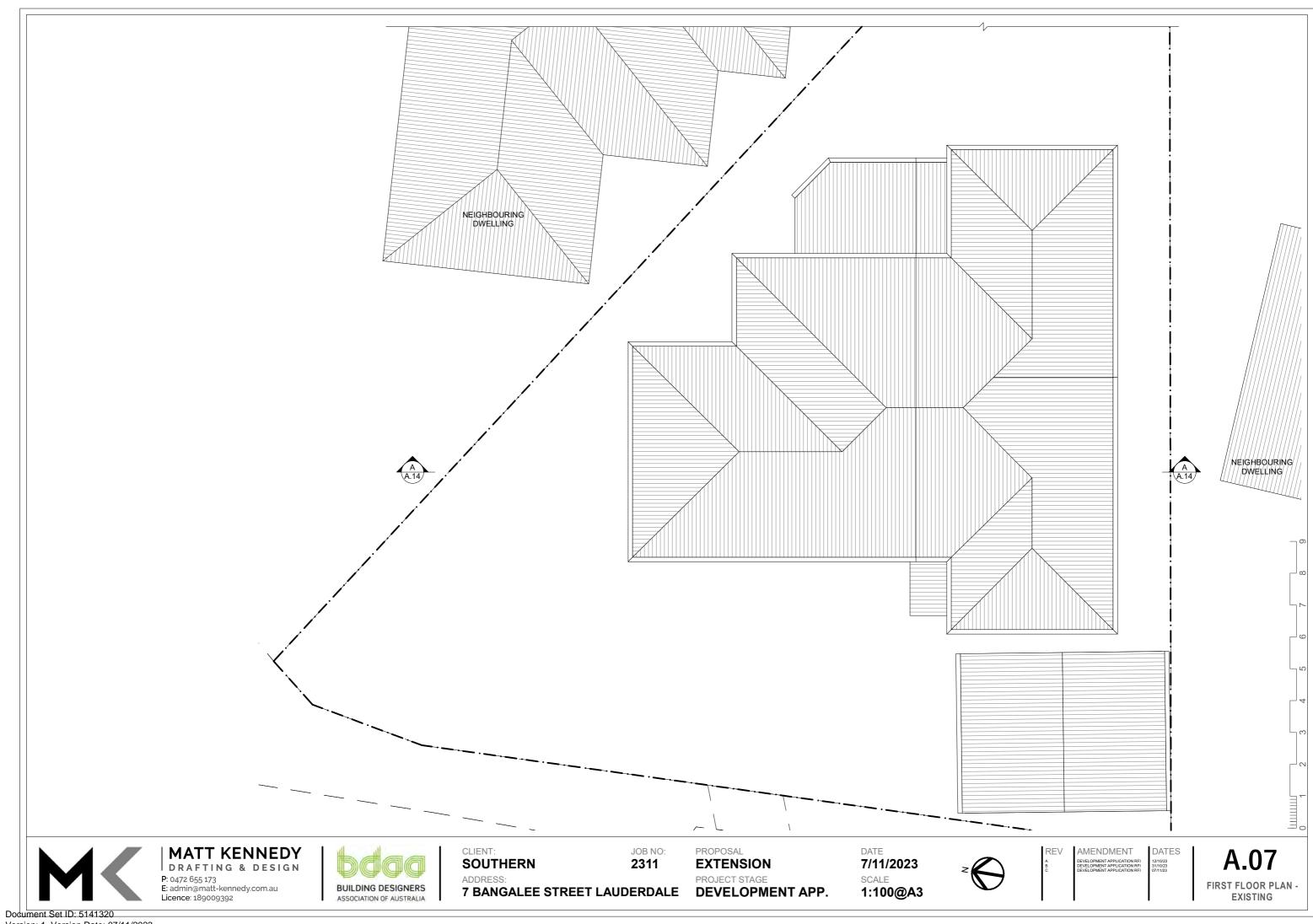


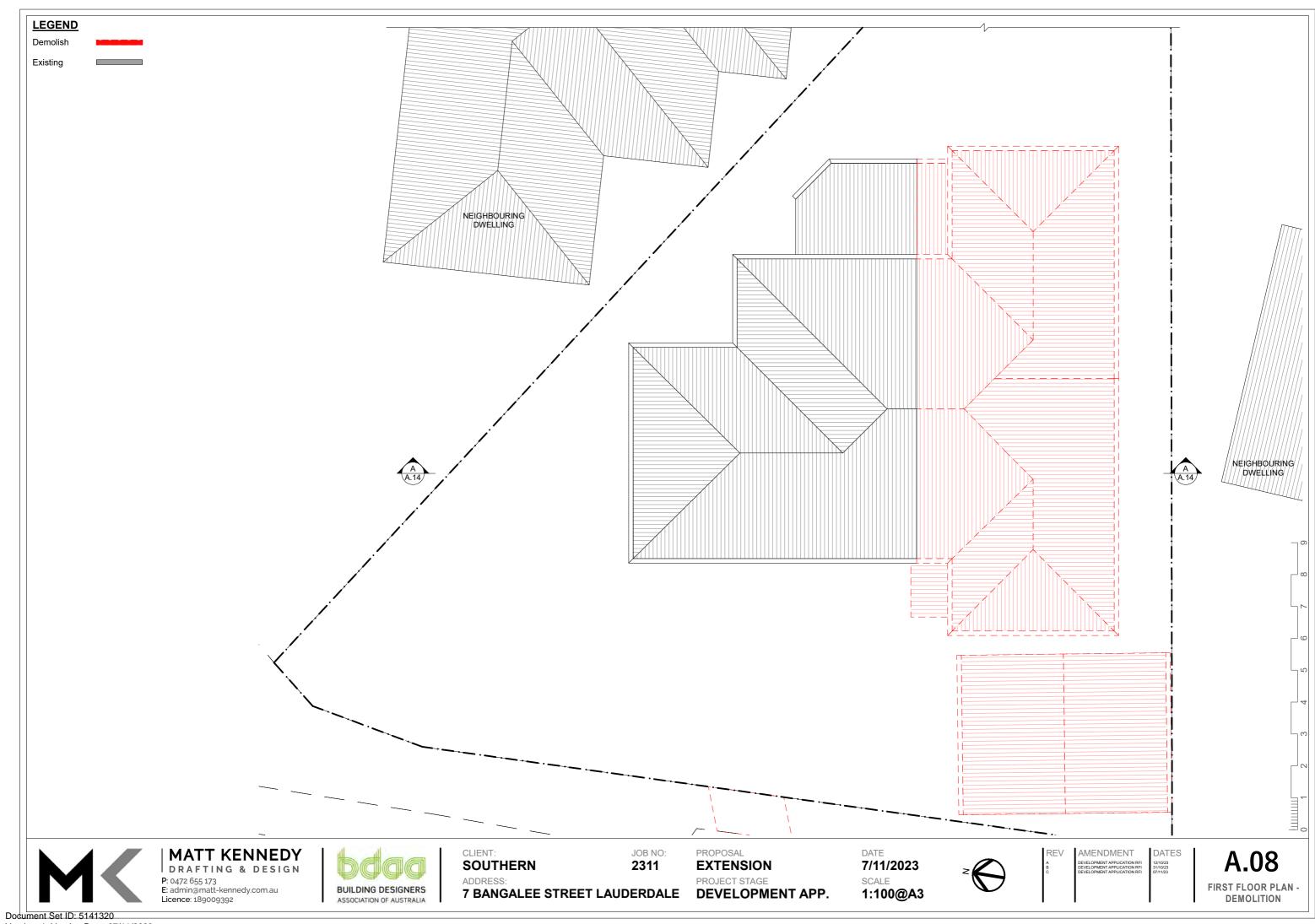
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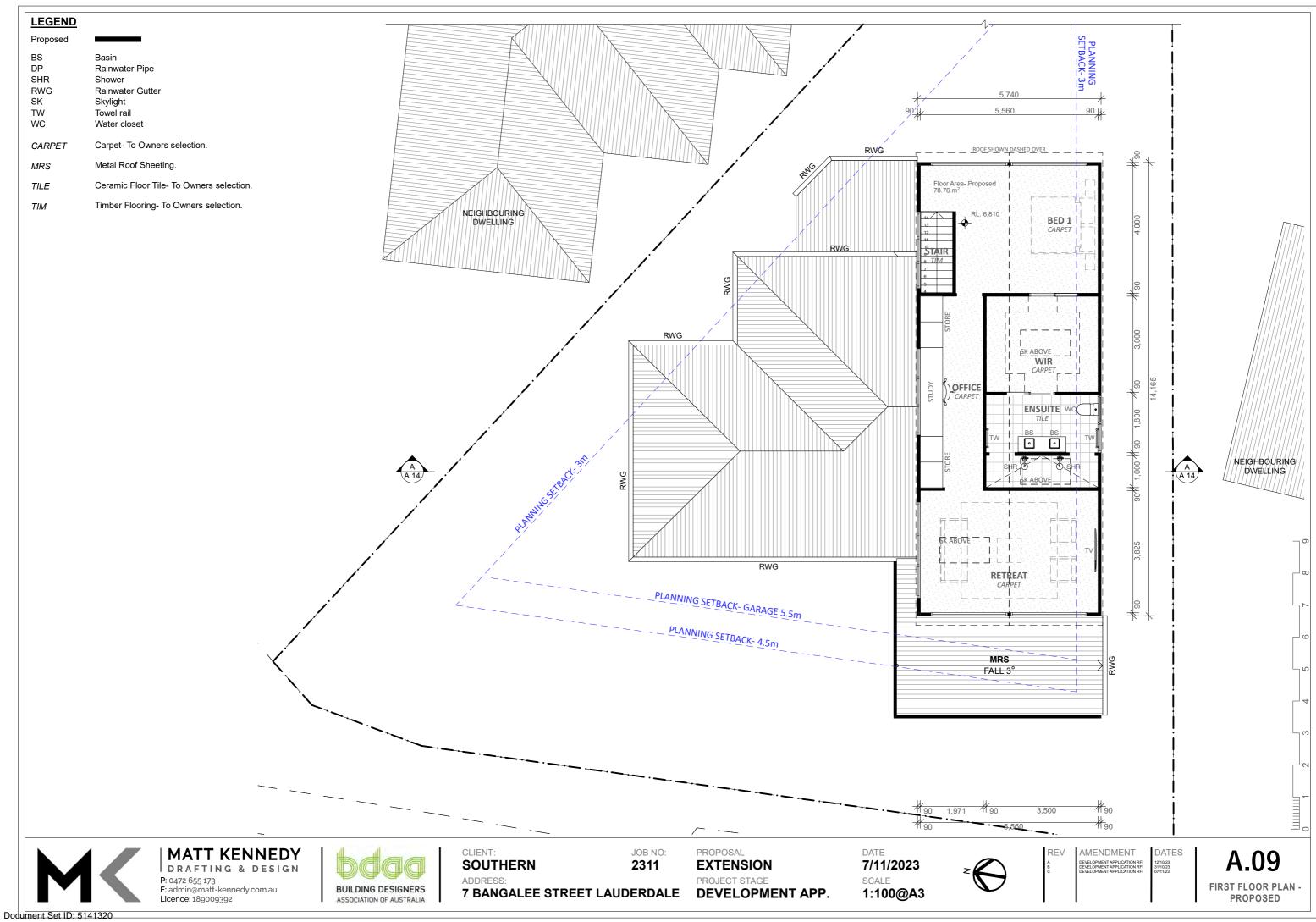


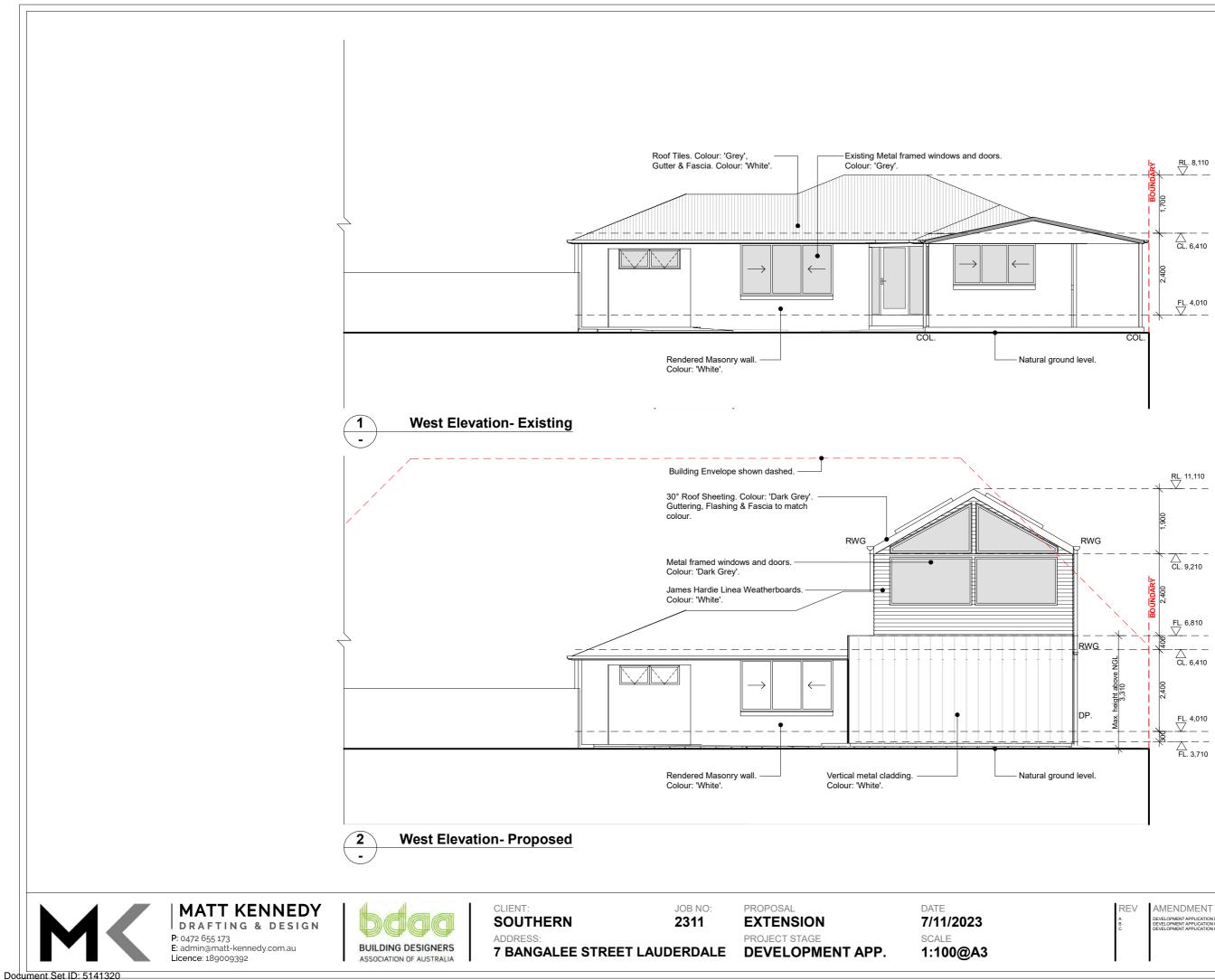








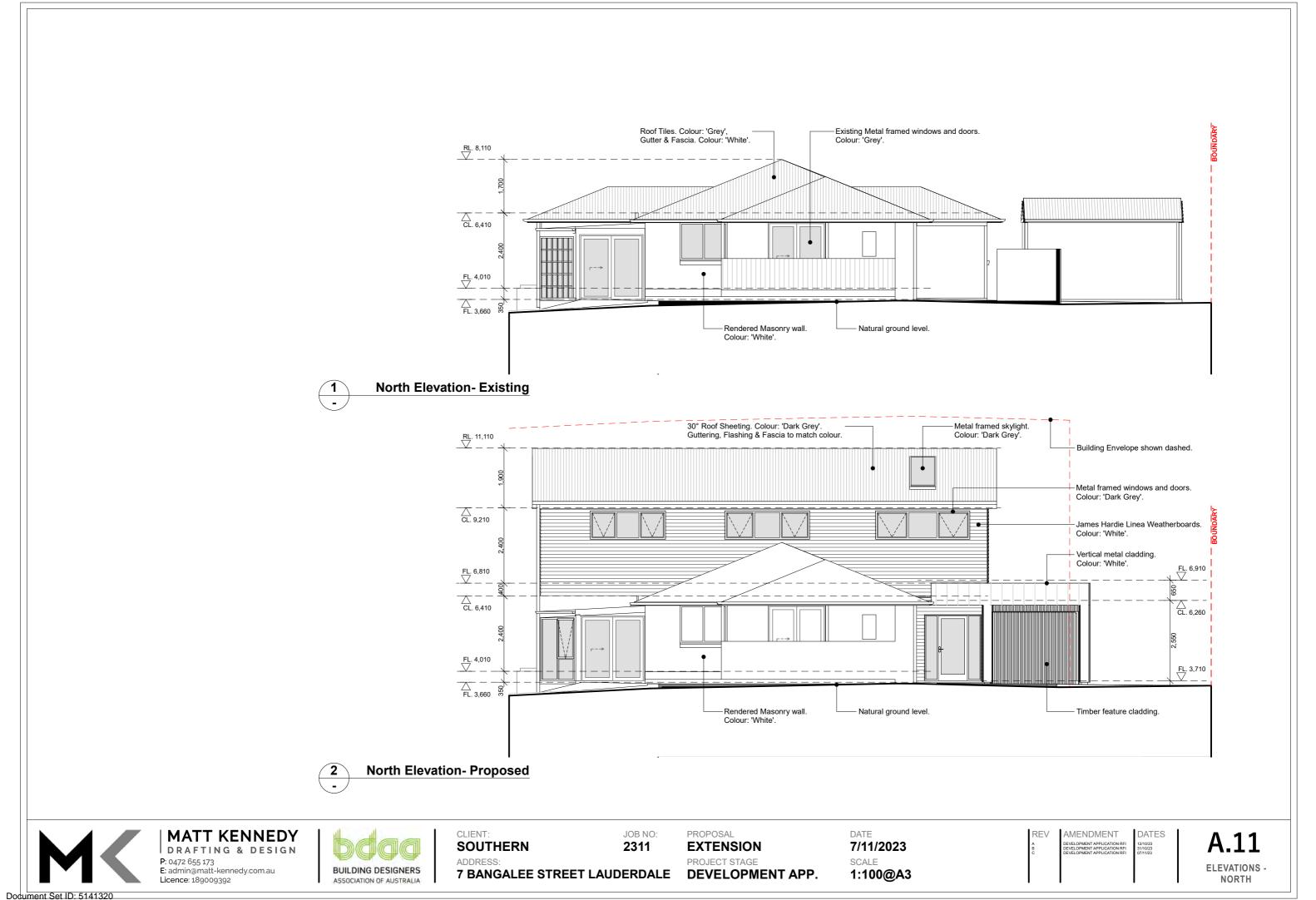


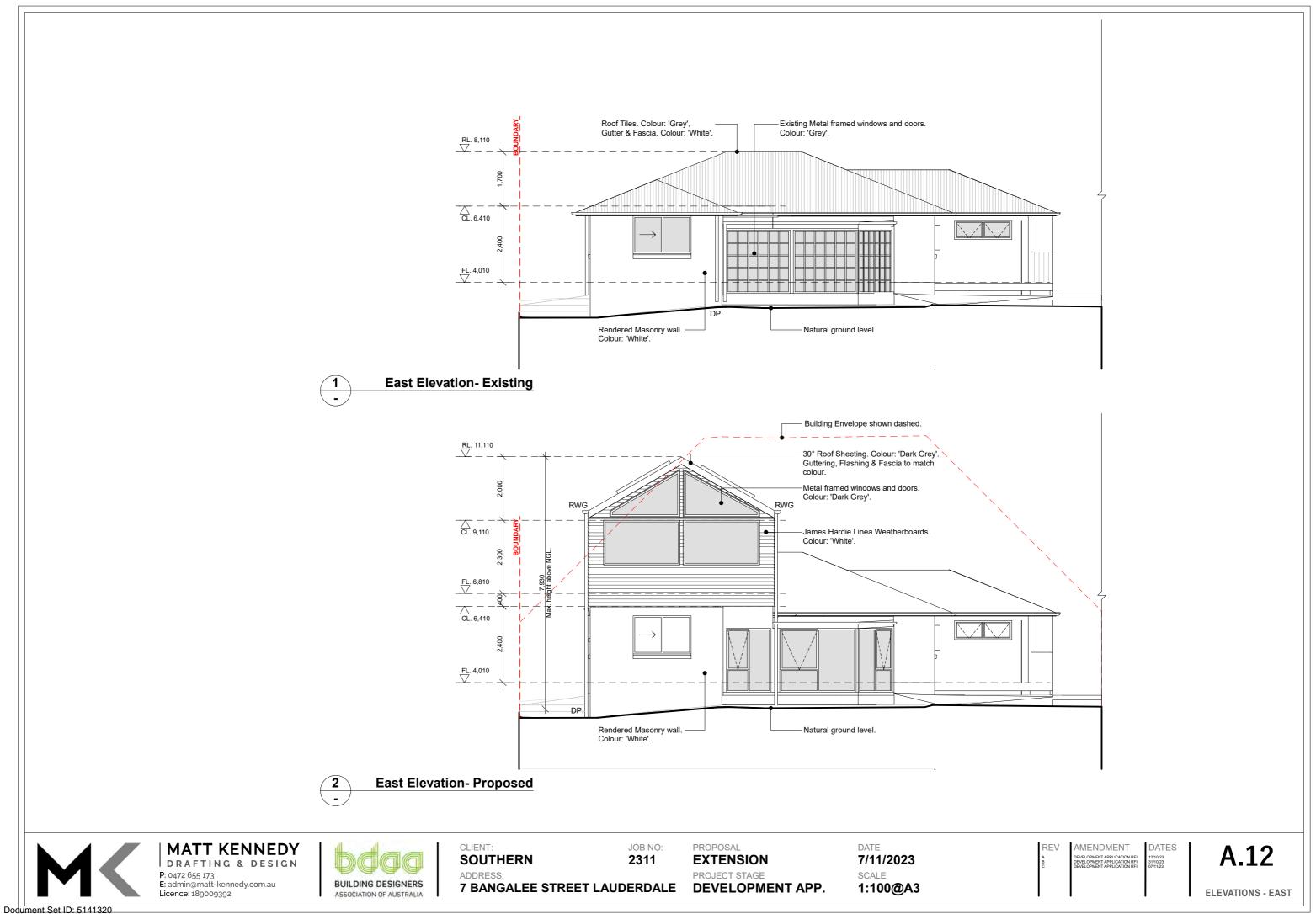


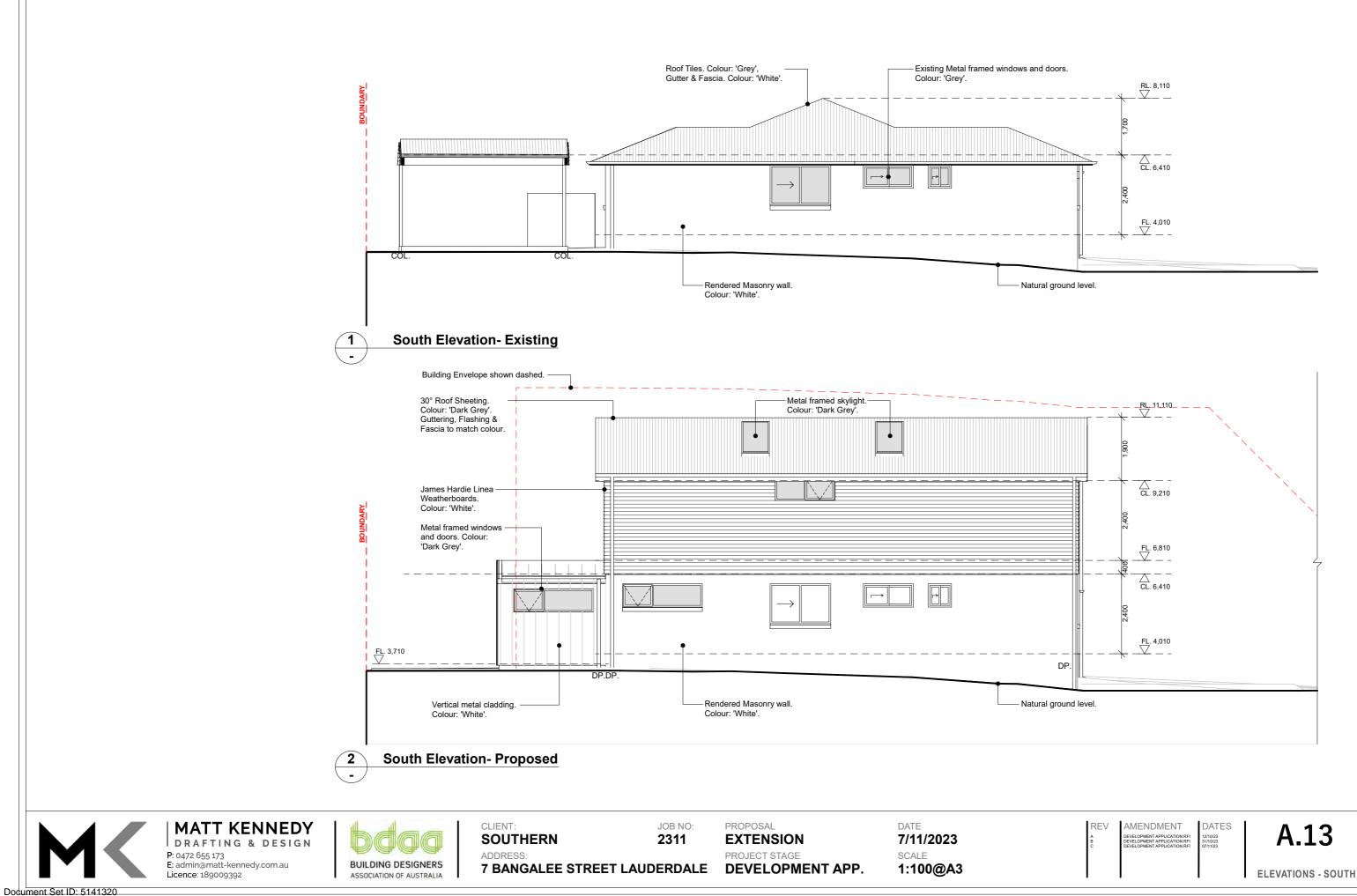
DATES 12/10/23 31/10/23 07/11/23

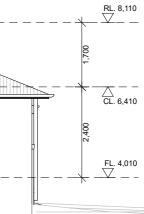


ELEVATIONS - WEST

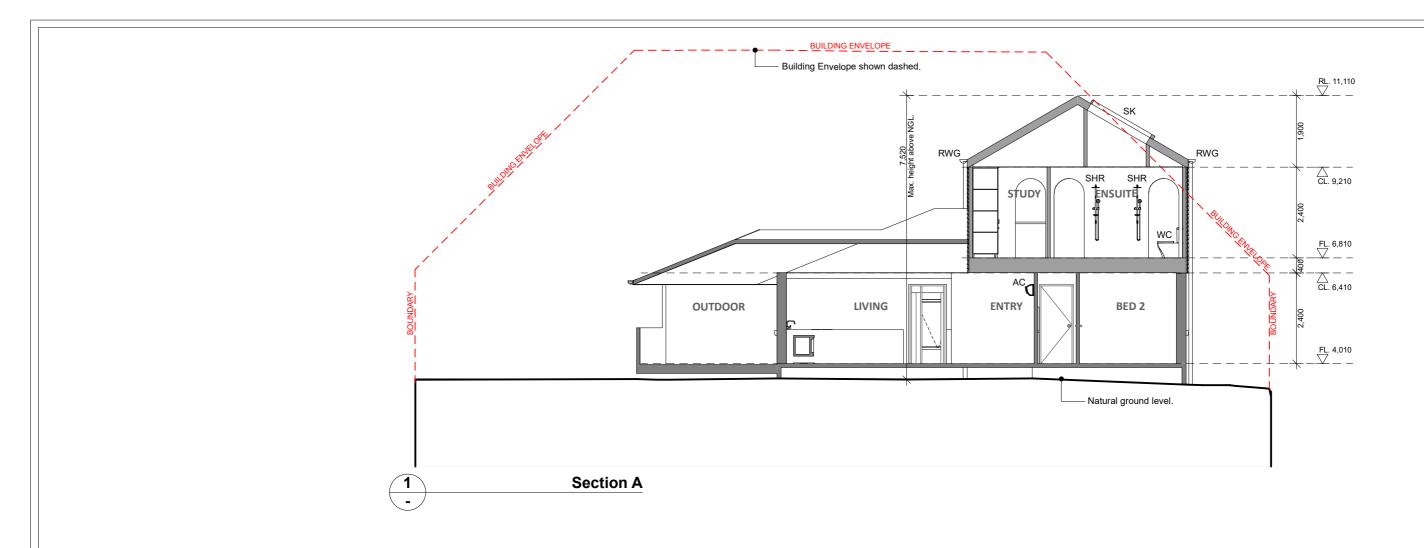














MATT KENNEDY DRAFTING & DESIGN P: 0472 655 173 E: admin@matt-kennedy.com.au Licence: 189009392



CLIENT: SOUTHERN ADDRESS: 7 BANGALEE STREET LAUDERDALE DEVELOPMENT APP.

JOB NO: 2311

PROPOSAL EXTENSION PROJECT STAGE

DATE 7/11/2023 SCALE 1:100@A3

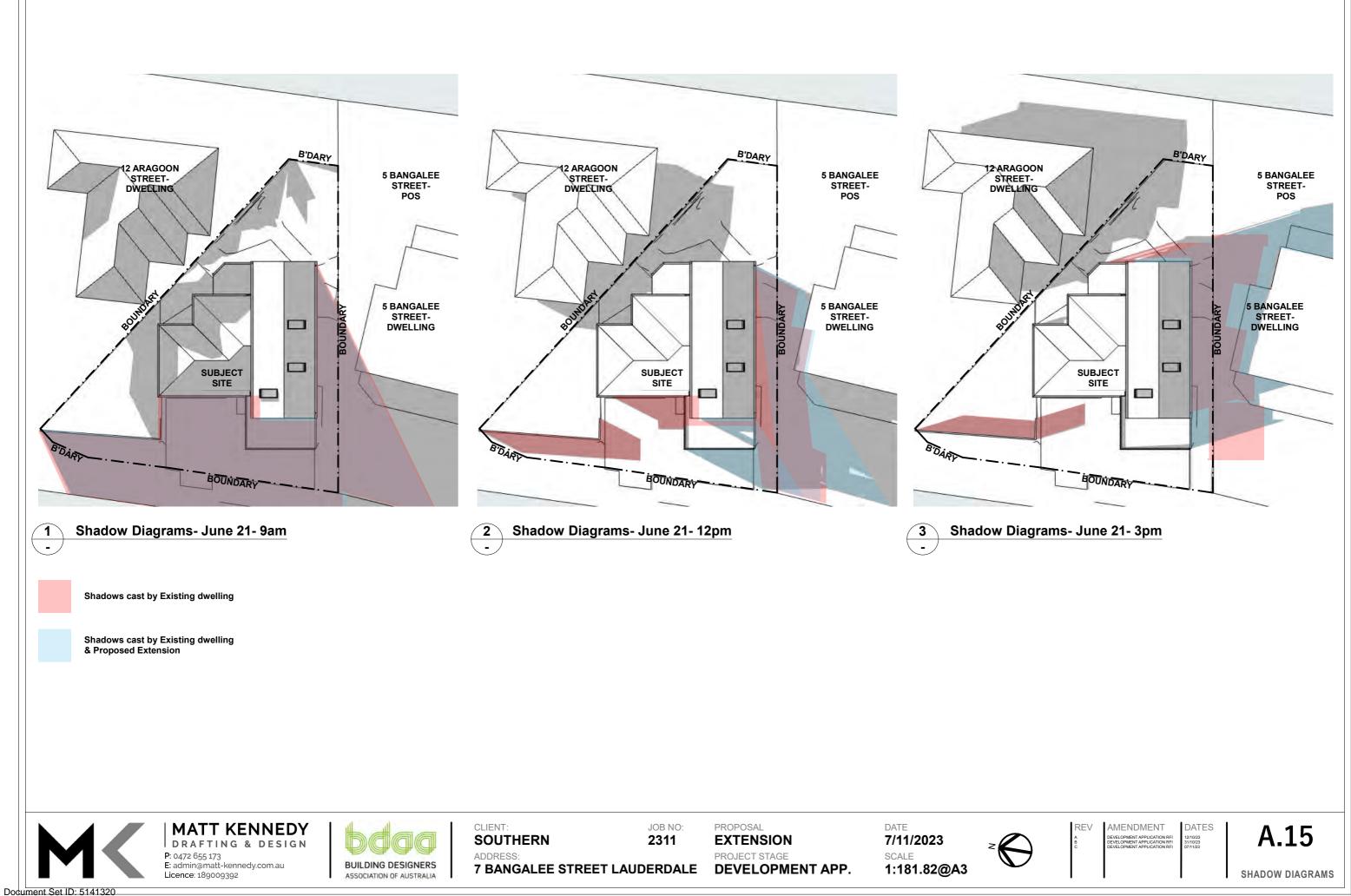
Version: 1, Version Date: 07/11/2023

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DATES 12/10/23 31/10/23 07/11/23



SECTION



Version: 1, Version Date: 07/11/2023

COUNCIL Planning RFI: **General Residential**

8.4.2 Setbacks and building envelopes for all dwellings, A3 Acceptable Solution, A3, at the above Clause requires that dwellings must not exceed the prescribed building envelope for the General Residential Zone. As your proposal does not comply with this standard, your application will need to be assessed against the corresponding Performance Criterion, P3, which requires that the siting and scale of a dwelling must:

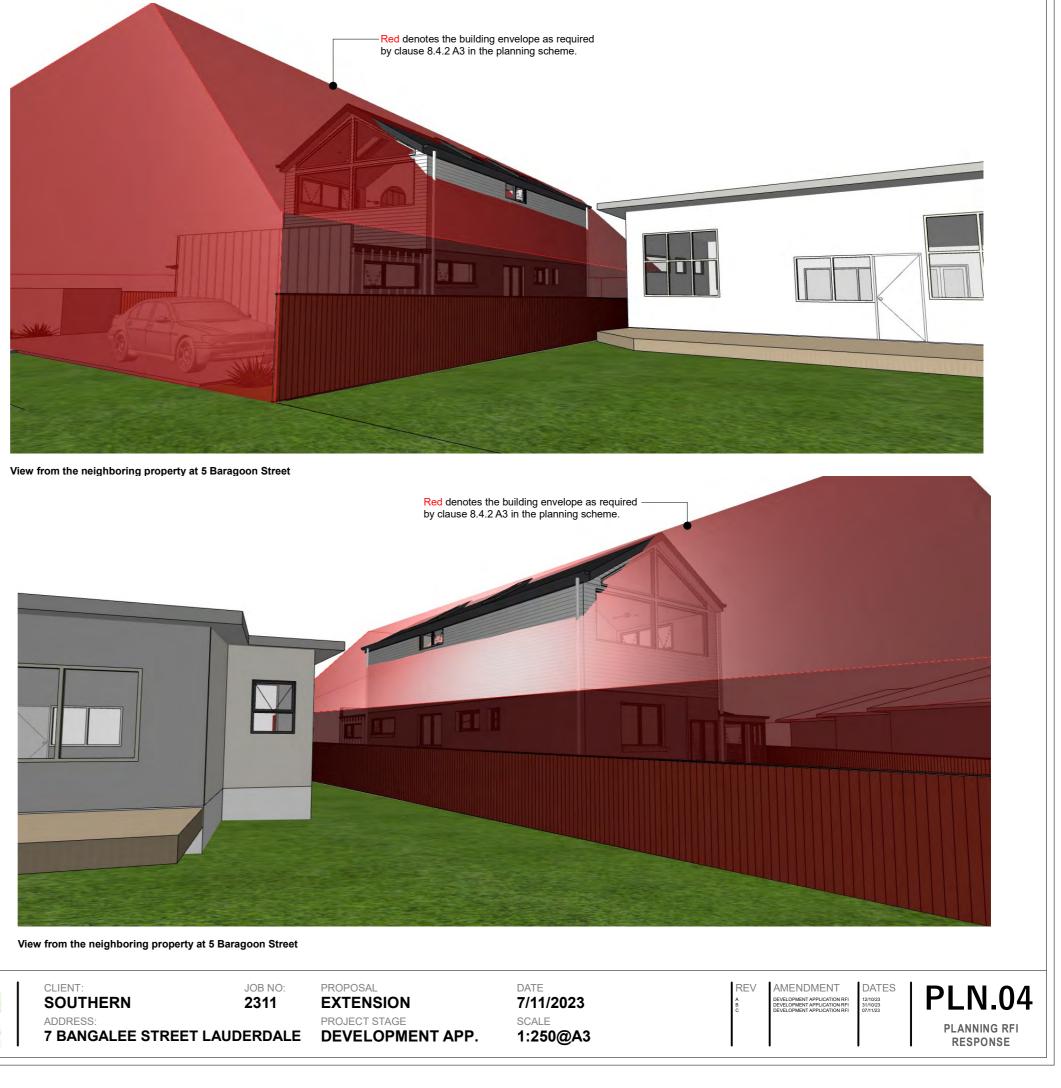
(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: (iv) visual impacts caused by the apparent scale, bulk or

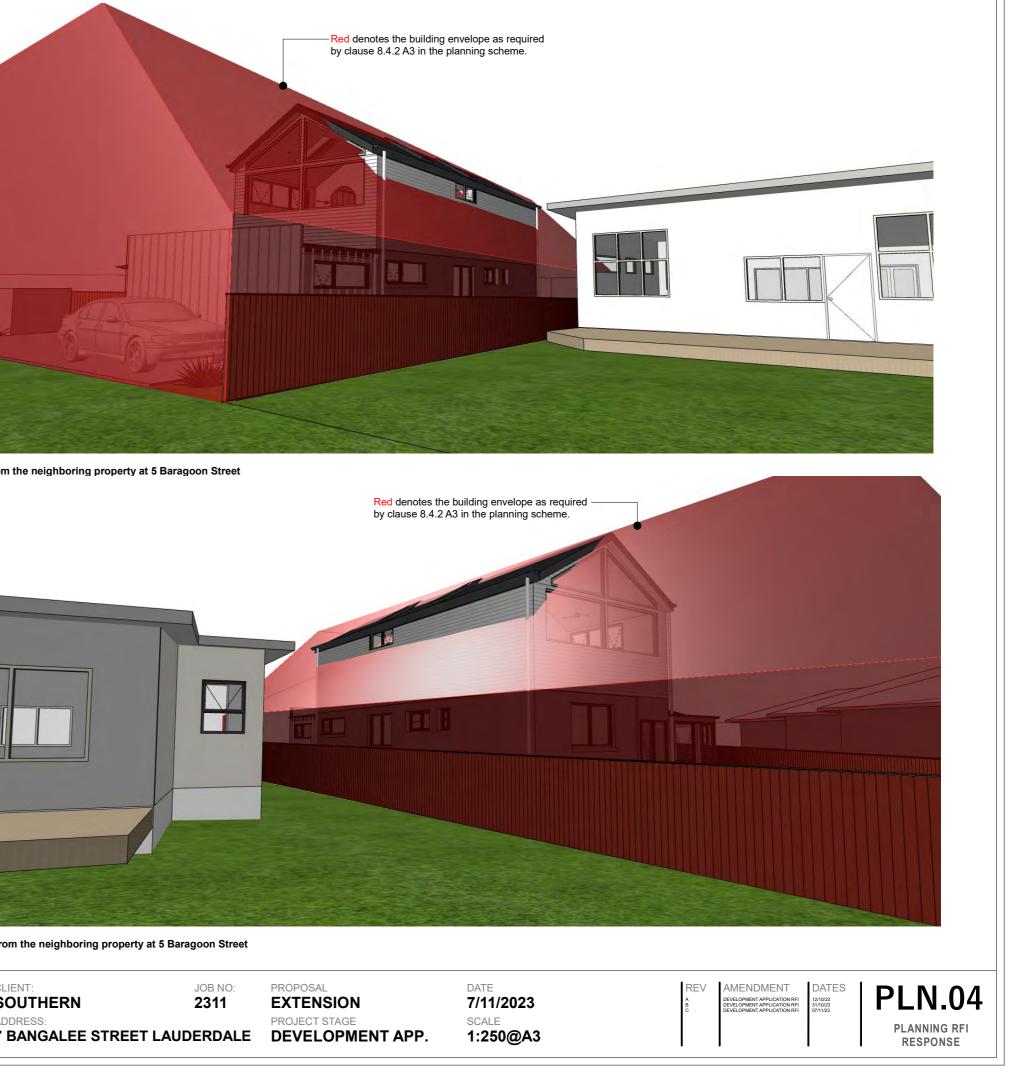
proportions of the dwelling when viewed from an adjoining property;

Response:

Red denotes the building envelope as required by clause 8.4.2 A3 in the planning scheme.

Please see the 3D Visualisation illustrating that the scale, bulk and proportion of the proposed extension has been reduced by employing a gable roofline which closely aligns with the permitted building envelope to reduce the visual bulk and proportion when viewed from the adjoining property (5 Bangalee Street).

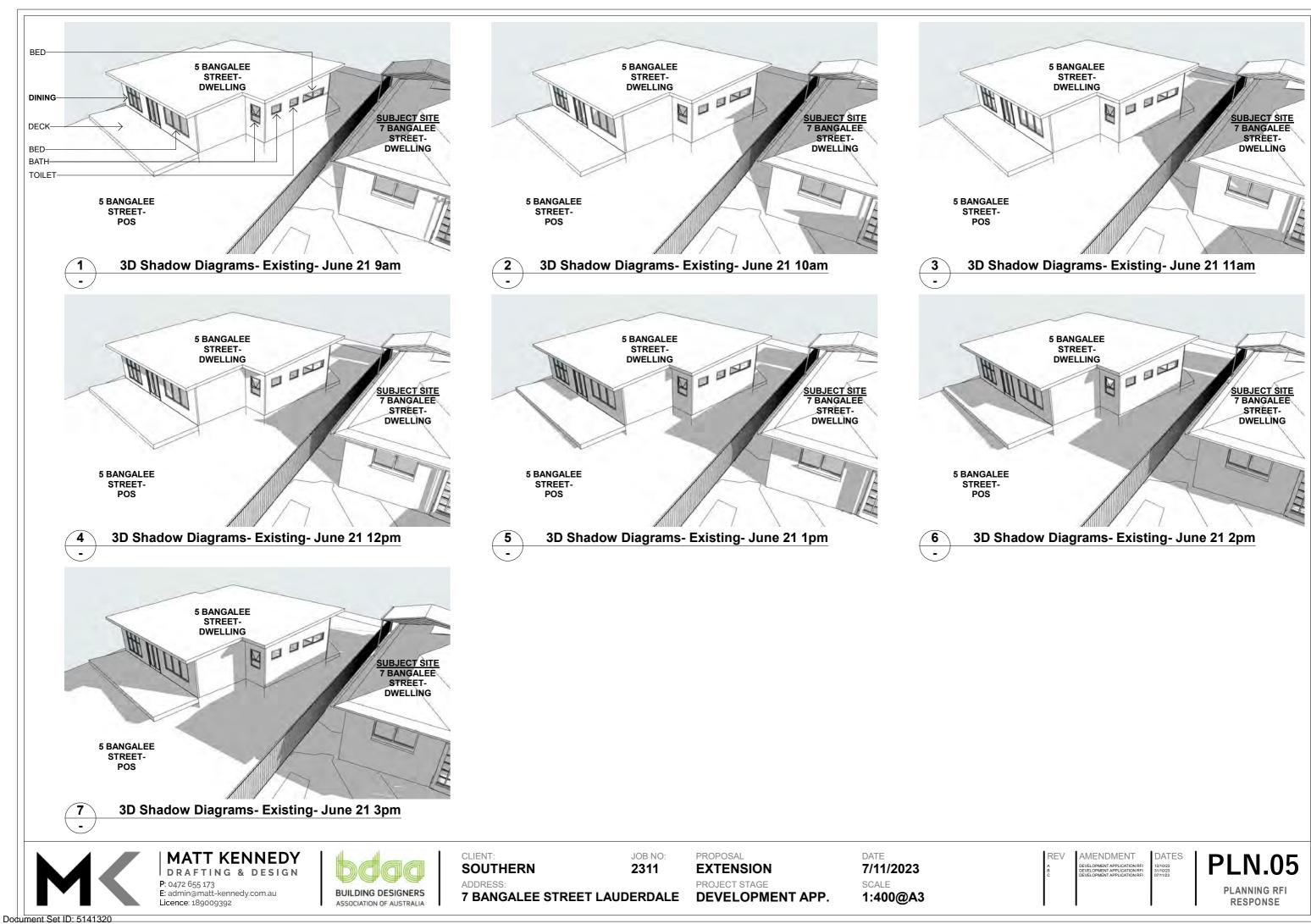




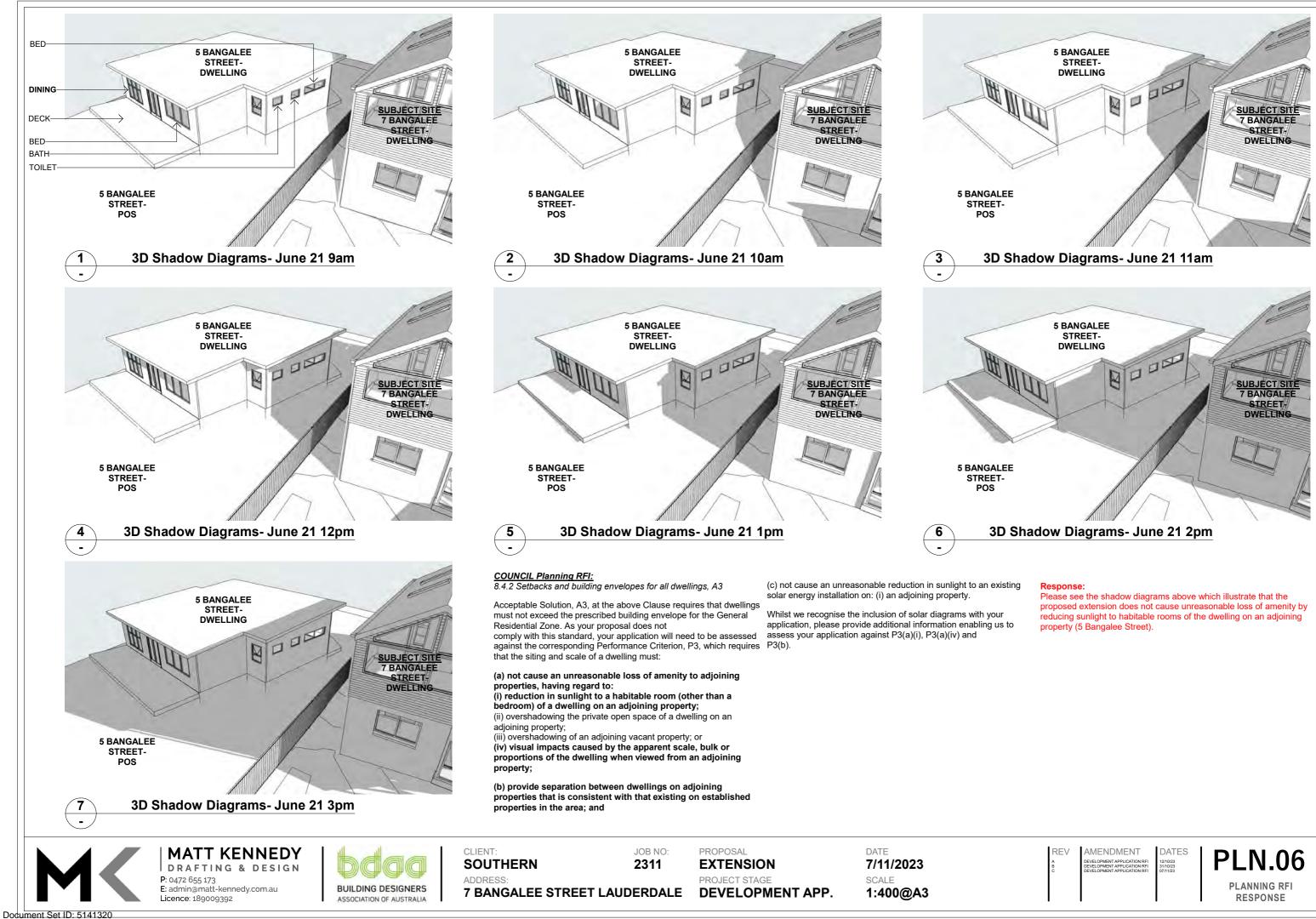


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Version: 1, Version Date: 07/11/2023



Version: 1, Version Date: 07/11/2023

ATTACHMENT 3



Photo 1 (above) & Photo 2 (below) : Site viewed from Bangalee Street.



7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2023/037666 – 12 CHILEAN COURT, SANDFORD – DWELLING AND OUTBUILDING

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a dwelling and outbuilding at 12 Chilean Court, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and is subject to the Parking and Sustainable Transport Code, Road and Railway Assets Code, Bushfire-prone Areas Code, Landslip Hazard Code, Attenuation Code and Safeguarding of Airports Code and the Sandford Specific Area Plan under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 31 January 2024, as agreed with the applicant.

CONSULTATION

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

RECOMMENDATION:

- A. That the Planning Application for a dwelling and outbuilding at 12 Chilean Court, Sandford (PDPLANPMTD-2023/037666) be refused because the proposal is contrary to the provisions of the Tasmanian Planning Scheme Clarence for the following reasons.
 - 1. The proposal does not comply with Clause C9.5.2 P1(a)-(e) *Sensitive use within an attenuation area*, as the proposed sensitive use has the potential to constrain the operation of an existing extractive activity listed in Table C9.1 of the Attenuation Code.
 - 2. The proposal does not comply with Clause CLA-S11.7.1 P1 *Residential amenity*, as the proposal design and location of the dwelling is considered unlikely to be protected from unreasonable noise impacts associated with the extractive activity located at 100 School Road, Sandford and does not protect the extractive activity from potential land use conflict arising from the dwelling development.

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

Zoning Application

The site was originally the subject of a combined planning scheme amendment to rezone from Rural to Rural Residential and subdivision application, which was supported by Council, but ultimately refused by the Tasmanian Planning Commission (TPC). The panel report expanded on the reasons and key issue being the failure of the proposal to adequately address amenity with regard to the Sandford Quarry and the possible future intensification of its use.

An amendment of the STRLUS was declared on 1 October 2013 and a second rezoning application, without the subdivision, was lodged and again supported by Council. This amendment was approved by the TPC and saw the land rezoned from Rural to Rural Residential, and the Sandford Development Plan (DPO 19) was introduced to the Scheme in part to enable the continued operation of the existing Sandford Quarry consistent with any Environmental Protection Notice (EPN) permit conditions that apply to the operation of the quarry.

In its decision, the TPC acknowledged that a change in the zoning will have implications for the assessment of any future application for the expansion of the quarry. However, it will retain a discretionary status through the provisions of the DPO and the standards of the DPO provide more protection by imposing requirements upon sensitive uses. The TPC considered the evidence in relation to potential land use conflict and formed the view the DPO provided Council sufficient consideration to appropriate matters when exercising discretion for a single dwelling.

Through the introduction of the Clarence Interim Planning Scheme 2015 the former DPO 19 has been modified and included as the Sandford Specific Area Plan, which has since translated to the Tasmanian Planning Scheme - Clarence.

The lot comprising the subject site was created as part of subdivision permit SD-2015/52 granted on 14 June 2016 and amended on 7 September 2022. All stages of the subdivision have been completed, with the subject site (Lot 5) forming part of the last stage directly adjoining the School Road quarry along with Lot 6 (16 Chilean Court) to the west.

The justification for the creation of new lots within the School Road quarry attenuation area was based on an understanding the quarry had a limited lifespan of 7-10 years. Recent advice from Mineral Resources Tasmania (MRT) indicates a 20-year lifespan for the quarry. The assessment of the subdivision application deferred the consideration of the appropriateness of future residential development through a covenant on the title to alert future property owners that all future residential development would be subject to the requirements of the Attenuation Code.

2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned Rural Living under the Scheme.
- **2.2.** The proposal is discretionary because it proposes a residential use (single dwelling) on land within the Sandford Specific Area plan, while the School Road quarry is still operating. In addition, the proposal does not meet relevant Acceptable Solutions under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
 - Section 5.6 Compliance with Applicable Standards;
 - Section 6.0 Assessment of an Application for Use or Development;
 - Section 11.0 Rural Living Zone;
 - Section C2.0 Parking and Sustainable Transport Code;
 - Section C3.0 Road and Railway Assets Code;
 - Section C9.0 Attenuation Code;
 - Section C13.0 Bushfire Prone Areas Code;
 - Section C15.0 Landslip Hazard Code;

- Section C16.0 Safeguarding of Airports Code; and
- Section CLA S11.0 Sandford Specific Area Plan.
- 2.4. Council's assessment of this proposal must also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is an irregular shaped lot of 2.004ha, with its long axis running eastwest. At its highest point along the southern property boundary, the lot has an elevation of 70m and slopes down to the lot's rear boundary to the north-west at an elevation of 50m. The subject site is positioned on a north facing slope above the adjacent School Road quarry located at 100 School Road, which supports a Level 2 Activity - red gravel quarry regulated by the Environmental Protection Authority (EPA).

The lot is not within a TasWater service area for either potable water or sewerage. Chilean Court is a sealed Council-maintained road. The lot is free of any burdening easements; however, the title includes a restrictive covenant as follows:

"as per Sealed Plan 173683 not design or construct any sensitive use on such lot whilst the quarry at 100 School Road is still active unless in accordance with the requirements of the Attenuation Code of the Clarence Interim Planning Scheme 2015, or its successor."

The surrounding area includes vacant lots to the west and south (yet to be developed as part of the last stage associated with subdivision permit SD-2015/52), and single residential dwellings to the east. The general pattern of development shows existing dwellings being sited over 100m from the existing quarry site.

The exceptions being dwellings approved at 2, 4 and 6 Rosevear Lane, Sandford under the provisions of the Clarence Interim Planning Scheme 2015 (CIPS2015), which respectively have rear boundary setbacks to the quarry site of 25 to 60m.

Of these approvals, it is worth noting the dwelling and outbuilding at 4 Rosevear Lane, Sandford which directly adjoins the northern boundary of the School Road quarry was referred to the Director, Environment Protection Authority (EPA) and the Director of Mines. The EPA provided advice about its concern for potential environmental impacts on the proposed dwelling, and the potential for significant land use conflict to fetter the quarry operations. The Director of Mines advised that the development should not be supported. The application was subsequently approved by Council on 22 November 2021, and this dwelling now forms the closest dwelling to the School Road quarry.

Further, a planning application for a 14-lot subdivision at 1089 and 1099 South Arm Road directly adjoining the School Road quarry was refused by Council at its meeting on 9 October 2023, because it was unable to comply with the applicable standards of the Attenuation Code.

This matter is now before TASCAT and the outcome of this appeal will provide further guidance to Council when deciding applications involving the Attenuation Code. In the meantime, inconsistency of decisions made by Council has the potential to undermine the credibility of Council's position at this appeal.

3.2. The Proposal

The proposal is to develop the site with a single dwelling and associated outbuilding as shown in Attachment 2 of this report.

The dwelling is a single storey building setback 90m from the property frontage and sited at an elevation of 66m, with a 36.6m setback from the rear boundary adjoining the School Road quarry site. The dwelling floor plan indicates the open plan living areas oriented on a north-south axis with timber decks along the east and north of the building. The outbuilding is sited at the 64m contour with a 35m setback from the rear boundary and located west of the proposed dwelling.

A standard 2m high fence to the north-west of the dwelling and outbuilding is proposed as sound mitigation given the proximity of the site to the School Road quarry.

The site is accessed via a sealed crossover extending from Chilean Court. The proposal provides for associated on-site infrastructure including internal gravel driveway, two 10,000 litre rainwater tanks, and on-site wastewater management system and associated land application areas.

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 sub-clause 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.

In accordance with clause C13.2.1(b), the proposal does not require an assessment under the Bushfire Prone Areas Code as the proposal does not involve a use on land that is located within, or partially within a bushfire-prone area that is a vulnerable use or hazardous use.

The eastern part of the site is covered by the Landslip Hazard Area Overlay. The proposed dwelling, outbuilding and associated servicing infrastructure would be located outside the mapped overlay area. Therefore, an assessment under the Landslip Hazard Code is not required.

It is important to note that in determining a discretionary planning application, the Council can only exercise discretion insofar as each matter is relevant to the particular discretion being exercised. For an applicable standard it is the performance criteria that sets out the matters that require discretionary consideration. To assist Council, the objective of the standard may be considered to help determine whether the proposed use or development complies with the performance criteria of that standard.

The proposal is assessed as meeting the Scheme's relevant Acceptable Solutions of the Rural Living Zone, Road and Railway Assets Code, Parking and Sustainable Transport Code, Attenuation Code, Safeguarding of Airports Code and Sandford Specific Area Plan, with the exception of the following.

Rural Living Zone

• Clause 11.4.1 A1 Site coverage – The proposed site coverage would be $462m^2$ which exceeds the $400m^2$ maximum as prescribed by the acceptable solution. The proposal must be assessed against the corresponding performance criteria (P1) of clause 11.4.1 as follows.

Clause	Performance Criteria	Proposal
11.4.1 P1	"The site coverage must be consistent with that existing on established properties in the area, having regard to:	The site is surrounded by large rural residential lots which include dwellings and outbuildings of a similar scale and character. The proposed site coverage is consistent with that existing in the area for the following reasons:
	(a) the topography of the site;	The location and scale of the proposed development is taken to be in harmony with the size, shape and the topography of the site which is commensurate with a rural living setting.
	<i>(b) the capacity of the site to absorb runoff;</i>	The site is capable of absorbing run-off due to the lot size and apparent lack of topographical or geological constraints.
	(c) the size and shape of the site;	The site has a land area of 2ha and forms an irregular shaped lot accessed from Chilean Court. The site has a northerly aspect and is situated in an elevated position within an established rural residential setting.
	(d) the existing buildings and any constraints imposed by existing development;	The site is currently vacant.
	(e) the need to remove vegetation; and	The site is cleared of vegetation; therefore, would not impact upon landscape or environmental values associated with vegetation coverage.
	(f) the character of development existing on established properties in the area."	The proposal would provide for a contemporary single dwelling and outbuilding which provide a similar site coverage to established properties in the area.

Based on the above assessme	ent,
the proposal satisfies	the
performance criteria	and
complies with the standard.	

C2.0 Parking and Sustainable Transport Code

• Clause C2.6.1 A1 Construction of parking areas – The proposed gravel driveway is not in accordance with acceptable solution A1 (c) where a driveway is to be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement. The proposal must be assessed against the corresponding performance criteria (P1) of clause C2.6.1 as follows.

Clause	Performance Criteria	Assessment
C2.6.1	"All parking, access ways,	It is considered that the proposed
P1	manoeuvring and circulation	driveway surface treatment can
	spaces must be readily	be supported on the basis gravel
	identifiable and constructed so	would form an appropriate
	that they are useable in all	surface useable in all weather
	weather conditions, having	conditions in consideration of the
	regard to:	following:
	(a) the nature of the use;	The proposed use is for single
		residential development.
	(b) the topography of the land;	The driveway is designed with an
		appropriate gradient for the
		topography of the site.
	(c) the drainage system	The driveway is provided with an
	available;	appropriate drainage system to
		handle stormwater.
	(d) the likelihood of transporting	Council's development engineers
	sediment or debris from the	have advised that, if approved, a
	site onto a road or public	permit condition recommending
	place;	the access be constructed in a
		durable all weather surface,
		which would satisfy this
	(a) the likelihood of an water	performance criterion.
	(e) the likelihood of generating dust; and	The nature, frequency and type of
	aust, ana	vehicles using the driveway in association with a single
		association with a single dwelling use are unlikely to
		generate unreasonable volumes
		of dust.
		01 uusi.

(f) the nature of the proposed surfacing."	The proposed gravel surface is typical of rural living settings and considered a reasonable surface treatment.
	Based on the above assessment and recommended permit condition should the proposal be approved; it is considered to satisfy the performance criteria and complies with the standard.

C9.0 Attenuation Code

• Clause C9.5.2 A1 Sensitive use within an attenuation area - There is no acceptable solution for this Scheme provision. The site adjoins the School Road quarry (Level 2 activity) located at 100 School Road. The quarry undertakes extraction (red gravel) and crushing/screening activities and occasional blasting (subject to the approval of the Director of the EPA). The dwelling is proposed to be located within the attenuation distance of 1000m as prescribed by Table C9.1 of the Code. The proposal must be assessed against the performance criteria (P1) as follows.

Clause	Performance Criteria	Assessment
C9.5.2	"Sensitive use within an	For the purpose of this code, the
P1	attenuation area, must not	use of the land for residential
	interfere with or constrain an	purposes, namely a single
	existing activity listed in Tables	dwelling is a sensitive use. The
	C9.1 or C9.2, having regard to:	assessment against this
		performance criteria has
		concluded that the proposal
		would interfere with or constrain
		the existing quarry activity.
		Consequently, the proposal does
		not comply with this standard, as
		detailed below.

(a)	the nature of the activity with potential to cause emissions including: (i) operational characteristics of the activity;	The quarry is operating under a Level 2 permit (EPN) issued by the Environmental Protection Agency (EPA) and includes crushing, grinding and occasional blasting, with the latter requiring consent from the Director of the EPA. The conditions of the EPN are based on the Quarry Code of Practice (QCoP) because it provides the baseline requirements for the operation of a quarry.
	(ii) scale and intensity of the activity; and	The quarry lease provides for 20,000m ³ of material to be extracted per annum and 1,600m ³ of materials to be crushed. MRT have advised that at this rate of extraction the quarry has a 20-year life span remaining. The quarry operating hours conform with the QCoP, which are restricted to: - 0700 to 1900 hours, Monday
	(iii) degree of hazard or pollution that may be emitted from the activity;	 oroo to 1900 hours, wonday to Friday; - 0800 to 1600 hours, Saturdays; and - No operations on Sunday. The level of emissions from the activity is controlled by the EPN and further supplemented by adherence to the attenuation distances prescribed in the scheme.
		The pollution emissions include dust, noise, ground vibrations and shock waves, noise being the primary emission of greatest concern in this assessment.

		The EPN has not explicitly conditioned the activity to comply with noise emissions limits per se; however, EPN condition 6 requires compliance with the QCoP, which does establish noise limits for the operation of quarries. The QCoP acceptable standard for the level of noise is 45dB(a) from 0700 to 1900 hours (daytime) for all outdoor areas of a site used for residential purposes (sensitive use). Achieving this limit for all outdoor areas on a site supporting a sensitive use is the EPA's primary objective, to ensure that sensitive uses do not interfere with or constrain quarry
	b) the nature of the sensitive use;	with or constrain quarry operations. The sensitive use is a single dwelling with bedrooms and living areas oriented to the north and east. The proposed outbuilding is located west of the dwelling and provides limited screening from the quarry to the north.
		The proposed mitigation measure restricts the reasonable use of the site to the immediate areas around the dwelling that are to be shielded by the proposed 2m high fence.
		It would be unreasonable to expect significant portions of the site could not be used, and occupants should be able to utilise the site in its entirety enjoying a reasonable level of residential amenity across the whole site.
(0	c) the extent of encroachment by the sensitive use into the attenuation area;	The attenuation distance prescribed in the Scheme reflects the separation distances referenced in the QCoP.

		The proposed sensitive use is fully contained within the attenuation area, with the dwelling setback 36.6m and the outbuilding setback 35.9m from the boundary with 100 School Road. This is a significant encroachment into the attenuation area.
		Formal advice received from the EPA indicates noise emissions set down in the QCoP can reasonably be expected to be complied with, where the separation distances and Standard Recommended Attenuation Distance (SRAD) can be maintained (1000m attenuation distance prescribed under the Code). This means that where a new sensitive use is constructed within the attenuation distance, the noise emission limits are not likely to be complied with.
		In the case of the proposed dwelling, there is potential for the proposed sensitive use (if approved) to experience noise more than the QCoP emission limits, given the property is within the attenuation area and directly adjacent to the quarry.
layout the de sensitiv mitigat	res in the design, and construction of evelopment for the we use to eliminate, te or manage effects risions of the activity;	A Noise Impact Assessment (Attachment 4) has been provided in support of the application, which includes a noise contour map showing predicted noise levels across the site. Figure 2.2 of the Noise Report demonstrates most of the outdoor areas of the site to be occupied by the sensitive use are unable to comply with the QCoP noise limits of 45dB(A). Although, it is noted the design of the dwelling would achieve the required noise limit of 35dB(A).

The Noise Report indicates a noise barrier in excess of 5m high would be required on the boundary with the quarry to achieve the required noise level across the outdoor areas of the site. This mitigation measure is achievable but noted as impractical by the author of the report. Instead, the Noise Report proposes a 2m high standard fence to the north-west of the dwelling, as shown in figure 2.4 of the Noise Report. This mitigation measure is proposed to manage the effects from the quarry activities in the primary areas of habitation around the dwelling, such that noise levels are below the QCoP daytime design noise limit of 45 dBA to the south-eastern side of the fence.
Discussions with the EPA have revealed that the QCoP daytime noise limit of 45dB(A) must be achieved across the entire outdoor area of the subject site to ensure that the sensitive use does not interfere with or constrain the existing School Road Quarry.
To that end, the Noise Report fails to propose an acceptable mitigation measure for the entire outdoor area of the subject site.
While the Noise Report demonstrates the dwelling and a limited area around it would achieve the required noise levels, it neglects to consider the full potential of the quarry operations, specifically the movement of equipment and machinery across the site when accessing the remaining resource.

	The Noise Report focuses on activity at the eastern end of the quarry, with no consideration of the quarry activity and its off-site impacts when mining the significant volume of remaining resource elsewhere on the site. When factoring in the full potential of the quarry activity and movement of plant and machinery around the quarry, the modelling is taken to significantly underestimate the noise emissions upon the subject site, and as a result the potential for annoyance to occur is significantly higher. It is important to note that Council must make a decision on what is proposed. It is unlawful to place a condition on a permit requiring satisfactory noise barriers to achieve reasonable levels of amenity across the site when the conceptual design and location of such noise barriers is unknown and untested by assessment against the scheme provisions. The alternative is to make a new application that includes satisfactory noise
(e) any advice from the Director, Environment Protection Authority; and	provisions. The alternative is to make a new application that
	In minimising the potential for the proposal to interfere with or constrain the operation of the quarry, the EPA recommends that the proponent undertake a Noise Impact Assessment Report assessing impact of quarry operations, and the potential worst case scenario for noise.

	T 1 X X X X X X X X X X
	The Noise Report should identify appropriate mitigation measures (i.e. noise barriers, external walls, glazing and ceiling/roof facades and construction details) to meet the required indoor design noise levels of each habitable space, and appropriate mitigation measures (i.e. noise barriers) to protect the acoustic environment of all outdoor recreation areas.
	Discussions with the EPA revealed that Council should not approve the planning application where any part of the outdoor area has the potential to exceed the daytime design noise limit of LAeq 45 dB(A), because the EPA is of the belief that where this limit is exceeded there is the potential the proposed sensitive use to interfere with or constrain the existing School Road quarry activity. This is based on the fact that the quarry activity is existing, and a level of assurance and protection is owed to that activity to ensure its ongoing operation. As such, the onus of applying mitigation measures to achieve the daytime design noise limit of LAeq, 45 dB(A) falls to the applicant of the development. Given that the activity was existing prior to the sensitive use proposal, it is a reasonable requirement of the applicant to implement mitigation measures to achieve the daytime design noise limit of LAeq, 45dB(A).

	While it is not recommended to
	While it is not recommended to approve the sensitive use as proposed, if it were approved, this should be done with caution and with the understanding that there is potential for the proposed sensitive use to experience environmental nuisance therefore resulting in the quarry activity to be nuisance causing. The operational changes to bring the quarry activity back into compliance with the <i>Environmental Management and</i> <i>Pollution Control Act 1994</i> (EMPCA) and prevent it from being a source of nuisance is likely to constrain the existing activity. This scenario is both undesirable and not encouraged.
	The EPA has further advised Council that a complaint was received in relation to the operation of the quarry in June 2023. This demonstrates the operation of the quarry has the potential for a sensitive use to be impacted, and by approving dwellings in proximity to the quarry without satisfactory noise mitigation measures in place may exacerbate noise nuisances and further interfere with or constrain the operation of the quarry.
(f) any advice from the Director of Mines."	MRT have advised that the proposal is not supported in its current form due to the potential to constrain a legitimate Level 2 extractive activity.
	In consideration of the EPA and MRT advice and modelling shown within the Noise Report, it is apparent the proposed sensitive use will cause the potential for land use conflict and potentially sterilise portions of the quarry operations.

It is considered that the proposed sensitive use will constrain an existing activity listed in Table C9.1 of the Scheme and does not satisfy performance criteria P1(a) and (b) and is unable to comply with the standard.
On this basis the application is recommended for refusal.

CLA – S11.0 Sandford Specific Area Plan

- Clause CLA-S11.7.1 A1 Residential Amenity the proposal does not meet the requirements of acceptable solution A1 (a) because the proposed buildings are for Residential use; A1 (b) because the proposal is not for a non-habitable building or structure associated with an existing single dwelling; and A1 (c) because the quarry at 100 School Road, Sandford is still operating. To guide the assessment under the performance criteria, the objective of this provision is as follows:
 - "(a) That the quarry located at 100 School Road, Sandford does not have an unreasonable impact on nearby residential amenity; and
 - (b) To protect the quarry from potential land use conflict arising from the development of dwellings in proximity to it."

The proposal must be assessed against the corresponding performance criteria (P1) of clause S11.7.1 as follows.

Clause	Performance Criteria	Assessment
CLA- S11.7 P1	"Development of a single dwelling is to take into account potential impacts from the quarry including noise, dust and visual amenity and be designed, sited or screened accordingly."	The proposal is assessed as not satisfying Performance Criteria P1 and does not comply with the standard, for the following reasons.

Firstly, it is important to highlight the Specific Area Plan is in place to protect the operation of the quarry until such time as the quarry is no longer operational (and is decommissioned and rehabilitated as required by the EPN and Mining Lease). The Specific Area Plan does not prioritise residential use and recognises residential uses should only be established where impacts from the quarry can be designed, sited or screened accordingly to meet relevant noise requirements.
A large proportion of the site has direct line of sight with quarry operations resulting from the elevated position above the quarry floor. It is reasonable to expect people moving into this area would have an expectation of low noise levels particularly in their outdoor areas. Having a quarry as an immediate adjacent neighbour creating noise beyond the acceptable noise limits imposed by the EPA, through the EPN, will result in the quarry having an unreasonable impact on residential amenity from noise emissions from the quarry.
The proximity of the proposed dwelling to the rear boundary is likely to generate land use conflict with the quarry to the north; especially with regards to blasting which requires approval from the Director of the EPA and given the Director must consider the proximity of sensitive receivers before providing consent to any blasting activities, the proposed position of the dwelling is unfavourable.

The proposed sound mitigation, a 2m high standard fence does not achieve the required noise levels across the site to achieve a reasonable level of residential amenity, as discussed above and is contrary to the expectations of the EPA and advice given by MRT.
On this basis the proposal is recommended for refusal.

5. REPRESENTATION ISSUES

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

6. EXTERNAL REFERRALS

The proposal was referred to the Director, Environment Protection Authority, and Mineral Resources Tasmania who have provided advice to be considered by Council in deciding the application (see Attachment 5 for EPA response).

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 inconsistent with the objectives of Schedule 1 of LUPAA because it would create significant potential for land use conflict and is not orderly development.

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

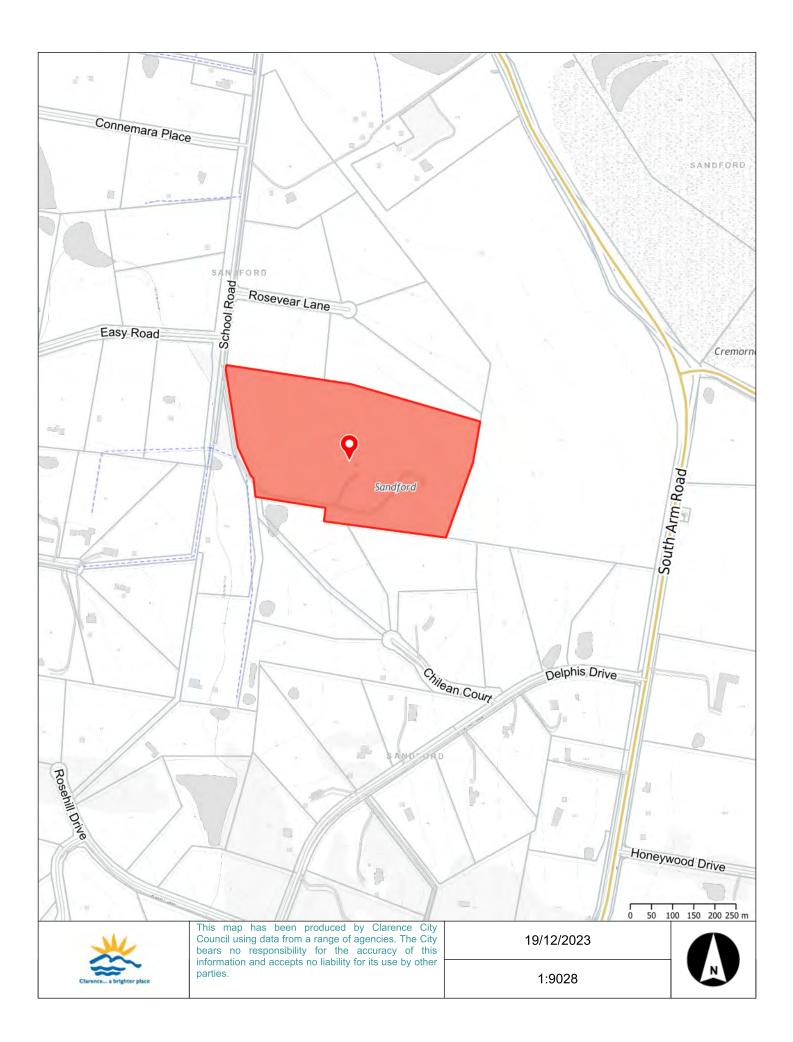
There are no inconsistencies with Council's adopted Strategic Plan or any other relevant Council policy.

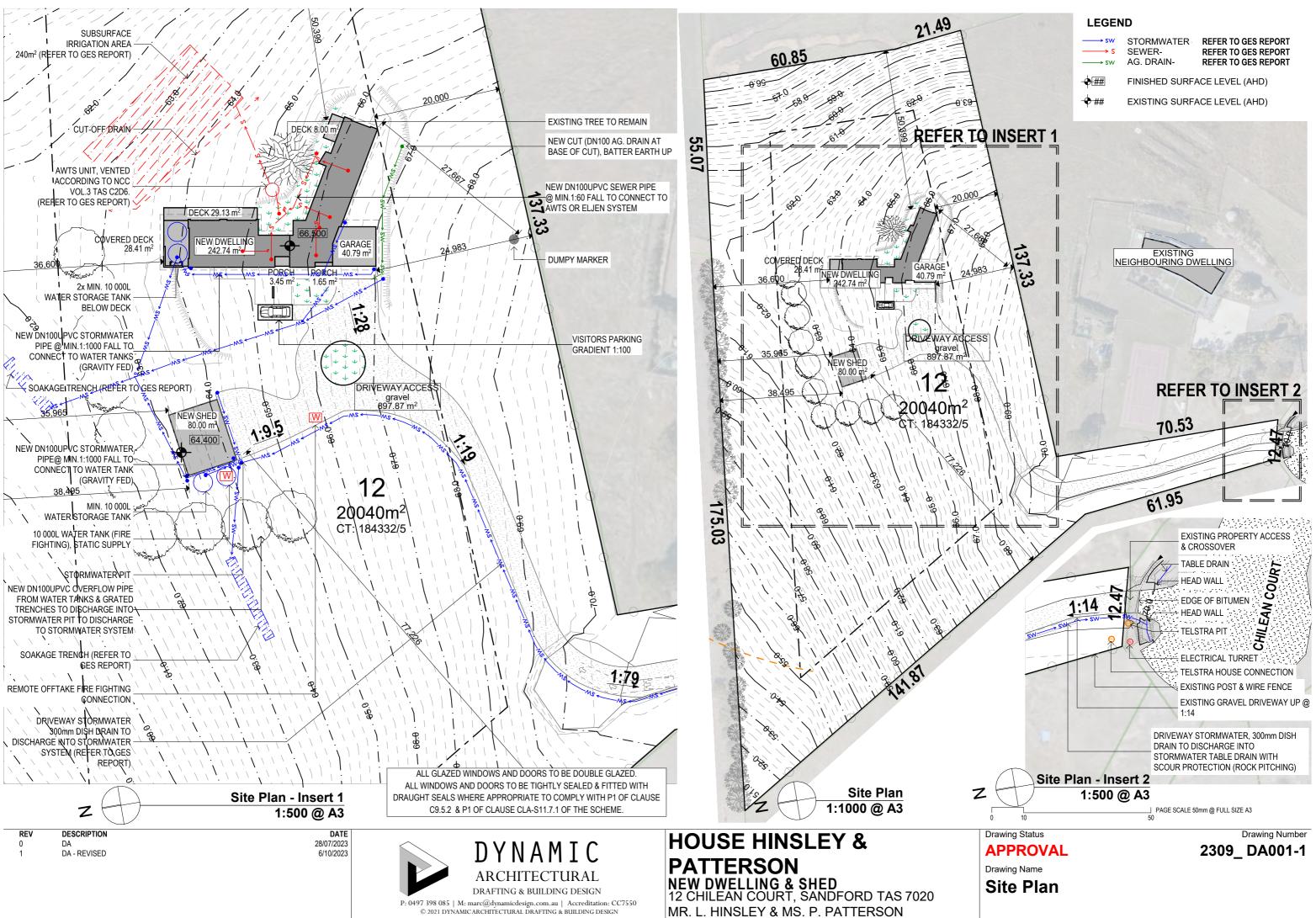
9. CONCLUSION

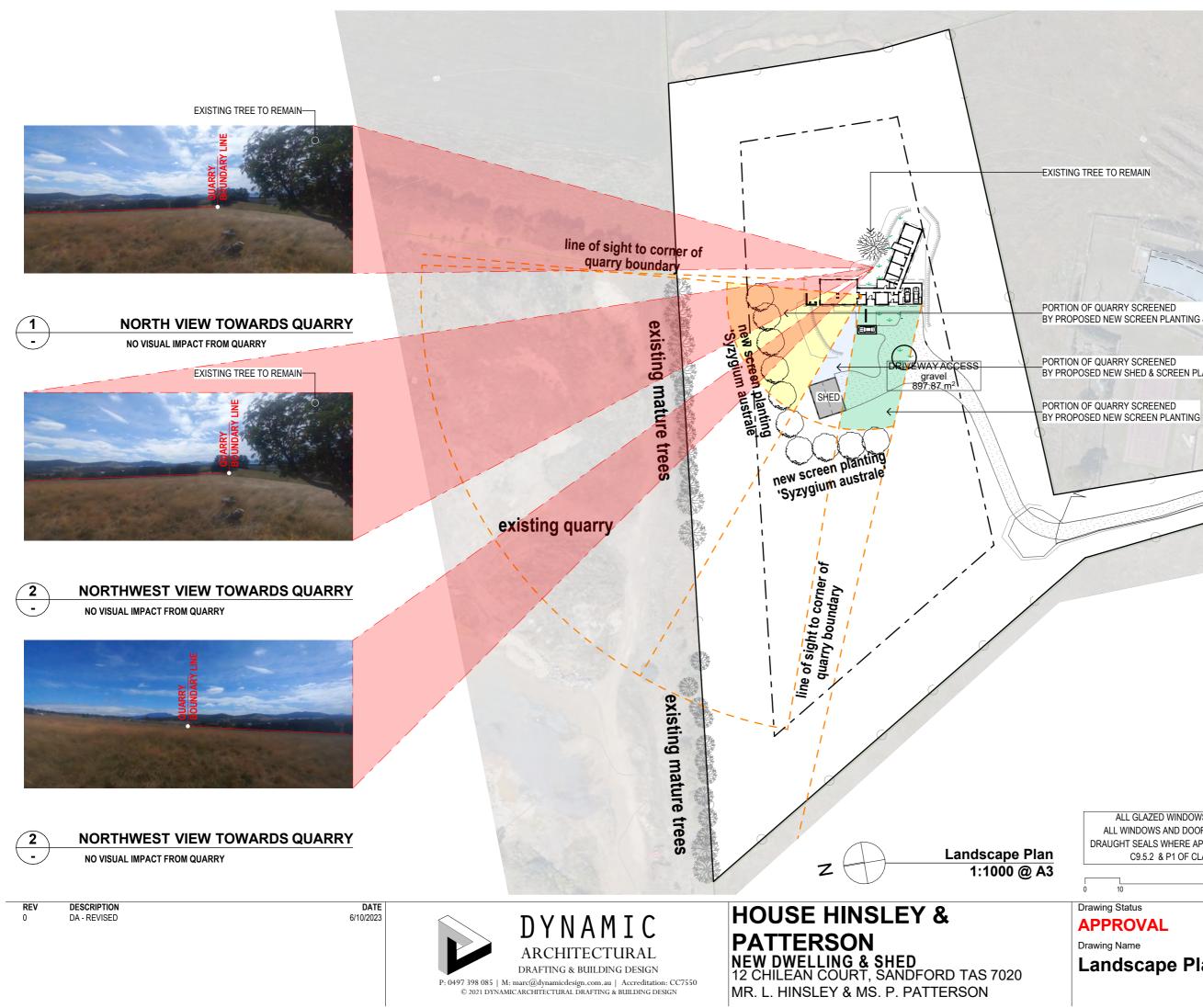
The proposal is recommended for refusal because the proposed development does not comply with clause C9.6.1 P1 and clause S11.7.1 P1 of the Scheme for reasons detailed within this report.

- Attachments: 1. Location Plan (1)
 - 2. Proposal Plan (7)
 - 3. Site Photo (1)
 - 4. Noise Impact Assessment (9)
 - 5. Correspondence received from EPA (3)
 - 6. Location Plan showing the Proposal in relation to the Quarry (1)
 - 7. Plan Showing 1000m Attenuation Area (1)

Daniel Marr HEAD OF CITY PLANNING







Landscape Plan

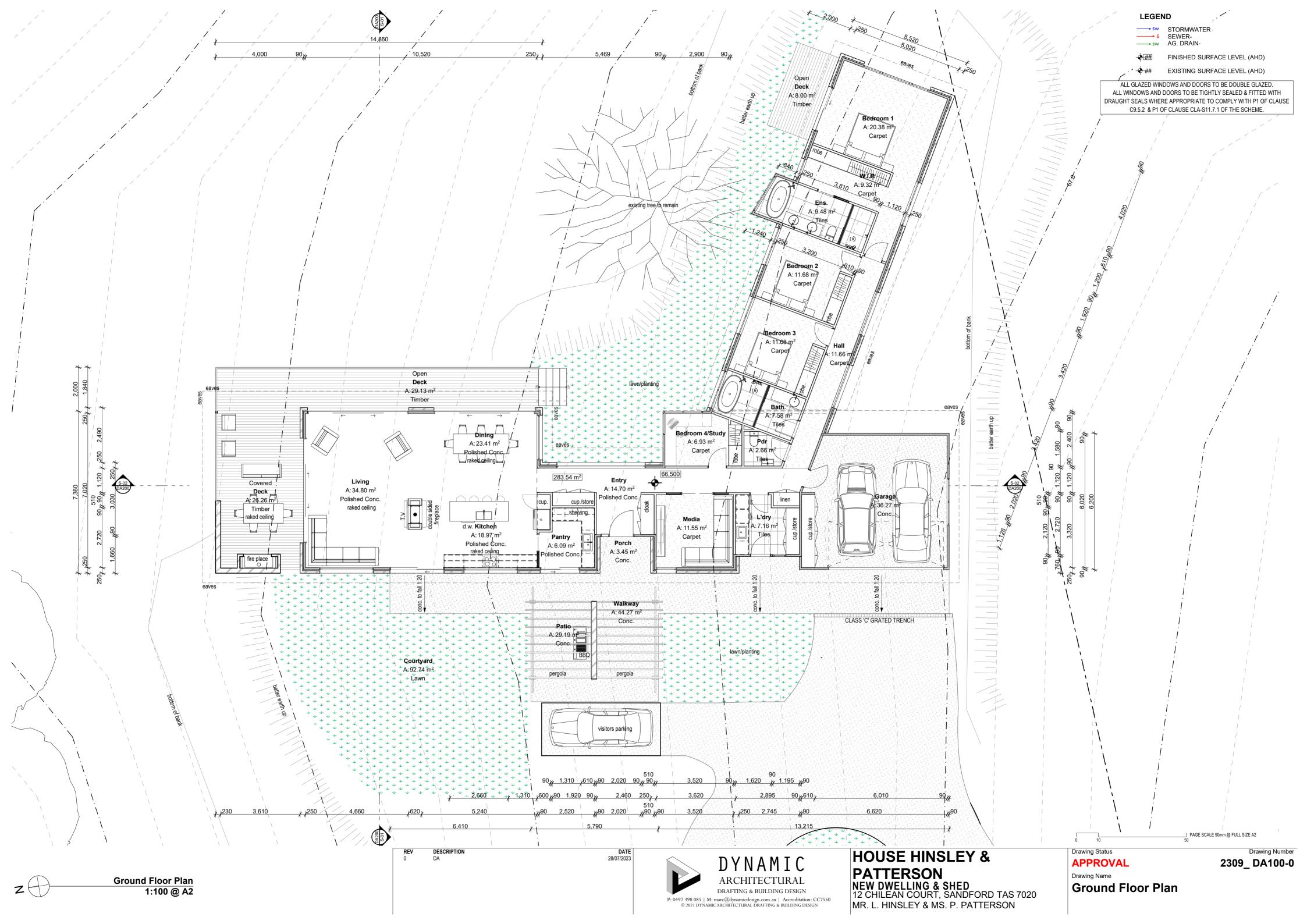
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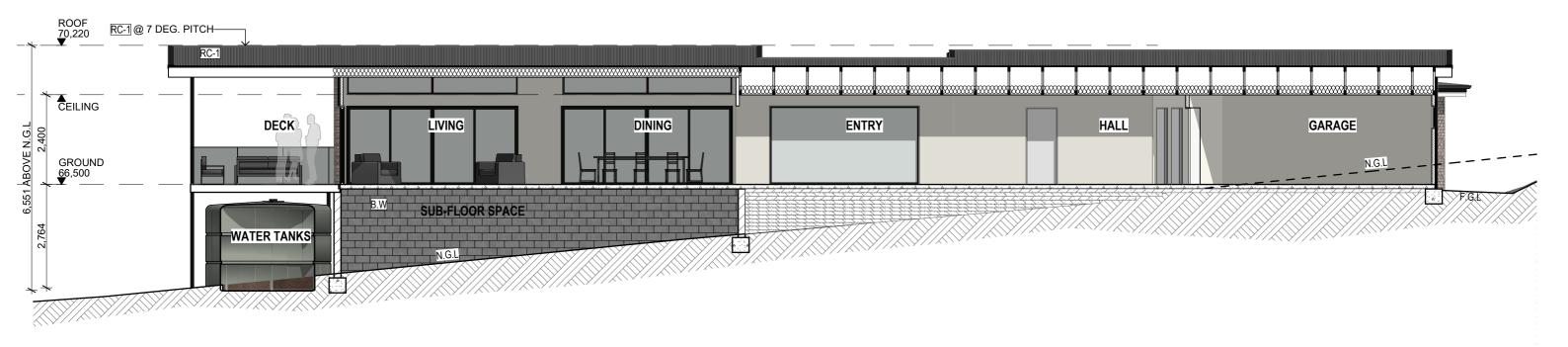
ALL GLAZED WINDOWS AND DOORS TO BE DOUBLE GLAZED. ALL WINDOWS AND DOORS TO BE TIGHTLY SEALED & FITTED WITH DRAUGHT SEALS WHERE APPROPRIATE TO COMPLY WITH P1 OF CLAUSE C9.5.2 & P1 OF CLAUSE CLA-S11.7.1 OF THE SCHEME.

BY PROPOSED NEW SCREEN PLANTING & EXISTING TREES BY PROPOSED NEW SHED & SCREEN PLANTING











Section 1:100 @ A3

REV DESCRIPTION DA

DATE 28/07/2023

DYNAMIC ARCHITECTURAL DRAFTING & BUILDING DESIGN

P: 0497 398 085 | M: marc@dynamicdesign.com.au | Accreditation: CC7550 © 2021 DYNAMICARCHITECTURAL DRAFTING & BUILDING DESIGN

HOUSE HINSLEY & PATTERSON NEW DWELLING & SHED 12 CHILEAN COURT, SANDFORD TAS 7020 MR. L. HINSLEY & MS. P. PATTERSON

Sections

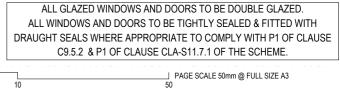
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Drawing Number



- EC-1 SELECTED BRICK VENEER
- SAN SELMO "RECLAIMED" TBC
- STEEL SHEET CLADDING NAILSTRIP 340
- LEGEND





- EC-3
- ROOF CLADDING CUSTOM ORB COLOUR COLORBOND "MONUMENT"
- STEEL SHEET CLADDING STRAMIT "MONOCLAD" COLOUR - COLORBOND "MONUMENT"

- LEGEND
- EC-1 SELECTED BRICK VENEER SAN SELMO "RECLAIMED" TBC
- STEEL SHEET CLADDING NAILSTRIP 340 COLOUR COLORBOND "MONUMENT" EC-2
- B.W CONCRETE BLOCKWORK







Elevations 2

Drawing Name

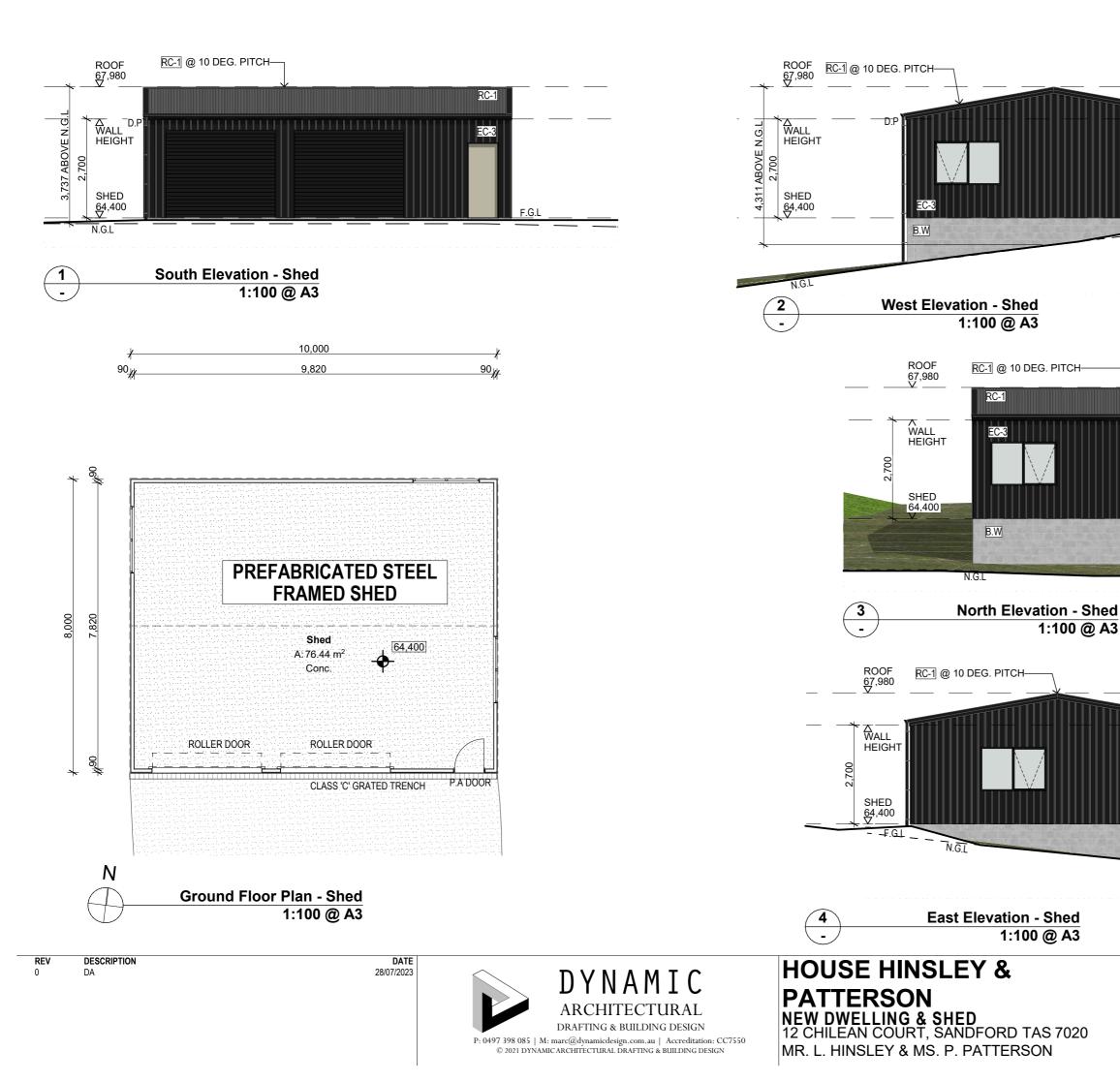
APPROVAL

Drawing Status

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C9.5.2 & P1 OF CLAUSE CLA-S11.7.1 OF THE SCHEME.



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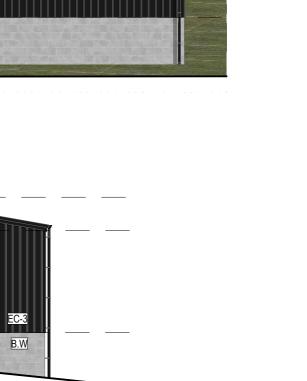
Plan & Elevations - Shed

APPROVAL

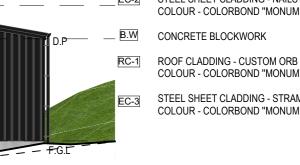
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- EC-1 SELECTED BRICK VENEER SAN SELMO "RECLAIMED" - TBC
- EC-2 STEEL SHEET CLADDING - NAILSTRIP 340 COLOUR - COLORBOND "MONUMENT"
- LEGEND

SITE PHOTOS: 12 CHILEAN COURT, SANDFORD



Photo 1: The subject site when viewed from the frontage to Chilean Court.



Photo 2: The view from the lot to the north across the School Road quarry floor located at 100 School Road, Sandford.



Luke Hinsley 12 Chilean Court Sandford, TAS 7020

7 December 2023

Ref: 23051-2 12 Chilean Court NIA Addendum

Attention: Luke Hinsley

12 CHILEAN COURT — NOISE IMPACT ASSESSMENT ADDENDUM

A residential dwelling is proposed at 12 Chilean Court, Sandford. The proposed location of the dwelling is within the attenuation area surrounding an existing permitted quarry, and thus Council have requested a noise assessment to demonstrate likely compliance against the Tasmanian Planning Scheme and the Clarence Local Provisions Schedule. An assessment to address these requests was conducted by NVC and initially presented in September¹. Council have since requested additional information to address the Quarry Code of Practice, with the specific queries outlined below. This letter provides an addendum to the original NIA, to address the additional comments from Council.

The residential lot at 12 Chilean Court is located such that it shares a boundary with the quarry, with the location of the proposed dwelling looking down onto the quarry. Figure 1.1 shows an image taken at the proposed dwelling location (location A, see Figure 2.1), demonstrating the line of sight between the property and the quarry.



FIGURE 1.1: PHOTO LOOKING FROM 12 CHILEAN COURT ONTO QUARRY

¹ 12 Chilean Court - Noise Impact Assessment, 23051 12 Chilean Court NIA, NVC, September 2023.



1. COUNCIL FURTHER QUERIES

The following has been noted by Council in response to the original NIA completed in September:

- 1. "The operating hours of the adjacent Level 2 activity (School Road Quarry), is limited to daytime operation only. As such, the primary focus of this advice is to ensure that the entire land within the boundary of the lot is designed to meet the Quarry Code of Practice (QCoP) daytime design noise limit being, L_{Aeq}, 45dB(A).
- 2. The daytime design noise limit of L_{Aeq}, 45dB(A) is considered appropriate for the proposed new dwelling and shed development. The daytime design noise limit of 45dB(A) should be applied across the <u>entire</u> land within the boundary of the lot, hereafter referred to as the outdoor area. Achieving this limit in the outdoor area is to ensure that the sensitive use does not interfere with or constrain the existing School Road Quarry.
- 3. The proposed mitigation measures are focused on meeting an indoor design level. It is noted that the adopted indoor design level for the proposed development is L_{Aeq} , 40 dB(A).
- 4. No mitigation measures have been recommended to ensure the outdoor area meets the daytime design noise limit of L_{Aeq}, 45dB(A). In order to ensure that the proposed development complies with the daytime design noise limit of L_{Aeq}, 45dB(A) in the outdoor area, and ensure that the users of the outdoor area are not exposed to excessive intrusive noise characteristics (low frequency and tonal noise), mitigation measures must be considered and investigated. Such mitigation measures may include but not be limited to:
 - a. Consider raising noise barriers (i.e., earth mounds, noise wall, combination of both) across the lot boundaries between the residential development and the existing quarry site.
- 5. A revised noise impact assessment report is required including and discussing the following as minimum:
 - a. A noise level contour map/s showing predicted levels at the outdoor area of the proposed development.
 - b. Appropriate mitigation measures to meet the daytime design noise limit of L_{Aeq}, 45 dB(A) as referenced in the QCoP. The daytime design noise limit must be achieved across the entire outdoor area.
 - c. Discuss whether the proposed outdoor area has potential to be affected by intrusive or dominant characteristics (tonality, impulsiveness, modulation and low frequency) and provide appropriate mitigation measures.
- 6. The noise emissions and associated effects from the activity are not currently being eliminated, mitigated, or managed by the applicant of the development to achieve the daytime design noise limit of L_{Aeq}, 45dB(A). Given that the activity was existing prior to the development proposal, it is a reasonable requirement of the applicant to implement mitigation measures to achieve the daytime design noise limit of L_{Aeq}, 45dB(A).
- 7. There is potential that the proposed development experiences environmental nuisance therefore resulting in the School Road Quarry activity to be nuisance causing. The operational changes to bring the School Road Quarry activity back into compliance with the Environmental Management and Pollution Control Act 1994 (EMPCA) and prevent it from being a source of nuisance is likely to constrain the existing activity.
- 8. Advise to adopt L_{Aeq}, 35dB(A) as the indoor design noise level which is consistent with both the Environment Protection Policy (Noise) 2009 (EPP) and Australian Standards Acoustics Recommended design sound level and reverberation times for building interiors (AS/NZS 2107:2016)."

2. Noise Modelling

Noise emissions from the neighbouring quarry across the subject site have been modelled using iNoise software, which implements the ISO9613 algorithms for environmental noise. The predictions account for geometric divergence, topographical screening, barrier attenuation, atmospheric absorption, reflections/screening from buildings, and ground absorption. The following assumptions and information are relevant to the predictions:

- The main sources of quarry noise have been modelled using sound power level data from measurements taken on site at the School Road Quarry, with specific sound power levels utilised in the model shown in Table 2.1.
 - Noise sources have been modelled at a height of 0.5m above ground level, representative of primarily engine noise, as this was perceived to be the most significant component of the noise sources.
- 1m topographical contours (from LIDAR data) have been used for the site and surrounding area.
 - The most recent topographical contours available are from 2013 and therefore are outdated for the purposes of a regularly changing quarry.
 - The topographical contours on site have been adjusted manually to be representative of the current quarry height lines based on perception of current elevations after multiple site visits.
- The ground has been assumed to have a ground factor of 0.5 (50% reflective). This is conservative.
- All building façades and barriers are modelled with a reflection factor of 0.8 (80% reflective).
- As per the Tasmanian Noise Measurement Procedures Manual, noise levels across the site are predicted at 1.2m above ground level.

Figure 2.1, below, shows the locations of modelled quarrying equipment and measurement locations. Since the initial assessment was conducted, further noise measurements have been made at location B (see Figure 2.1), on the boundary of 12 Chilean Court to the quarry, with noise levels comparing the software model and measurements in Table 2.2.

Table 2.2 demonstrates that the model is predicted noise levels approximately 1dB higher than measurements demonstrate in reality (a generally imperceptible difference), and thus the model is conservative, but sufficiently accurate.

Three scenarios are demonstrated in the results below:

Figure 2.2: Scenario 1 - No barriers

Figure 2.3: Scenario 2 - 2.4m barrier along the northern boundary of the property

Figure 2.4: Scenario 3 - 2m barrier to the north-west of the dwelling

NVC IN NOISE VIERATION CONSULTING



FIGURE 2.1: MODELLED NOISE SOURCES AND MEASUREMENT LOCATIONS

TABLE 2.1: MODELLED NOISE SOURCES

Source	Sound Power Level (dBA)
Jaw Crusher	99
Vibratory Screen	94
Front-end Loader	100

TABLE 2.2: MODELLED AND MEASURED SOUND PRESSURE LEVELS WITH NO BARRIERS

Lesster	Sound Pressure Level, Leq (dBA)	
Location	Modelled	Measured
Α	47	46
В	42	41



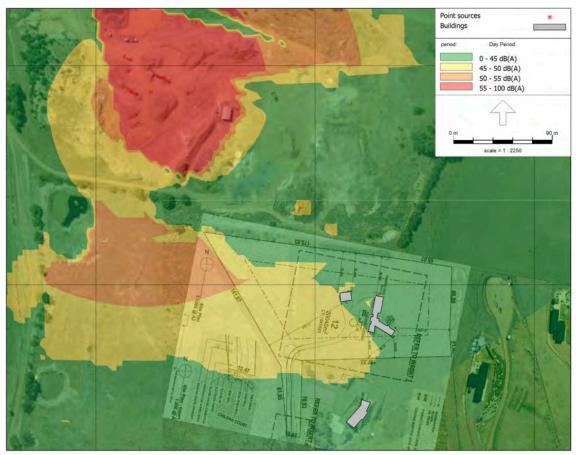


FIGURE 2.2: NO BARRIERS

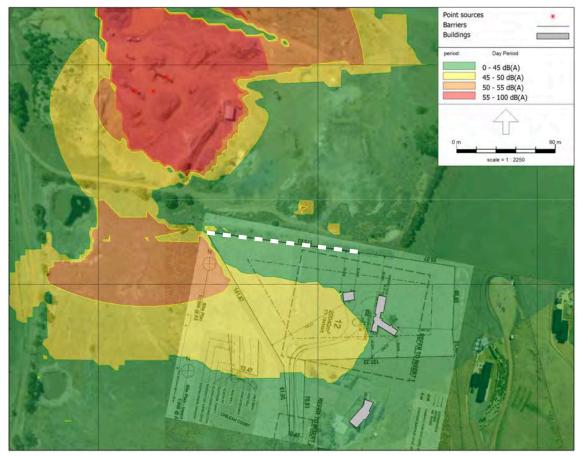


FIGURE 2.3: 2.4M HIGH BARRIER ON THE NORTHERN BOUNDARY

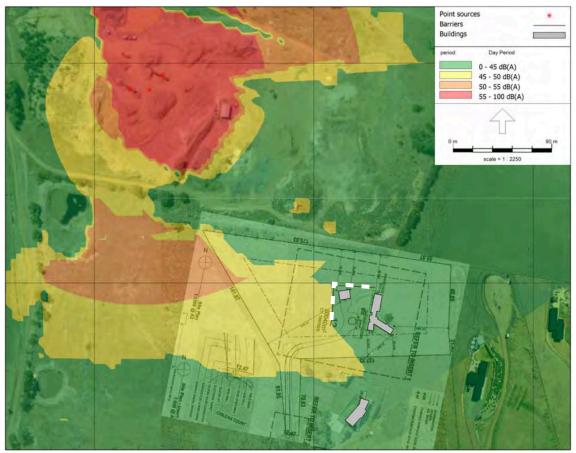


FIGURE 2.4: 2M HIGH BARRIER TO THE NORTH-WEST OF THE DWELLING



3. DISCUSSION

The following comments address the Council queries in section 1:

- 1. Suitable recommendations have been made in the following discussion such that the primary areas of inhabitance will experience noise levels below the QCoP day time criterion of 45 dBA.
- 2. Given the size of the lot and the proximity to the quarry, it is impractical to implement screening sufficient to ensure that the entirety of the lot experiences quarry noise levels below 45 dBA. The following comments are relevant:
 - Software modelling demonstrates that such a barrier or either bund would be required to be in excess of 5m high, which is impractical.
 - The noise level across the majority of the site is below 45 dBA, and screening nearer the dwelling is able to achieve levels at and surrounding the dwelling below 45 dBA.
 - The TAS Noise EPP specifies a typical day and evening time external noise level criterion sufficient to provide for residential amenity, as an Leq_{16-hour} of 50 dBA. The existing noise levels on site, as a worst-case Leq_{15-minute}, are currently below this criterion.
 - Measured and predicted noise levels on the northern boundary of the subject site are below the QCoP criterion of 45 dBA. The region of site in which the noise level exceeds the QCoP criterion is the western portion of the site, most of which shows an exceedance of approximately 1 dB (a generally imperceptible difference). It is further noted that no development of this portion of the site is proposed.
- 3. The adopted indoor design level for the proposed development is LAeq 40 dBA, as is stipulated by AS2107². The currently proposed dwelling facade construction will achieve internal noise levels below LAeq 35 dBA. The original NIA also discusses existing outdoor areas with noise levels below the QCoP criterion.
 - Areas on the eastern and southern side of the building experience noise levels below the QCoP criterion.
 - The deck on the northern side of the house is suitably screened by a brick wall, creating an outdoor seating area where noise levels will be below the QCoP criterion.
 - The proposed shed will also provide screening to parts of the western side of the building.
- 4. A large portion of the lot at 12 Chilean Court has line of sight with quarry operations and is significantly raised above the quarry floor, as can be seen in Figure 1.1.
 - Software modelling, shown in Figure 2.3, shows that a barrier along the northern boundary of 12 Chilean Court at a height of 2.4m is insufficient to reduce the entire property noise level below 45 dBA as required by the QCoP.
 - Constructing a barrier considerably larger than this, as is required, is impractical.
 - Hence, any form of boundary barrier, including an earthen mound or the combination of a noise barrier and earthen mound, is not deemed practical.
 - See comment 5, below, for alternative solutions.
- 5. A software model that demonstrates feasible solutions has been implemented, with the results shown in Section 2 of this letter.
 - a. NVC has implemented a software noise model demonstrating modelled noise levels at the outdoor area of the proposed development. Contour maps are provided in Section 2, showing the site as-is, and with various noise barrier configurations.
 - b. Barriers such as a fence nearer the dwelling may be implemented to create further outdoor areas with noise levels below the QCoP criterion.

² AS/NZS 2107:2016 Acoustics - Recommended design sound level and reverberation times for building interiors, Standards Australia, 2016.



- Figure 2.4 demonstrates a more realistic positioning of a standard 2m tall fence to produce significant outdoor area around the dwelling with noise levels below the QCoP criterion. As such, a condition requiring the dwelling itself, and private open space surrounding the dwelling, are screened sufficiently to ensure quarrying noise levels are below the QCoP criterion may be appropriate.
- Note that the position of this barrier can be refined and positioned more suitably based on the owner's requirements the current positioning is provided as conceptual option.
- c. When considering adjustments for intrusive or dominant characteristics such as tonality, impulsiveness, modulation, and low frequency, noise levels within areas screened by such a barrier, as recommended in Comment 5b, as well as existing areas noted in Comment 4, are below the QCoP criterion.
- 6. Recommendations in Comment 5b manage the effects from quarry activities in the primary areas of inhabitance such that noise levels are below the QCoP daytime design noise limit of 45 dBA. As such, the amenity of the proposed is not deemed affected by quarry activities.
- 7. In addition to Comment 6, since it is unlikely for quarry activities to affect the areas of primary inhabitance at 12 Chilean Court, both indoor and outdoor, the property is not expected to experience any environmental nuisance from the quarry, and therefore will not constrain the existing activity.
- 8. The currently proposed dwelling facade construction will achieve internal noise levels below LAeq 35 dBA.

Should you have any queries, please do not hesitate to contact me directly.

Kind regards,

ad An

Jack Pitt

Jarra Lewis

NOISE VIBRATION CONSULTING

Appendix – Acoustic Glossary

- Ambient Noise All noise associated with a measurement, and typically ignoring the particular noise under investigation. Typically measured as Leq and will usually comprise noise from many sources.
- Background Noise Background noise describes the underlying level of noise present in the ambient noise. It may be described as the average of the minimum noise levels measured, and is typically measured by the statistical L90 level.
- Decibel [dB] The scale used for describing sound. It is a logarithmic scale that uses a reference sound pressure of 20 µPa, or reference sound power of 10-12 Watts.
- dBA A-weighted decibel. The human ear does not perform linearly and is better at hearing high frequency rather than low frequency sounds, ie. low frequency sound at the same dB level as a high frequency sound will be perceived as quieter. To replicate the human ear response a frequency weighting, denoted as an A-weighting, is applied to the sound. A sound measured in this way is then an A-weighted sound pressure level with units dBA. Practically all noise is measured using the A-weighting.
- Leq Energy averaged sound pressure level over a period of time, usually 10 to 15 minutes. Units of decibels, typically A weighted (LAeq). Because the decibel scale is a logarithmic ratio, the higher noise levels have far more sound energy, and therefore the Leq level tends to indicate an average which is strongly influenced by short-term, high level noise events. Many studies show that human reaction to level-varying sounds tends to relate closer to the LAeq noise level than any other descriptor.
- *Frequency* Frequency is synonymous with pitch and has the units of Hertz (Hz) or cycles per second. A bass drum produces a low frequency sound, and a small bell a high frequency sound. The frequency range for human hearing is approximately 30Hz to 16kHz.
- L10, L90... Ln is the sound pressure level that is exceeded for n% of the time. Hence the L10 describes the noisier events during the interval, and L90 the quieter events. The L90 is often used to describe the background level. A significant variation between the L10 and L90 would indicate an environment where there is a strong variation in noise levels, and the background is not the dominant source. As the variation between the L10 and L90 decreases, the background becomes a more dominant.
- *Lmax* The instantaneous maximum level using the time response and frequency weighting set for the meter (typically Fast response, A weighted).
- *Inversion* A condition typically occurring on clear, still nights which is characterised by the air near the ground being colder than air at higher altitudes. The increasing speed of sound with altitude bends the sound back towards the ground causing a focussing of the sound in a small area. The inversion effect can cause increases in noise levels of 5 to 10 dB with greater increases in exceptional circumstances.

Environment Protection Authority

GPO Box 1550 HOBART TAS 7001 Australia

Enquiries: Rachel Alexander Phone: +61 3 6165 4538 Email: <u>rachel.alexander@epa.tas.gov.au</u> Web: www.epa.tas.gov.au Our Ref: <u>D23-231326/010</u>



17 August 2023

Vanessa Tomlin Manager City Planning Clarence City Council 38 Bligh Street ROSNY PARK TAS 7018

Email: cityplanning@ccc.tas.gov.au

Dear Vanessa Tomlin

PDPLANPMTD-2023/037666 – PLANNING PERMIT DISCRETIONARY – 12 CHILEAN COURT, SANDFORD NEAR QUARRY – EPA COMMENT

I acknowledge receipt of Clarence City Council's email dated 8 August 2023, requesting comment from the Director of the Environment Protection Authority (EPA) about a development planning application for a new dwelling and shed at 12 Chilean Court, Sandford. I also acknowledge receipt of the following documents in relation to the development application:

- Correspondence from Clarence City Council to EPA date 8 August 2023;
- Completed form titled Clarence City Council, Application for Development / Use or Subdivision;
- Site and Folio Plans; and
- Signed Council Consent Letter.

Jenkins Hire Pty Ltd (Jenkins Hire) is currently authorised to operate a quarry on Mining Lease (ML) 1511P/M located at Sandford. The quarry undertakes crushing/screening activities and the current operations which are carried out within the ML are located adjacent to 12 Chilean Court, Sandford. Of note, 12 Chilean Court, Sandford is wholly located within 200m of the ML boundary.

As per Section 6.1.2 of the Quarry Code of Practice (QCoP) of May 2017 published by the EPA:

It is suggested that the planning authorities and operators seek to maintain the following separation distances, measured from the maximum extent of the quarry operations to any sensitive use:

- 1. where regular blasting takes place 1,000 metres
- 2. where material is crushed only 750 metres
- 3. where vibrating and trommel screes alone are utilised 500 metres
- 4. where no blasting, crushing or screening occurs 300 metres.

The approval authority may consider variations of the above distances where the nature or manner of the operation can justify this. Modelling noise from proposed quarrying and processing activities and the measurement of pre-existing noise levels can be used to support such variations. Ground vibration and air blast overpressure should also be modelled where blasting is expected within 1,000 metres of a sensitive use.

The abovementioned separation distances referenced in the QCoP are reflected in the State Planning Provisions, Code 9.0 – Attenuation Code.

In the case of the abovementioned quarry in relation to blasting, the current Level 2 permit states blasting must not be carried out on *The Land* without the prior written approval of the Director.

Furthermore, the current Level 2 permit also limits operating hours whereby, activities associated with the extraction of rock, gravel, sand, clay or minerals, and loading of product, and screening crushing must not be undertaken outside the hours of 0700 hours to 1900 hours on weekdays and 0800 hours to 1600 hours on Saturdays.

Please note, that whilst the Level 2 permit has not explicitly conditioned the activity to comply with noise emission limits, Condition G6 requires the activity undertaken on *The Land* to comply with the Acceptable Standards provisions of the *Quarry Code of Practice*.

As per Section 7.2.2.2 of the QCoP, an acceptable standard for level of noise (i.e. noise emission limits) has been established.

Noise from quarrying activities and associated activities, including equipment maintenance, when measured at any neighbouring sensitive use must not exceed the greater of:

- The A-weighted 10-minute L90, excluding noise from the quarry, plus 5 dB(A), or
- The following levels:
 - 45 dB(A) from 0700 to 1900 hours (daytime)
 - o 40 dB(A) from 1900 to 2200 hours (evening), and
 - 35 dB(A) from 2200 to 0700 hours the following day (night-time)

when measured as a 10-minute L_{eq} .

Section 7.2.2.3 of the QCoP references separation distances from quarry activities.

The distances provided in section 6.1.2 are generally consistent with avoiding unreasonable noise impacts.

The EPA is of the belief that the noise emissions limits set down in section 7.2.2.2 of the QCoP can reasonably be expected to be complied with, where the separation distances and Standard Recommended Attenuation Distance to sensitive receptors can be maintained. This means that where a new dwelling is built within these distances, the noise emission limits are not likely to be complied with or enforceable.

Based on the above, the EPA advises that under the current permit conditions, it is possible that the proposed new dwelling and shed at 12 Chilean Court, Sandford (if approved) may experience noise in excess of the above emission limits given that the Lot is wholly within 200 metres of The Land in which the activity may be carried out on. Due to the proximity to the existing quarry, the proposed new dwelling and shed development have potential to be affected by quarry associated activities.

To minimise the potential for the proposed new dwelling and shed development at 12 Chilean Court, Sandford, to interfere with or constrain the operation of the quarry, the EPA recommends that the proponent:

- Undertake a Noise Impact Assessment Report assessing impact of appropriate quarry operation scenarios including but not limited to, the cumulative impact of drilling, blasting and quarrying activities (ripping, crushing, screening, loading product etc). The report will clearly discuss potential noise nuisance that may be expected to be experienced at the Lot and, should clearly state the expected nuisance from the worst-case scenario for the Lot;
- The Noise Assessment Impact Assessment Report should identify appropriate mitigation measures (i.e. noise barriers, external walls, glazing and ceiling/roof facades and construction details) to meet the required indoor design noise levels of each habitable space;
- The Noise Assessment Impact Report should also include appropriate mitigation measures (i.e. noise barriers) to protect the acoustic environment of the outdoor recreation areas;
- Appropriate conditions should be applied (if a permit is granted for the development), to ensure that the proposed development is designed and constructed appropriately to attenuate noise and associated impacts from the quarry;

• The current proponent should be informed about potential noise nuisance that may be experienced at the Lot, and the associated planning application documents should clearly state the expected nuisance from the worst-case scenario.

The EPA also advises that due consideration should be given to local conditions such as terrain and meteorology, including annual rainfall, and the direction and strength of prevailing winds, as these factors have a bearing on the potential for dust related nuisance issues to occur in the vicinity of the proposed development.

Yours sincerely

Winted

Wes Ford DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

cc: Rachael Mansfield, Clarence City Council – Assistant Planner: rmansfield@ccc.tas.gov.au





7.3 DEVELOPMENT APPLICATION PDPLANPMTD-2022/032299 – 6 PAIGE COURT, WARRANE - 10 MULTIPLE DWELLINGS AND THREE COMMUNAL RESIDENCES

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a 10 Multiple Dwellings and three Communal Residences at 6 Paige Court, Warrane.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 18 January 2024.

CONSULTATION

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

- safety concerns relating to the increased traffic, on-street parking likely from the development, reduced sight lines along Paige Court, and increased congestion at the intersection with Cambridge Road;
- concerns in relation to the siteworks undertaken in recent months; and
- concerns about the proximity of the communal waste storage area to residences, and reliability (business viability) of private collection arrangements.

RECOMMENDATION:

- A. That the Development Application for 10 Multiple Dwellings and 3 Communal Residences at 6 Paige Court, Warrane (Cl Ref PDPLANPMTD-2022/032299) be approved subject to the following conditions and advice.
 - 1. GEN AP1 ENDORSED PLANS.

2. GEN AP2 – STAGING

• Stage 1

Construction of Townhouses 1 to 5, driveway, parking areas (Motorcycle parking spaces 1 and 2, car parking spaces 21 to 29), footpaths, installation of private stormwater to Townhouses 1 to 5, sewer to Townhouses 1 to 5, master water meter, individual Townhouse 1 to 5 water meters, bin enclosure, associated landscaping and letter boxes, and all shared plumbing infrastructure.

• Stage 2

Construction of Townhouses 6 to 10, footpaths, installation of private stormwater to Townhouses 6 to 10, sewer to Townhouses 6 to 10, individual Townhouse 6 to 10 water meters, visitor car parking spaces 38 and 39, motorcycle parking spaces 3 and 4, and associated landscaping.

• Stage 3

Construction of Communal Residences 1 to 3, driveway, parking areas (car parking spaces 29 to 37), footpaths, installation of private stormwater to each communal residence, sewer to each communal residence, individual water meters to each communal residence, associated landscaping and swale drain.

3. GEN AP3 – AMENDED PLAN

Amended plans showing:

- a revised North Elevation view of Unit 1 in DWG No A118 Rev B to match the following notation "opening in panel provided for traffic sight distances, minimum 850mm wide x 600mm high opening in panel 1.2m above driveway level" as shown on proposed site plan DWG No A002 Rev B, and
- the location of additional footpaths and crossings to provide occupants of Townhouses 6 to 10 and communal residence 13 safe crossings to reach the communal storage bin location, in a revised Car parking Landscaping Plan DWG No. A004 Rev B, must be submitted to and approved by Council's Head of City Planning prior to the commencement of works or issue of building permit, whichever comes first, for Stage 1. When approved, the plans will form part of the permit.
- 4. ENG A5 SEALED CAR PARKING.
- 5. ENG M1 DESIGNS DA.
- 6. ENG M3 GARBAGE FACILITIES.
- 7. ENG M5 EROSION CONTROL.
- 8. ENG S1 INFRASTRUCTURE REPAIR.

9. NON-STANDARD CONDITION 1

A Construction Management Plan (CMP) identifying the proposed car parking, traffic flow and circulation measures to be undertaken during construction must be submitted to and approved by Council's Head of Infrastructure and Natural Assets prior to the granting of a building permit. The CMP must also identify construction hours, noise, vibration or dust mitigation measures.

10. NON-STANDARD CONDITION 2

Details of the proposed private garbage collection service for the development are to be provided to and approved by Council's Head of Infrastructure and Natural Assets prior to the granting of a building permit. Upon approval, garbage collection (including future Food Organics and Garden Organics) must be undertaken in accordance with the approved arrangement unless an alternative on-site arrangement is subsequently approved by Council's Head of Infrastructure and Natural Assets.

11. The development must meet all required Conditions of Approval specified by TasWater notice, dated 25/11/2022 (TWDA 2022/01856-CCC).

ADVICE

- a. This Permit will lapse after two years from the date on which it is granted unless the development/use has been substantially commenced. Upon request, under Section 53(5A) of the Land Use Planning and Approvals Act 1993, Council may grant an extension of time for a further two years. A further two years may be granted upon request under Section 53(5B) of the Land Use Planning and Approvals Act 1993. Any such requests must be made in writing and within six months of the day on which the permit has lapsed.
- b. This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- c. Council, as a Stormwater authority, formed a view that the proposed development will intensify the stormwater discharge from the property and hence requires approval under the Urban Drainage Act 2013 and the stormwater is to be designed as per Council's Stormwater Management Procedure for new development (Stormwater-Management-Procedure-for-New-Development (1).pdf). This requirement will be assessed as part of engineering plans assessment if the proposed DA is approved.

If you would like to discuss what is required to meet Council's requirements in regard to stormwater, please contact Council's Development Engineers on 6217 9500.

- d. The development is approved for residential uses within the sensitive use class only. Any future change of use, including for visitor accommodation or assisted living may require further planning approvals from the planning authority.
- e. TasNetworks has advised the development is likely to adversely affect TasNetworks' operations. A low voltage underground cable runs in the road reserve where a driveway crossover is proposed and there is a streetlight in the proximity of the entrance which may need relocating. Consideration will be required to be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development. To understand what these requirements may entail, it is recommended you contact TasNetworks Early Engagement team at <u>early.engagement@tasnetworks.com.au</u>.
- 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

Previous requests for rezoning of the site to Inner Residential Zone, although supported by Council, were not approved by the Tasmanian Planning Commission (TPC).

A planning permit application (PDPLANPMTD-2021/020660) for nine multiple dwellings and three communal residences was lodged on 26 July 2021, which was refused by Council at its meeting on 17 January 2022, on the basis of unreasonable visual impact due to the bulk and setback of the multiple dwellings, and unreasonable overshadowing of private open spaces within the development.

The applicant lodged an appeal with TASCAT on 1 February 2022, mediation was undertaken, and several revised plans were considered; however, not all grounds of appeal could be resolved. On 2 August 2022 the appellant withdrew the appeal.

2. STATUTORY IMPLICATIONS

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

- **2.3.** The relevant parts of the Planning Scheme are:
 - Clause 5.6 Compliance with Applicable Standards;
 - Clause 6.10 Determining Applications;
 - Clause 8.0 General Residential Zone;
 - Clause C2.0 Parking and Sustainable Transport Code;
 - Clause C3.0 Road and Railway Assets Code;
 - Clause C12.0 Flood-Prone Areas Hazard Code; and
 - Clause C16.0 Safeguarding of Airports Code.
- **2.4.** Council's assessment of this proposal must consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a triangular shaped lot with an area of 4237m². The existing access to Paige Court is located approximately 90m from the intersection with Cambridge Road. From the 14.12m frontage onto Paige Court, the lot fans out to a rear boundary length of 117.28m. The lot slopes from the north-east (57m contour) to the south-west (44m contour) with a steep embankment along the north-east boundary. The site is predominantly clear of vegetation except for some areas in the south-east corner and along the north-eastern ridge line.

The site is fully serviced by TasWater potable water and reticulated sewerage, and Council stormwater infrastructure. A 3m wide services easement runs along the western boundary at the front half of the lot.

The site is within an established residential area, the adjoining land to the west and east includes several lots developed with multiple dwellings. To the south the site backs onto a row of seven single dwellings accessed from Bilinga Street.

3.2. The Proposal

The proposal is to develop the site with 10 multiple dwellings, three free standing communal residences, and associated infrastructure. The 10 multiple dwellings are each comprised of three storeys and present as co-joined townhouses. The term townhouses is used throughout the remaining report to refer to this element of the proposal and differentiate them from the other three buildings, which comprise the communal residences. The townhouses are located along the north-eastern boundary of the lot and are set into the slope of the land. All townhouses are provided with two vehicle lock up garages.

Multiple dwellings is defined in the Scheme as: "*means 2 or more dwellings on a site.*"

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

Each communal residence provides for five ensuite bedrooms with adjoining sitting area, each of which also has access to shared communal kitchen, dining, living, laundry, and open space areas.

On-site facilities include sealed driveway and vehicle manoeuvring areas; a roofed and screened communal bin storage area suitable for a private waste collection service; 39 on-site car parking spaces including 20 dedicated to the 10 townhouses; 15 dedicated to the three communal residences and four visitor parking spaces; plus four on-site motorcycle parking spaces, and landscaping.

The development is proposed to be staged as follows:

Stage 1

Construction of Townhouses 1 to 5, driveway, parking areas (Motorcycle parking spaces 1 and 2, car parking spaces 21 to 29), footpaths, installation of private stormwater to Townhouses 1 to 5, sewer to Townhouses 1 to 5, master water meter, individual Townhouse 1 to 5 water meters, bin enclosure, associated landscaping and letter boxes, and all shared plumbing infrastructure.

93

Stage 2

Construction of Townhouses 6 to 10, footpaths, installation of private stormwater to Townhouses 6 to 10, sewer to Townhouses 6 to 10, individual Townhouses 6 to 10 water meters, visitor car parking spaces 38 and 39, motorcycle parking spaces 3 and 4, and associated landscaping.

Stage 3

Construction of Communal Residence 1 to 3, driveway, parking areas (car parking spaces 29 to 37), footpaths, installation of private stormwater to each communal residence, sewer to each communal residences, individual water meters to each communal residence, associated landscaping and swale drain.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards Clause 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 Clause 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 the Parking and Sustainable Transport, Road and Railway Assets, Flood-Prone Areas Hazard, and the Safeguarding of Airports Codes with the exception of the following.

General Residential Zone

• Clause 8.4.3 Site coverage and private open space for all dwellings – the proposal does not comply with Acceptable Solution A2 (b)(i) as the private open spaces being provided for the Communal Residences 1, 2 and 3 do not achieve a minimum horizontal dimension of 4m.

The proposal relies on Performance Criteria (P2) of Clause 8.4.3 Site coverage and private open space for all dwellings as follows.

Clause	Performance Criteria	Assessment
8.4.3 P2	"A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:	All dwellings (including the communal residences) are provided with private open space that is capable of serving as an extension of the dwelling (communal residence) for outdoor relaxation, dining, entertaining and children's play, including the communal residences as detailed below:
	(a) conveniently located in relation to a living area of the dwelling; and	In addition to the individual decks and private open spaces associated with the individual bedroom suites located within each communal residence, there is also a larger private open space area provided for each communal residence directly accessed from the common living areas of each communal residence 1 is provided with a 31.5m ² area at ground level, which is oriented to the north-west.

	Communal Residence 2 is provided with 25.2m ² area via a
	timber deck, which is oriented to the south-east.
	Communal Residence 3 is provided with a $24.2m^2$ area at ground level, which is oriented to the north-west.
	It is considered that any potential constraints of the area's shape are ameliorated by the size of the areas provided and would still enable these areas to serve as an extension of the communal dwelling for outdoor relaxation, dining, entertaining and children's play, noting the communal nature of these spaces.
(b) orientated to take advantage of sunlight."	It is further noted that each of the communal private open spaces are oriented to receive at least three hours of sunlight to more than 50% of its area on 21 June.
	Based on the above it is assessed that the private open spaces are conveniently located in relation to living areas, and oriented to take advantage of sunlight, thereby satisfying Performance Criteria P2 and complying with the standard.

General Residential Zone

• Clause 8.4.6 Privacy for all dwellings – the proposal positions the second-floor eastern deck for Townhouse 10 approximately 2.6m from the southern side boundary, which is less than 3m and therefore Acceptable Solution A1(a) requires a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%.

However, the proposal includes a semi-opaque screen, with unknown transparency to a height of 1.7m. Accordingly, the Acceptable Solution is not met, and the proposal must be assessed against Performance Criteria (P1) of Clause 8.4.6 Privacy for all dwellings as follows.

Clause	Performance Criteria	Assessment
8.4.6 P1	"A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:	The proposal design is considered to minimise overlooking as detailed below:
	(a) a dwelling on an adjoining property or its private open space; or	The south facing elevation of Townhouse 10's east facing deck is within 3m of the southern boundary and is proposed to be screened by a 1.7m high semi- opaque screen, to minimise overlooking to the adjoining property.
	(b) another dwelling on the same site or its private open space."	Townhouse 10's east facing deck is setback over 6m from Townhouse 9 and its private open space to the north. Furthermore, a 1.7m high timber screen of not more than 25% transparency along this common boundary between Townhouse 9 and 10 provides additional privacy. Accordingly, it is assessed that the proposal satisfies Performance Criteria P1 and complies with the standard.

• Clause 8.4.6 Privacy for all dwellings – due to their co-joined design the second floor east facing rumpus room windows of Townhouses 1 to 9 are less than 6m from the private open space of adjoining townhouses and therefore not compliant with Acceptable Solution A2.

The proposal must be assessed against Performance Criteria (P2) of Clause 8.4.6 Privacy for all dwellings as follows.

Clause	Performance Criteria	Assessment
8.4.6 P2	"A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:	The proposal design is considered to minimise direct views as detailed below:
	(a) a window or glazed door, to a habitable room of another dwelling; and	There are no windows of habitable rooms with a floor level more than 1m above existing ground level, less than 6m from a window or glazed door to a habitable room of another dwelling on the same site. Therefore P2 (a) is not applicable.
	(b) the private open space of another dwelling."	The east facing second floor rumpus room windows of Townhouses 1 to 9, ranging in setback of 4m to 5.8m, are effectively screened from overlooking the private open space of another dwelling on the same site by the 1.7m high timber screens of no more than 25% transparency sited on the southern boundary of Townhouses 1 to 9 inclusive.

It is therefore considered that the
proposed design minimises direct
views of the private open space
of adjoining townhouses on the
same site and satisfies the
applicable Performance Criterion
P2 (b) and complies with the
standard.

General Residential Zone

• Clause 8.4.8 Waste storage for multiple dwellings- the proposal includes the provision of a common waste storage area located to the north of Communal Residence 11. The waste storage area is setback less than the required 5.5m from Townhouses 1 and 2 and therefore does not comply with Acceptable Solution A1 (b) (ii).

The proposal must be assessed against Performance Criteria (P1) of Clause 8.4.8 Waste storage for multiple dwellings as follows.

Clause	Performance Criteria	Assessment
8.4.8 P1	"A multiple dwelling must have storage for waste and recycling bins that is:	The proposed development is provided with a common waste and recycling bin storage area that is:
	(a) capable of storing the number of bins required for the site;	Sized and designed to accommodate six 660L wheelie bins. Providing a total storage capacity of 3960 litres.
	(b) screened from the frontage and any dwellings; and	The central storage area is roofed and screened with a 1.8m high paling fence around its perimeter. A single door on the southern elevation provides access for residents, with a double door on the eastern elevation providing access for wheelie bin removal and emptying.

(c) if the storage area is a	The screened central waste
common storage area,	storage area has a 4.7m minimum
separated from any dwellings	setback from all dwellings.
to minimise impacts caused	
by odours and noise."	It will be up to site management
	to engage a private waste
	collection company to remove
	the waste on a regular and
	sufficiently frequent basis to
	ensure that the proposed waste
	storage capacity is not exceeded
	at any time, including any future
	Food Organics and Garden
	Organics (FOGO) service
	Council may introduce.
	Council may introduce.
	A permit condition to that effect
	is recommended to ensure the site
	is provided with an appropriate
	waste management service.
	Deced on the charge and with the
	Based on the above, and with the
	inclusion of the permit
	conditions, it is considered that
	the proposal satisfies
	Performance Criteria P1 and
	achieves the clause objective to
	provide storage of waste and
	recycling bins for multiple
	dwellings.

Parking and Sustainable Transport Code

• Clause C2.6.5 Pedestrian access – the proposal provides for more than ten car parking spaces, however, the submitted plans do not show any signed and line marked points where the pedestrians cross access ways or parking aisles and is therefore taken to not comply with Acceptable Solution A1.1 (b). The proposal must be assessed against Performance Criteri

Clause	Performance Criteria	Assessment
C2.6.5 P1	"Safe and convenient pedestrian access must be provided within parking areas, having regard to:	The proposal is considered to provide safe and convenient pedestrian access within parking areas as detailed below.
	(a) the characteristics of the site;	The vehicle circulation and parking spaces are centrally located within the site and accessed from an existing crossover and driveway along the northern site boundary.
	(b) the nature of the use;	The use is predominantly residential but will also require regular access by the commercial garbage vehicle for removal of the waste from the communal storage area.
	(c) the number of parking spaces;	A total of 39 car parking spaces, including four visitor spaces plus four motorcycle spaces are provided.
		Each of the Townhouses is provided with its own double lock up garage at ground level, with internal accesses and external access immediately to the right of the garages.
		Seventeen vehicle parking spaces (including two visitor spaces and two motorcycle spaces) for the Communal Residences 11, 12 and 13 are provided adjacent to the residences 11 and 12 with the remaining two visitor spaces and two motorcycle spaces located to the east of Communal Residence 13.

The proposal must be assessed against Performance Criteria (P1) of Clause C2.6.5 Pedestrian access as follows.

	the frequency of vehicle movements;	The traffic impact assessment calculated traffic movement of 101 daily trips, with 13 trips made during the peak hour from the development. The peak hour traffic generation equates to a vehicle movement every 4.61 minutes, which is assessed as not having a significant detrimental impact on the surrounding road network.
	the needs of persons with a disability;	The proposal does not trigger the requirement for all ability car parking spaces, and none are proposed.
• /	the location and number of footpath crossings;	It is anticipated that all occupants of the site will need to walk to the communal waste storage area, and that occupants of Communal Residence 3 will need to cross the internal driveway to reach their allocated parking spaces.
		All occupants may wish to use the 1m wide path that leads from Communal Residence 2 past Communal Residence 1 to the property frontage.
		A permit condition is included for revised plans to show the location of additional footpath crossings to enable occupants of Townhouses 6 to 10 and Communal Residence 3 safe crossing to reach the communal storage bin location. The revised design will be enforced via engineering conditions.
	vehicle and pedestrian traffic safety;	The proposal includes a separate pedestrian pathway along Communal Residence 1, and there are sufficient traffic calming elements within the car parking/traffic circulation area design.

(h) the location of any access ways or parking aisles; and	the existing access leads to a driveway that has been designed with a traffic calming point before reaching the interior of the site.
(i) any protective devices proposed for pedestrian safety."	The 1m wide pedestrian path along Communal Residence 1 is separated by bollards at 2m intervals from the adjacent vehicle parking spaces.
	It is considered that with the inclusion of additional crossing points for pedestrians, the proposal is capable of providing safe and convenient pedestrian access to parking space areas within the site, satisfying Performance Criteria P1 and complying with the standard.

Road and Railway Assets Code

• Clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or junction – the proposal is anticipated to generate 110 vehicle movements per day, which is greater than the 40 vehicle movements specified in the Acceptable Solution A1.4 (a).

The proposal must be assessed against Performance Criteria (P1) of Clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or junction as follows.

Clause	Performance Criteria	Assessment
C3.5.1 P1	"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:	The proposal is considered to 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:
	(a) any increase in traffic caused by the use;	The development is to be delivered over three stages, with a likely 110 vehicles movements per day when fully occupied.

		It is anticipated that 17 vehicle movements will occur within the daily peak periods.
	the nature of the traffic generated by the use;	the traffic is primarily residential in nature, with the exception of the regular commercial waste management vehicle.
(c)	the nature of the road;	Paige Court is a cul-de-sac road that services the existing residential development. Council's engineer advised that the road length and the existing alignment generally supports the residential amenity and the traffic behaviour.
	the speed limit and traffic flow of the road;	Paige Court is a local road with a speed limit of 50km/hr; however, the operating speed limit is expected to be well under 50km/hr due to the road characteristics. Paige Court then meets Cambridge Road, which has a speed limit of 60km/hr and carries a high traffic volume.
	any alternative access to a road;	There is no alternative access.
Ø	the need for the use;	The proposed residential use is aligned with the existing zone purpose.
	any traffic impact assessment; and	A Traffic Impact Assessment (TIA) was prepared by Hubble Traffic (September 2023) which concluded "that the amount of traffic expected to be generated during the peak hour periods is reasonably low, there is sufficient capacity within Paige Court and other surrounding roads to absorb the extra vehicle movements, without adversely impacting other users."

(h) any advice received from the rail or road authority."	The road authority and the traffic/transport groups have not raised any concerns with the
	proposed development, nor have provided any specific advice to the applicant.
	The proposal is assessed as satisfying the performance criteria and complies with the standard.

Flood-Prone Areas Hazard Code

• Clause C12.5.1 Use Standards– there are no Acceptable Solutions for this clause. The provision is intended for use in new habitable buildings or additional habitable rooms in existing buildings.

A small area of Communal Residence 2 and its decks is located within the overlay and therefore the proposal must be assessed against Performance Criteria (P1.2) of Clause C12.5.1 Use Standards as follows.

Clause	Performance Criteria	Assessment
C12.5.1 P1.2	"A flood hazard report also demonstrates that:	A Flood Hazard Report was prepared by JMG Engineers & Planners (15 September 2023) which concluded that:
	(a) any increase in the level of risk from flood does not require any specific hazard reduction or protection measures; or	proposed building adhere to the
	(b) the use can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures."	As the Performance Criteria is written as an "or" statement, the report details as outlined in (a) above are sufficient to satisfy Performance Criteria P1.2.

	Council's engineer advised that the flood report notes no significant impact in 1% AEP and the proposal includes an appropriate detention tank to detain the 1% AEP flow from the development site. This will limit any future adverse impact to the
	downstream properties in the likely event of 1% AEP.
	The proposal satisfies the performance criteria and complies with the standard.

Flood-Prone Areas Hazard Code

• Clause C12.6.1 Buildings and works within a flood-prone hazard area – there are no Acceptable Solutions for this clause. The proposal locates part of Communal Residence 2 and its decks within the Floodprone Hazard Area shown on the planning scheme maps and thereby triggers an assessment against this provision.

The proposal must be assessed against Performance Criteria (P1.1 and P1.2) of Clause C12.6.1 Buildings and works within a flood-prone hazard area as follows.

Clause	Performance Criteria	Assessment
C12.6.1 P1.1	"Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:	A Flood Hazard Report was prepared by JMG Engineers & Planners (15 September 2023) which concluded that:
	(a) the type, form, scale and intended duration of the development;	"There is no building at the region of analysis that will be affected by the predicted 1% AEP Storm event considering climate change. Therefore, it is considered safe and acceptable for the proposed area."

	(b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;	"There is no necessity for any protection measures or hazard reduction since the proposed building or liveable areas are out of the predicted flood boundary extent."
	(c) any advice from a State authority, regulated entity or a council; and	No advice from a State authority, regulated entity or Council is needed for reduction since the proposed building or liveable areas are out of the predicted flood boundary extent. The flood report and the stormwater assessment has considered sufficient measures to manage the possible downstream impact.
	(d) the advice contained in a flood hazard report.	"There is no advice contained for any hazard reduction since the proposed building or liveable areas are out of the predicted flood boundary extent and any surrounding overland within the property boundary are in H1 Levels of Hazard, being safe for individuals, vehicles, and structures, without any adverse effects on the proposed development or neighbouring properties."
		Accordingly, the proposal is assessed as satisfying Performance Criteria P1.1 and complies with the standard.
C12.6.1 P1.2	A flood hazard report also demonstrates that the building and works:	The Flood Hazard Report prepared by JMG Engineers & Planners (15 September 2023) concluded that:
	(a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and	<i>"There is no increase in risk from flood to any adjacent land."</i>

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. Road Safety Concerns

Safety concerns relating to the increased traffic, on-street parking likely from the development, reduced sight lines along Paige Court, and increased congestion at the intersection with Cambridge Road.

• Comment

The raised concern has been sufficiently addressed as part of the Traffic Impact Assessment. The TIA has assessed the intersection capacity and the available sight distance from the development site as being acceptable. The proposed development meets the parking requirement within the site and hence the parking overflow on-street is unlikely. Council's development engineers have reviewed the proposal along with the TIA and are satisfied that there will be no adverse impact to the road safety from the proposed development.

5.2. Recently Undertaken Site Works

Concerns in relation to the siteworks undertaken in recent months perceived to prevent further development for 36 months.

• Comment

It is noted that the applicant advised Council of a digger on-site in early May 2023 to allow for works on adjacent properties at Units 3 and 4, 12 Paige Court. There is no record or evidence of works on the subject site. There is no provision within the *Tasmanian Planning Scheme – Clarence* that would prevent the site from being developed as per the representation. Accordingly, this matter has no determining weight.

5.3. Waste Management Approach

Concerns about the proximity of the communal waste storage area to residences, and reliability (business viability) of private collection arrangements.

• Comment

The proposed communal waste management arrangement has been previously assessed in consideration of *Clause 8.4.8 Waste storage for multiple dwellings* and complies with that standard through the performance criteria. As noted in this report, future waste services will need to be provided by a private waste collection company.

Council's Manager Waste and Sustainability advised that private waste collection services are typical for such developments, that there are several multiple operators providing suitable services in Hobart.

Permit conditions are included to ensure the private arrangements are suitable to provide sufficient storage volumes for various types of waste and frequency of collection, allowing for changes in providers noting that any private arrangement will require approval from Council's Head of Infrastructure and Natural Assets.

6. EXTERNAL REFERRALS

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

The proposal was referred to TasNetworks, who have provided advice to be included on the planning permit if granted.

109

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 or any other relevant Council policy.

9. CONCLUSION

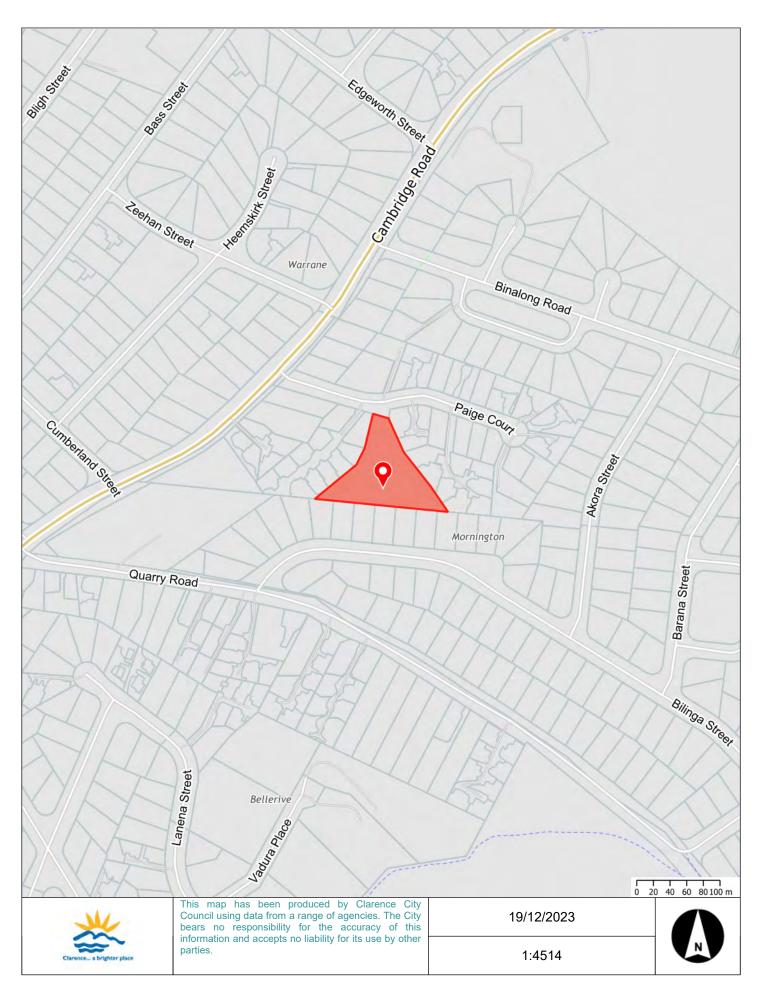
The proposal for a staged development for 10 Townhouses and three Communal Residences has been assessed to comply with Acceptable Solutions or satisfy Performance Criteria of each applicable standard. The development is considered to achieve the zone purpose and is recommended for approval with inclusion of recommended conditions, and advice.

Attachments: 1. Location Plan (1)

- 2. Proposal Plan (32)
- 3. Site Photo (1)

Daniel Marr HEAD OF CITY PLANNING

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



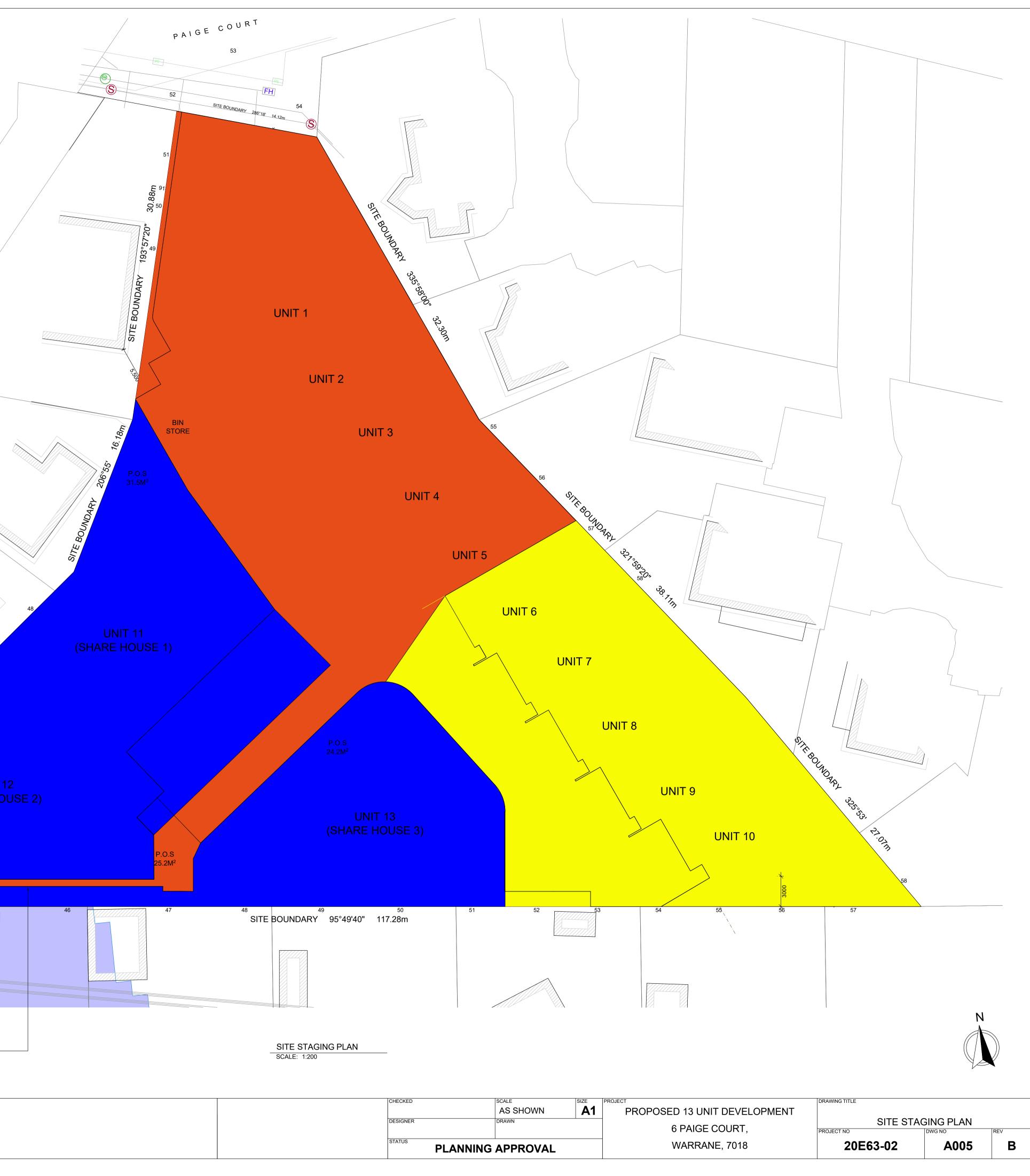
KEY	
EASEMENT REFER TO PLAN FOR TYPE & WIDTH	
FLOOD EXTENT FOR THE 1% AEP EVENT. DATA SUPPLIED BY CLARENCE CITY COUNCIL DATED 02/06/21. RANGE OF DEPTH: 0.05 - 0.40m	169 CAMBRIDGE ROAD C.T. 217829/1
CONCRETE DRIVEWAY REFER TO CIVIL DOCUMENTATION.	
CONCRETE FOOTPATH REFER TO CIVIL DOCUMENTATION.	2A PAIGE COURT
PROPOSED LANDSCAPING REFER TO SHEET A003 FOR DETAILS.	C.T. 173671/1
MIN. 24m ² PRIVATE OPEN SPACE MIN. 4.0m HORIZONTAL WIDTH / MAX. GRADIENT 1:10	PROVIDE MI P/
MIN. 12m ² PRIVATE OPEN SPACE MIN. 2.0m HORIZONTAL WIDTH / MAX. GRADIENT 1:10 (WHERE FFL GREATER THAN 1.8m ABOVE N.S.L.)	
BOUNDARY SETBACK AS PER TASMANIAN PLANNING SCHEME	13 L MAX 1 BE D TO
3.0m PRIVACY SETBACK AS PER TASMANIAN PLANNING SCHEME	
SITE COVERAGE (as per Tasmanian Planning Scheme)	U9 - 4 PAIGE COURT C.T. 180457/9
SITE AREA - 4,237m ²	
PROPOSED UNITS 1 - 10 - 1347.0m² PROPOSED UNIT 11 - 260.3m² PROPOSED UNIT 12 - 257.6m² PROPOSED UNIT 13 - 258.6m² PROPOSED BIN STORE - 20.7m²	
TOTAL SITE COVERAGE -m2 -2144.2m ²	4 PAIGE COURT
PROPOSED SITE COVERAGE - 50.61% PRIVATE OPEN SPACE	C.T. 180457/0
TOWNHOUSES	
PROPOSED UNIT 1 - $69.2m^2$ (24.4m ² min. 4m WIDE) PROPOSED UNIT 2 - $64.6m^2$ (24.4m ² min. 4m WIDE) PROPOSED UNIT 3 - $64.7m^2$ (24.4m ² min. 4m WIDE) PROPOSED UNIT 4 - $63.4m^2$ (24.8m ² min. 4m WIDE) PROPOSED UNIT 5 - $70.0m^2$ (25.5m ² min. 4m WIDE) PROPOSED UNIT 6 - $73.4m^2$ (26.5m ² min. 4m WIDE) PROPOSED UNIT 7 - $76.0m^2$ (27.4m ² min. 4m WIDE) PROPOSED UNIT 8 - $78.6m^2$ (28.3m ² min. 4m WIDE) PROPOSED UNIT 9 - $79.5m^2$ (28.6m ² min. 4m WIDE) PROPOSED UNIT 9 - $79.5m^2$ (28.6m ² min. 4m WIDE)	U2 - 4 PAIGE COURT C.T. 180457/2 U3 - 4 PAIGE COURT C.T. 180457/3
SHARE HOUSES	AT 0300 47
PROPOSED UNIT 11 - 110.2m ² (31.5m ² min. 4m WIDE) PROPOSED UNIT 12 - 237.5m ² (25.2m ² min. 4m WIDE) PROPOSED UNIT 13 - 93.3m ² (24.2m ² min. 4m WIDE) FLOOR AREAS	2395920 7ART 46
TOWNHOUSES	U4 - 4 PAIGE COURT C.T. 180457/4
PROPOSED UNIT 1 TOTAL - 220.4m ² PROPOSED UNIT 2 TOTAL - 211.4m ² PROPOSED UNIT 3 TOTAL - 205.1m ² PROPOSED UNIT 4 TOTAL - 205.1m ² PROPOSED UNIT 5 TOTAL - 205.1m ² PROPOSED UNIT 6 TOTAL - 210.1m ² PROPOSED UNIT 7 TOTAL - 210.4m ² PROPOSED UNIT 8 TOTAL - 210.1m ² PROPOSED UNIT 9 TOTAL - 210.1m ² PROPOSED UNIT 10 TOTAL - 252.5m ²	45 45 PIPELINE AND SERVICES EASEMENT & DRAINAGE EASEMENT (4:00m WIDE)
SHARE HOUSES	44
PROPOSED UNIT 11 - 260.3m ² PROPOSED UNIT 12 - 257.6m ² PROPOSED UNIT 13 - 258.6m ²	12 BILINGA ST C.T. 55071/50
SCALE 1:200 AT A1 SHEET IMPORTANT DRAWINGS MUST BE PRINTED & READ IN COLOUR	

REV	DESCRIPTION	ΒY	CHK	DATE	REV	DESCRIPTION	BY	CHK	DATE
A	FOR PLANNING APPROVAL			04/11/22					
В	FOR PLANNING APPROVAL			08/06/23					
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REV DATE: 31/08/17 Document Set ID: 5150916 Version: 2, Version Date: 23/11/2023



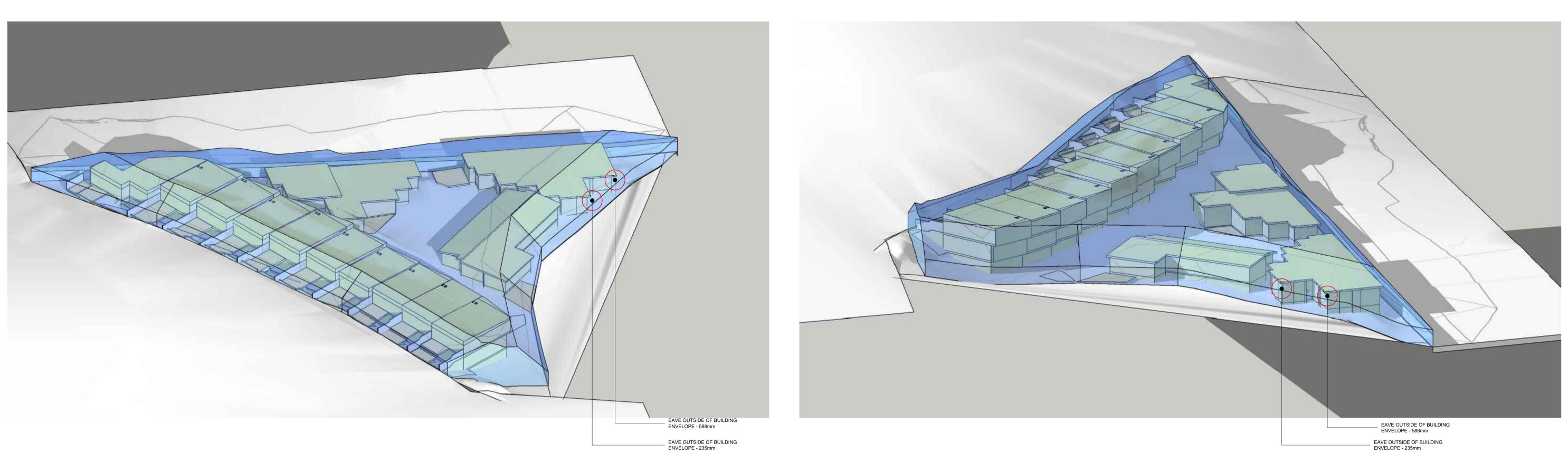
TAGING KEY					
STAGE 1	AREAS, FOOTPATHS, INS STORMWATER TO UNITS WATER METER, INDIVIDI ENCLOSURE, ASSOCIAT	TS 1 - 5, DRIVEWAY, PARKING STALLATION OF PRIVATE 6, SEWER TO UNITS, MASTER JAL UNIT WATER METERS, BIN ED LANDSCAPING & LETTERB			
STAGE 2	CONSTRUCTION OF UNI INSTALLATION OF PRIV UNITS, SEWER TO UNITS WATER METERS & ASSO	ATE STORMWATER TO S, INDIVIDUAL UNIT			
STAGE 3	CONSTRUCTION OF SHA DRIVEWAY, PARKING AR INSTALLATION OF PRIVA UNITS, SEWER TO UNITS WATER METERS, ASSOC SWALE DRAIN.	EAS, FOOTPATHS, ATE STORMWATER TO S, INDIVIDUAL UNIT	7		
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					47.03m 47
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				SITE BOUNDARY 46	
				GI.	UNIT ² (SHARE HC
			45		
			44 PIPELINE AND SEP & DRAINAGE EA		
			44		45
	4 6 8 10m A 6 8 10m 0 AT A1 SHEET			SHARED PLUMBING INFRASTRUCTURE TO SEWER &	
IMPO DRAWING	RTANT IS MUST BE EAD IN COLOUR			STORM WATER PROPERTY CONNECTIONS TO BE COMPLETED AS PART OF STAGE 1. REFER TO CIVIL & HYDRAULIC DRAWING SET, SHEETS H003 & H004 FOR DETAILS. WORKS RELATED TO UNIT 12 (SHARE HOUSE 2) TO BE COMPLETED AS PART OF STAGE 3.	
FOR PLANNING APPROVAL FOR PLANNING APPROVAL DE: TE: 31/08/17	SCRIPTION	08/06/23 08/06/23 04/11/22 BY CHK DATE REV	DESCRIPTION	BY CHK DATE	



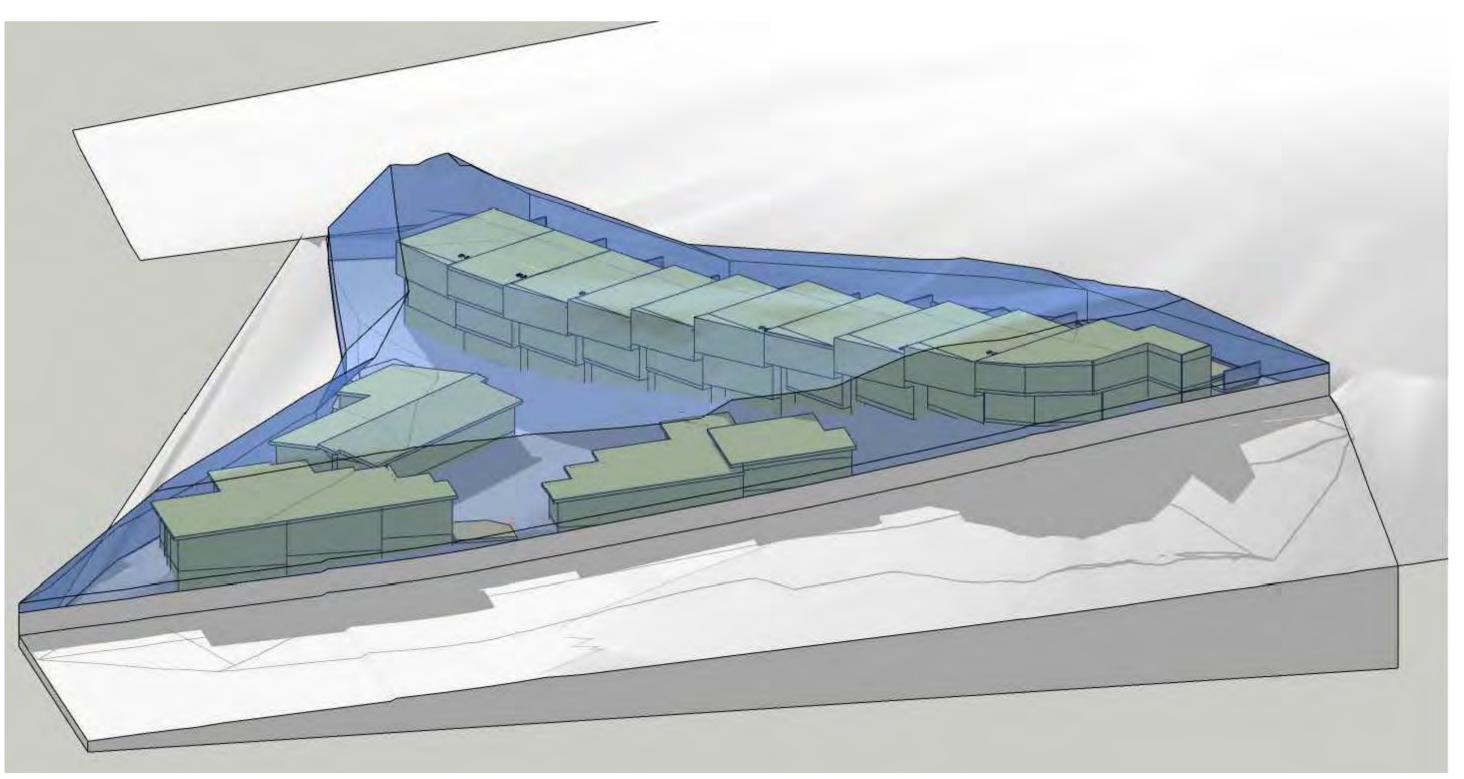
PL	ANNING	APPROVA

BUILDING ENVELOPE AS PER TASMANIAN PLANNING SCHEME

PROTRUSIONS EXTENDING BEYOND BUILDING ENVELOPE CIRCLED IN RED



BUILDING ENVELOPE DIAGRAM SCALE: N.T.S. NORTHERN VIEW



IMPORTANT DRAWINGS MUST BE PRINTED & READ IN COLOUR

В	FOR PLANNING APPROVAL	PH	MH	08/06/23					
А	FOR PLANNING APPROVAL	PH	MH	04/11/22					
REV	DESCRIPTION	BY	CHK	DATE	REV	DESCRIPTION	ΒY	CHK	DATE

REV DATE: 31/08/17 Document Set ID: 5150916 Version: 2, Version Date: 23/11/2023

BUILDING ENVELOPE DIAGRAM SCALE: N.T.S. NORTHWEST VIEW

BUILDING ENVELOPE DIAGRAM SCALE: N.T.S. SOUTHERN VIEW

R. BEADLE 380567297 STATUS PLANNING	P. HART		6 PAIGE COURT, WARRANE, 7018
CHECKED M. HORSHAM CC5865 I DESIGNER	SCALE AS SHOWN DRAWN	SIZE A1	PROPOSED 13 UNIT DEVELOPMENT

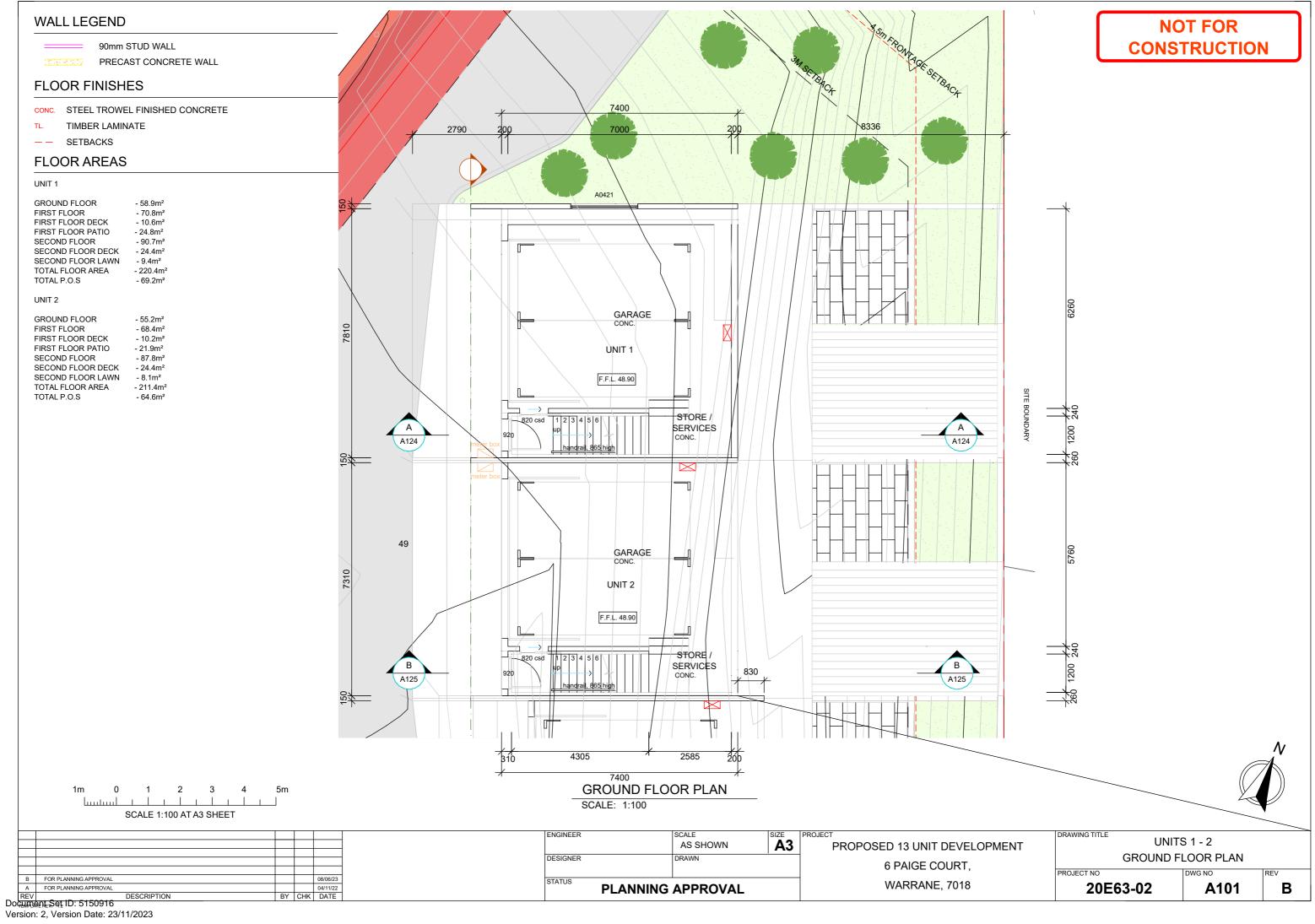
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20E63-02

BUILDING ENVELOPE DIAGRAMS PROJECT NO

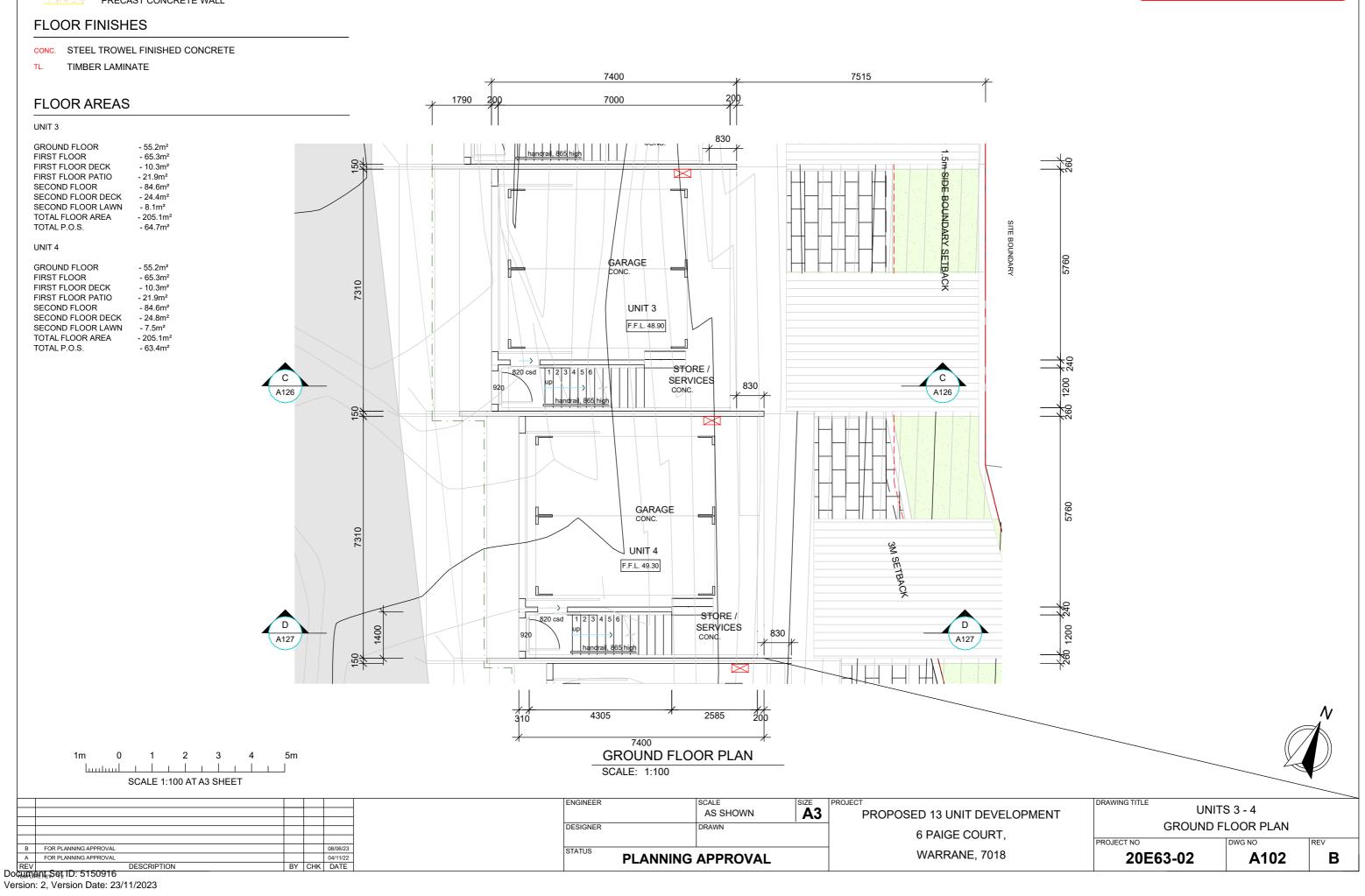
В

A013



90mm STUD WALL

PRECAST CONCRETE WALL



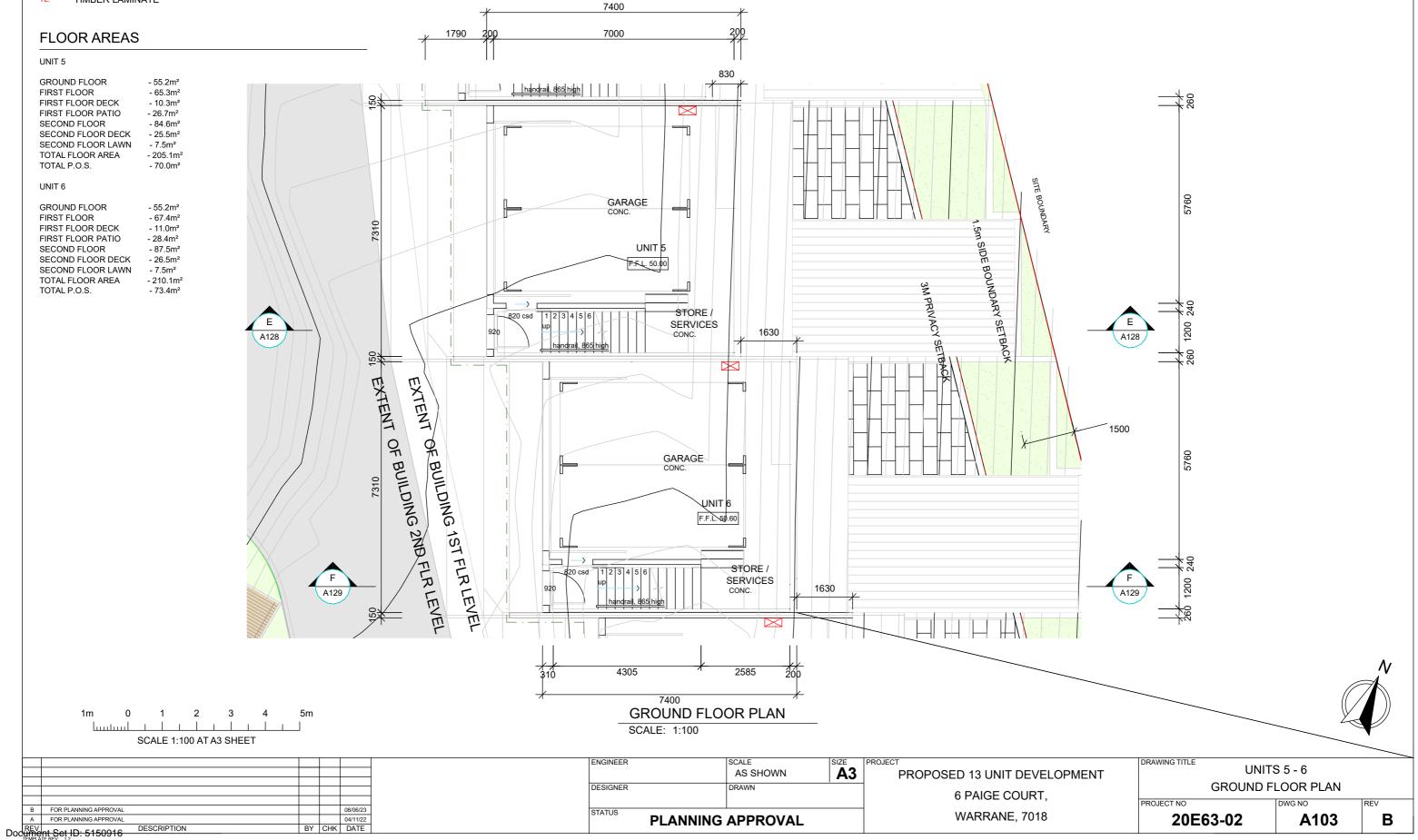


PRECAST CONCRETE WALL

FLOOR FINISHES

CONC. STEEL TROWEL FINISHED CONCRETE





Version: 2, Version Date: 23/11/2023

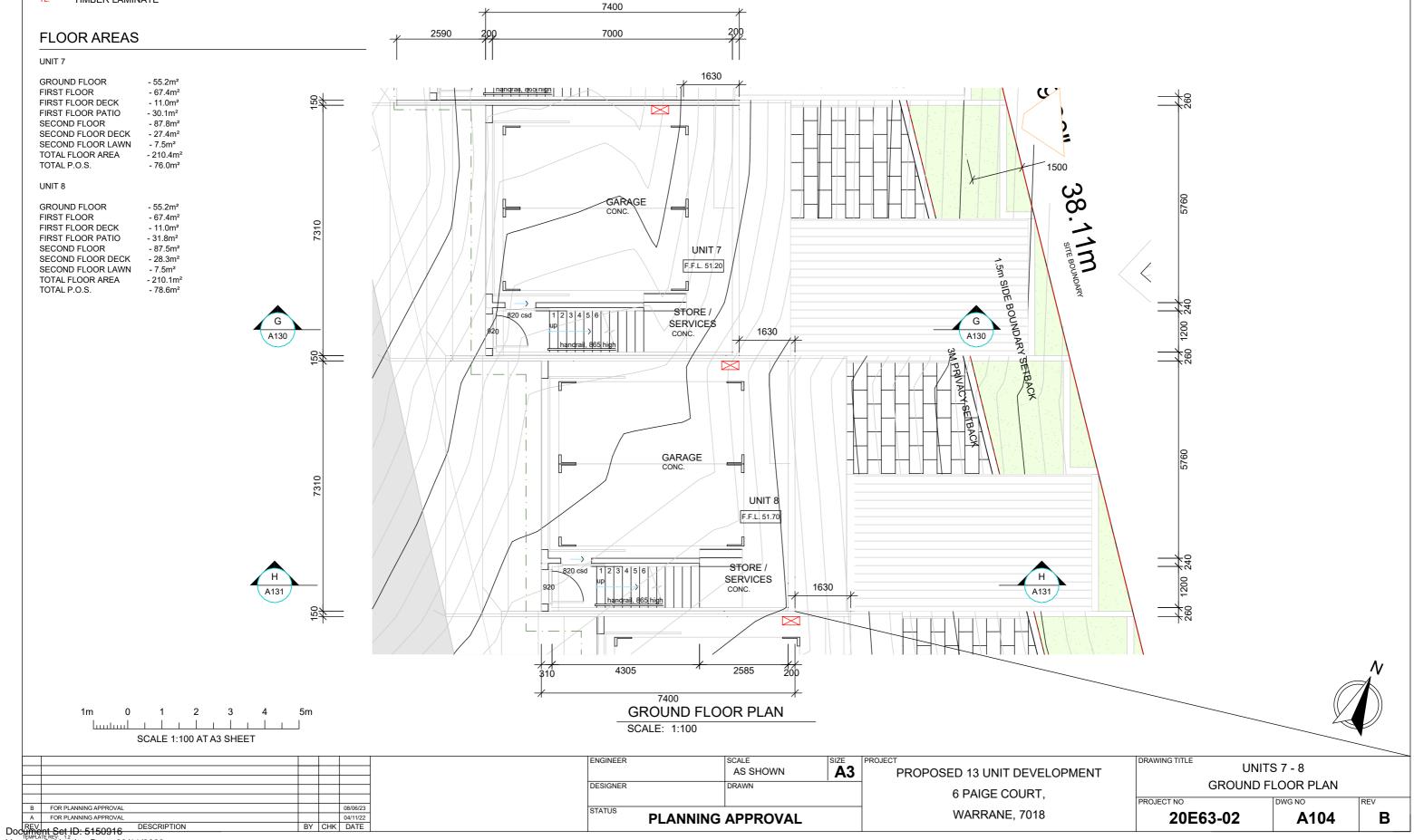


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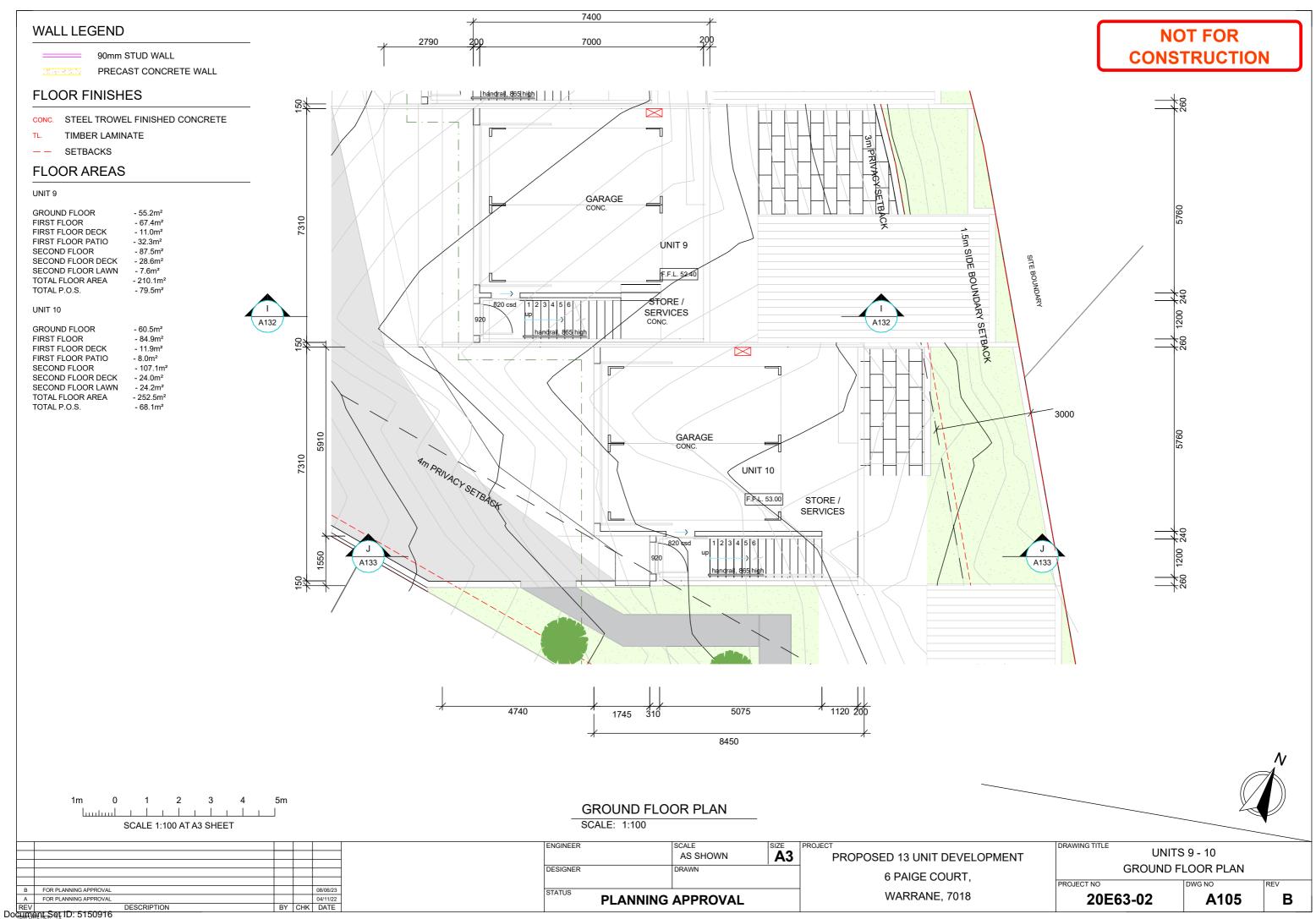
FLOOR FINISHES

CONC. STEEL TROWEL FINISHED CONCRETE





Version: 2, Version Date: 23/11/2023





- E.T.
- TILES
- TIMBER LAMINATE

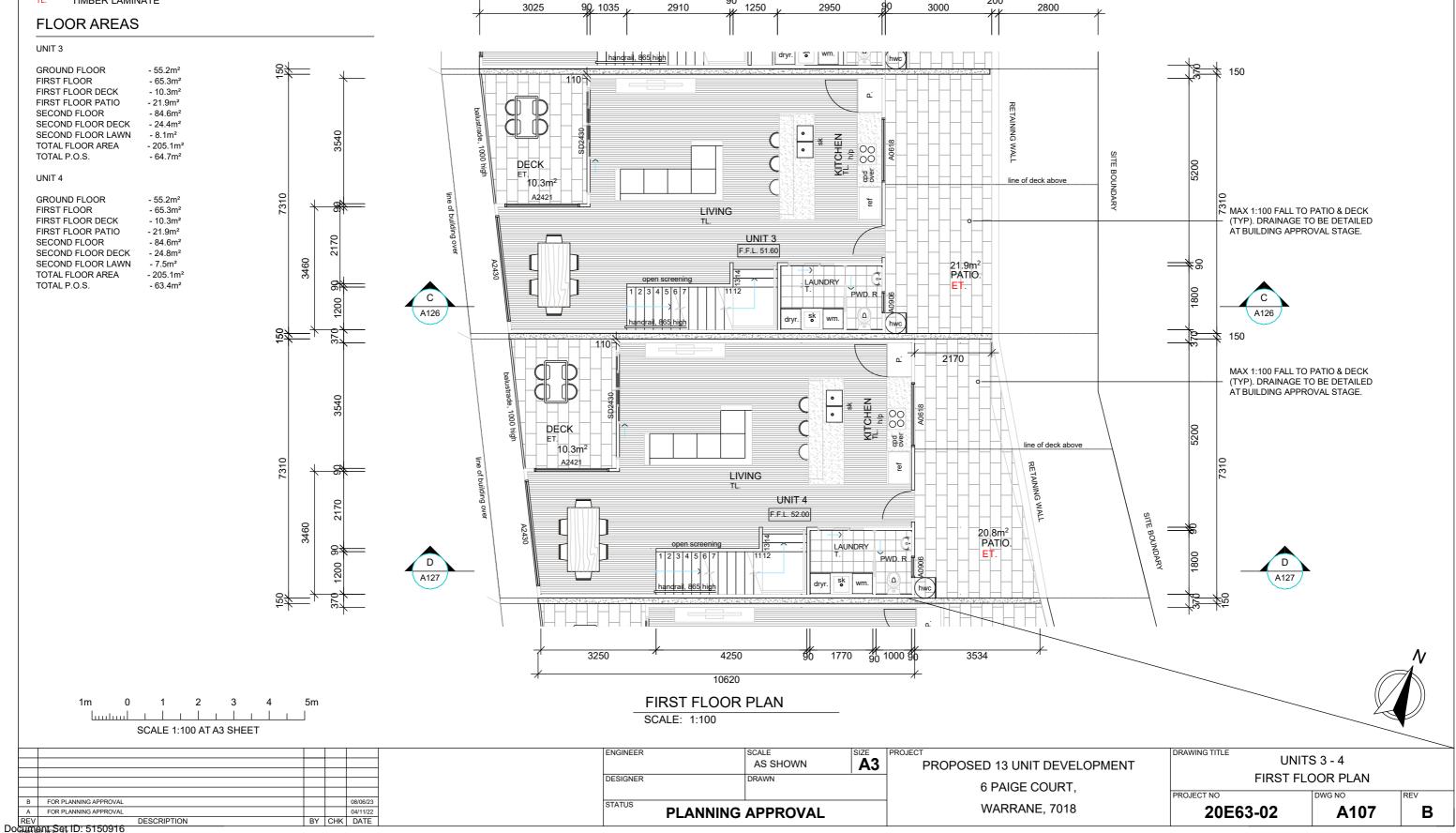


90mm STUD WALL

DIFFERENCE PRECAST CONCRETE WALL

FLOOR FINISHES

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



11440

90

200

Version: 2, Version Date: 23/11/2023

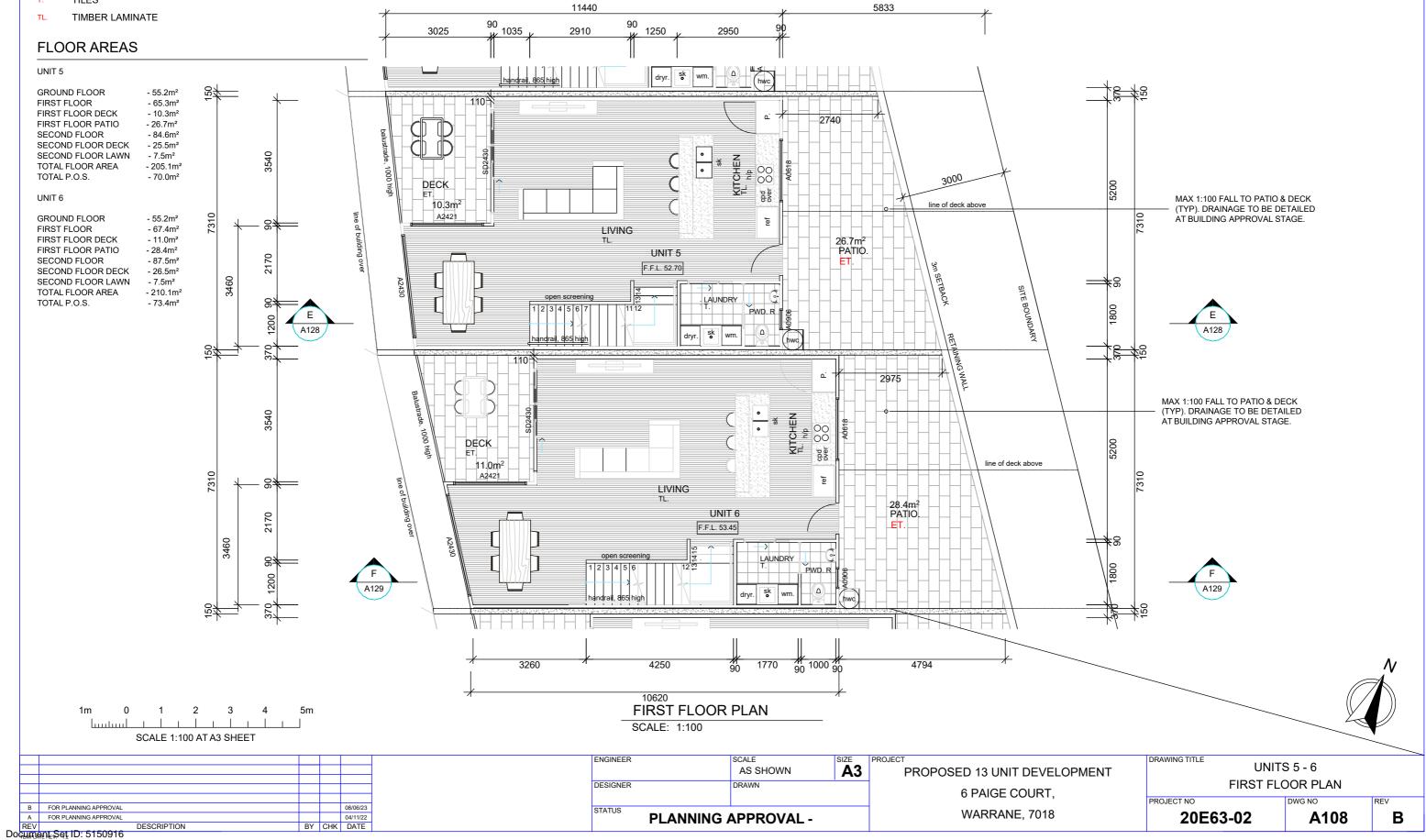
90mm STUD WALL

PRECAST CONCRETE WALL

FLOOR FINISHES

CONC. STEEL TROWEL FINISHED CONCRETE

- E.T. EXTERNAL TILES
- T. TILES



Version: 2, Version Date: 23/11/2023

WALL LEGEND 90mm STUD WALL PRECAST CONCRETE WALL FLOOR FINISHES CONC. STEEL TROWEL FINISHED CONCRETE E.T. EXTERNAL TILES Т. TILES 12250 6296 TL. TIMBER LAMINATE 90 90 90 3450 1670 2910 1250 2950 **FLOOR AREAS** UNIT 7 handrail, 865 high 22 <u>™</u> GROUND FLOOR - 55.2m² 110 FIRST FLOOR - 67.4m² FIRST FLOOR DECK - 11.0m² 3205 FIRST FLOOR PATIO - 30.1m² SECOND FLOOR - 87.8m² SECOND FLOOR DECK - 27.4m² SECOND FLOOR LAWN TOTAL FLOOR AREA 3540 - 7.5m² - 210.4m² • a 00 TOTAL P.O.S. - 76.0m² DECK cpd UNIT 8 11.0m² line of deck above 7310 A2421 3000 GROUND FLOOR - 55.2m² ref 8 FIRST FLOOR - 67.4m² LIVING FIRST FLOOR DECK - 11.0m² TL. FIRST FLOOR PATIO - 31.8m² UNIT 7 20 SECOND FLOOR - 87.5m² F.F.L. 53.90 SECOND FLOOR DECK - 28.3m² 2 30.1m² 3460 SECOND FLOOR LAWN - 7.5m² PATIO. TOTAL FLOOR AREA - 210.1m² ET. open scr LAUNDRY TOTAL P.O.S. - 78.6m² SITE 8 PWD. R G BO A130 Δ sk 5年 52 110 u. 3435 — • KTCHEN H^{hb} 000 Ver 540 • SETBACK DECK cpd 11.0m² line of deck above 7310 A2421 ref LIVING TL 31.8m² PATIO. UNIT 8 F.F.L. 54.55 3460 open screenin 83 23456 12 🛱 PWD. R H 200 A131 (<u>۵</u>) sk dryr. handrail, 865 hid ΰŧ Ĕ, 5250 3260 4250 90 1000 10 90 1000 90 1770 90 10620 FIRST FLOOR PLAN 0 1m 2 3 5m 1 4 huntuur SCALE: 1:100 SCALE 1:100 AT A3 SHEET ENGINEER SCALE ROJEC A3 AS SHOWN **PROPOSED 13 UNIT DEVELOPMENT** DESIGNER DRAWN 6 PAIGE COURT, B FOR PLANNING APPROVAL 08/06/23 STATUS

PLANNING APPROVAL

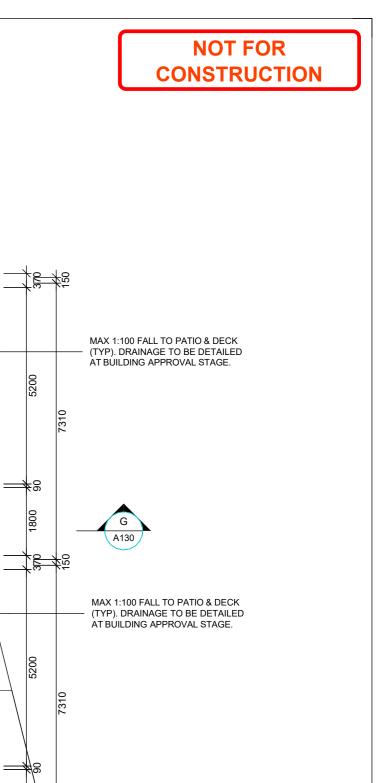
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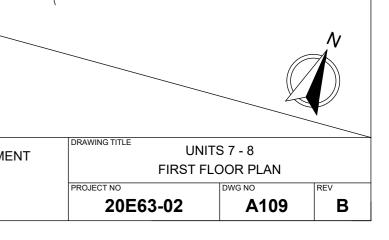
FOR PLANNING APPROVAL

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DESCRIPTION

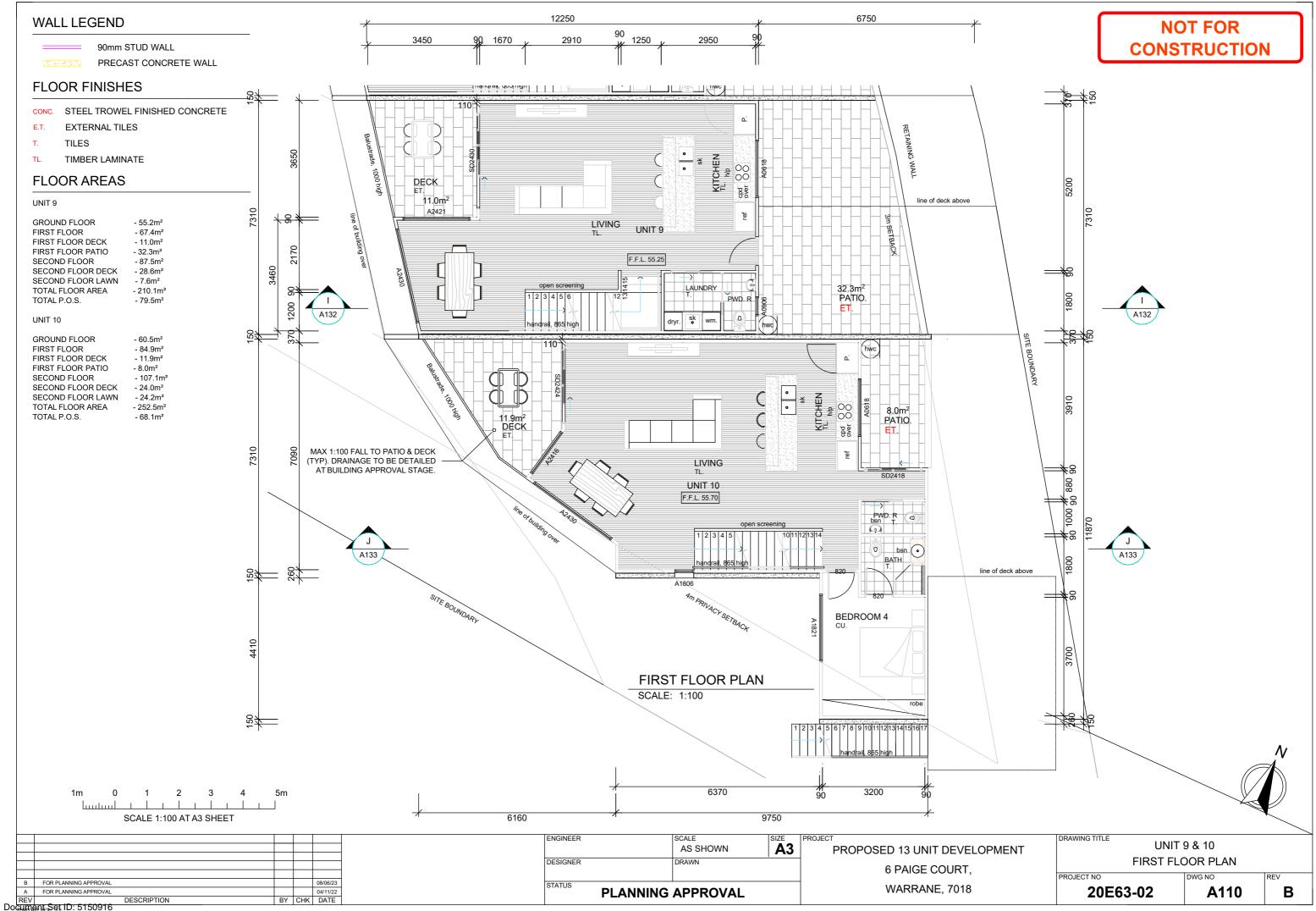
04/11/22
BY CHK DATE



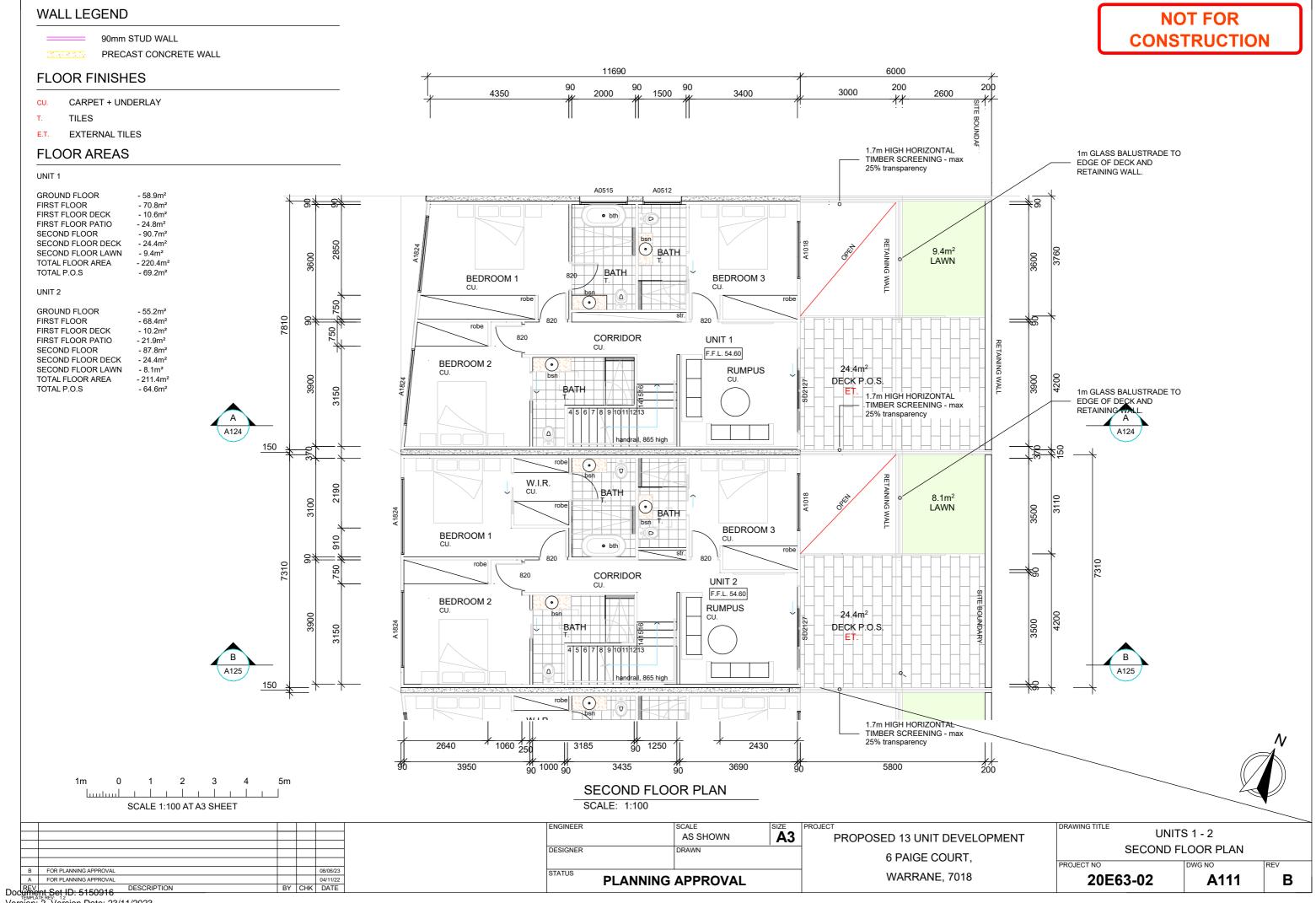


A131

WARRANE, 7018



Version: 2, Version Date: 23/11/2023

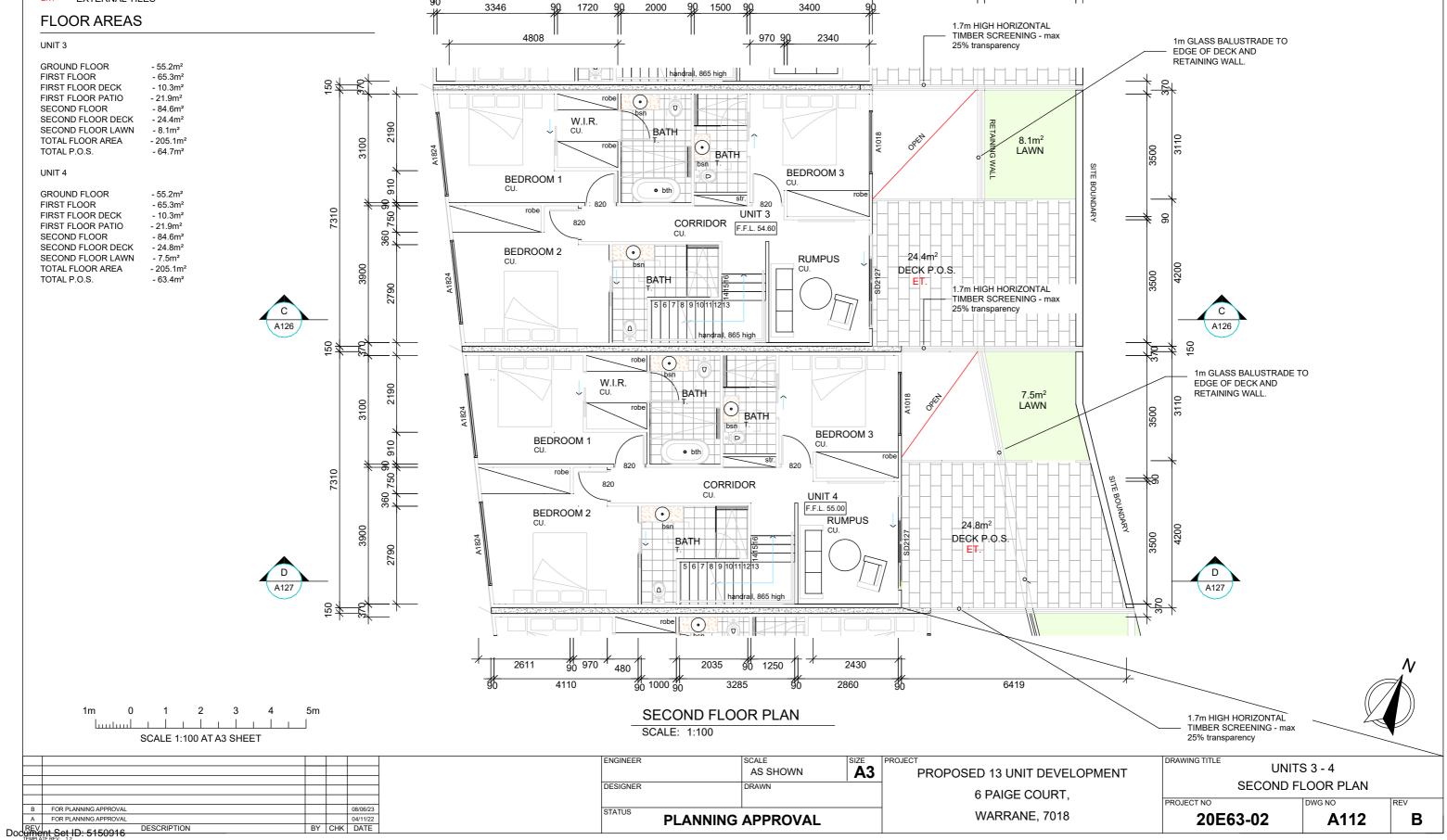




PRECAST CONCRETE WALL

FLOOR FINISHES

- CARPET + UNDERLAY CU.
- TILES
- EXTERNAL TILES E.T.



12518

90

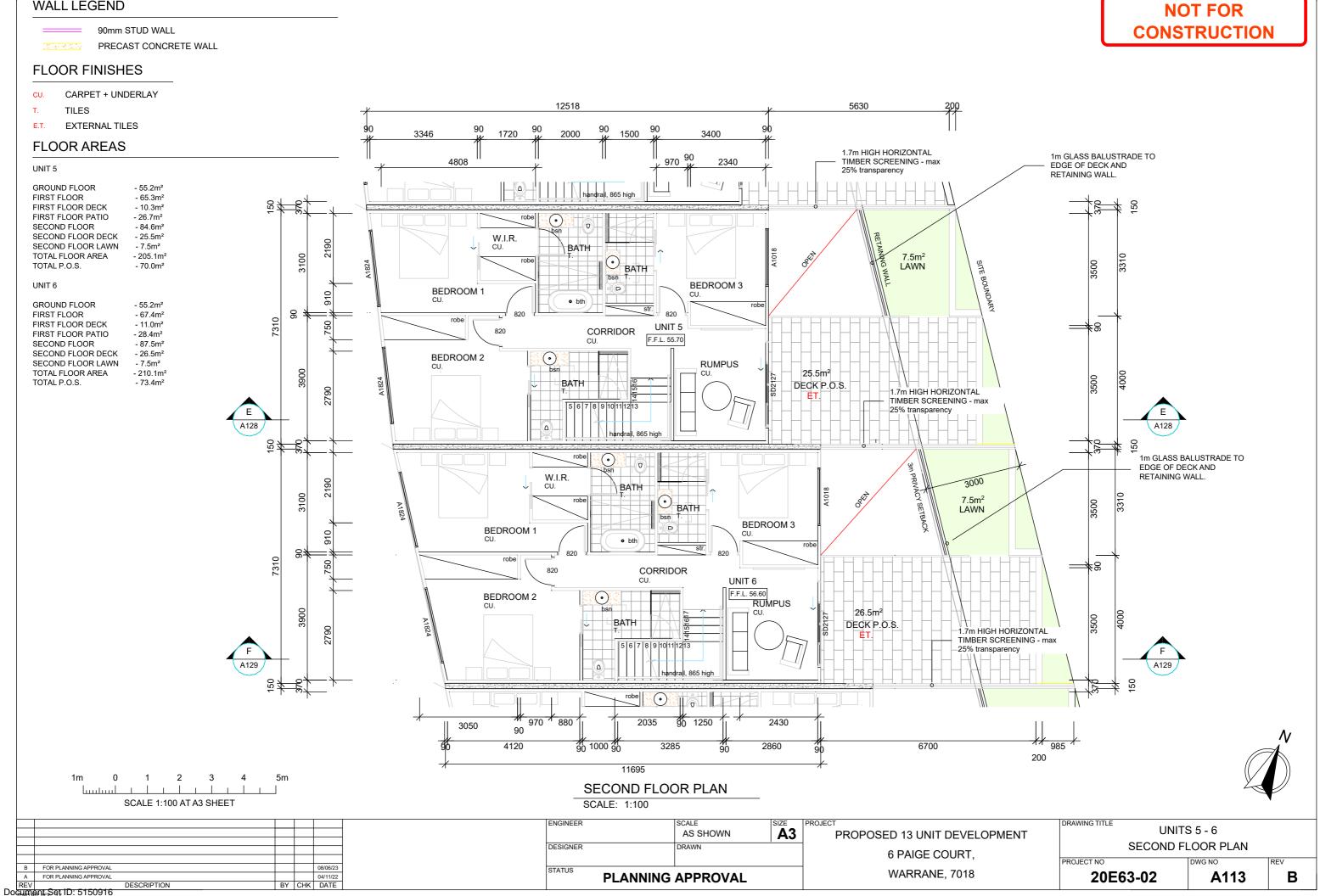
3000

2600

200

200

Version: 2, Version Date: 23/11/2023



PRECAST CONCRETE WALL

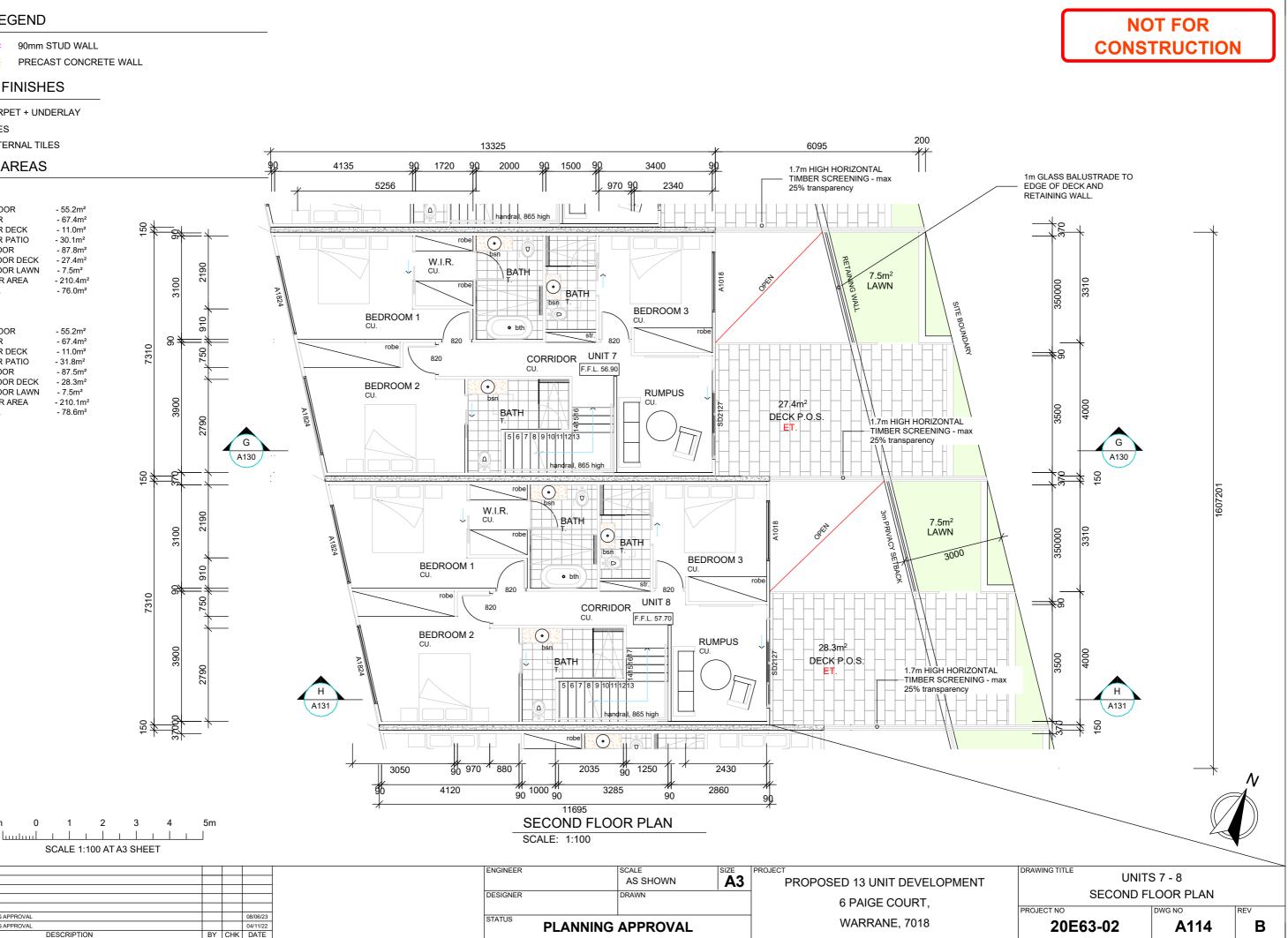
FLOOR FINISHES

CARPET + UNDERLAY CU.

- TILES Τ.
- E.T. EXTERNAL TILES

FLOOR AREAS



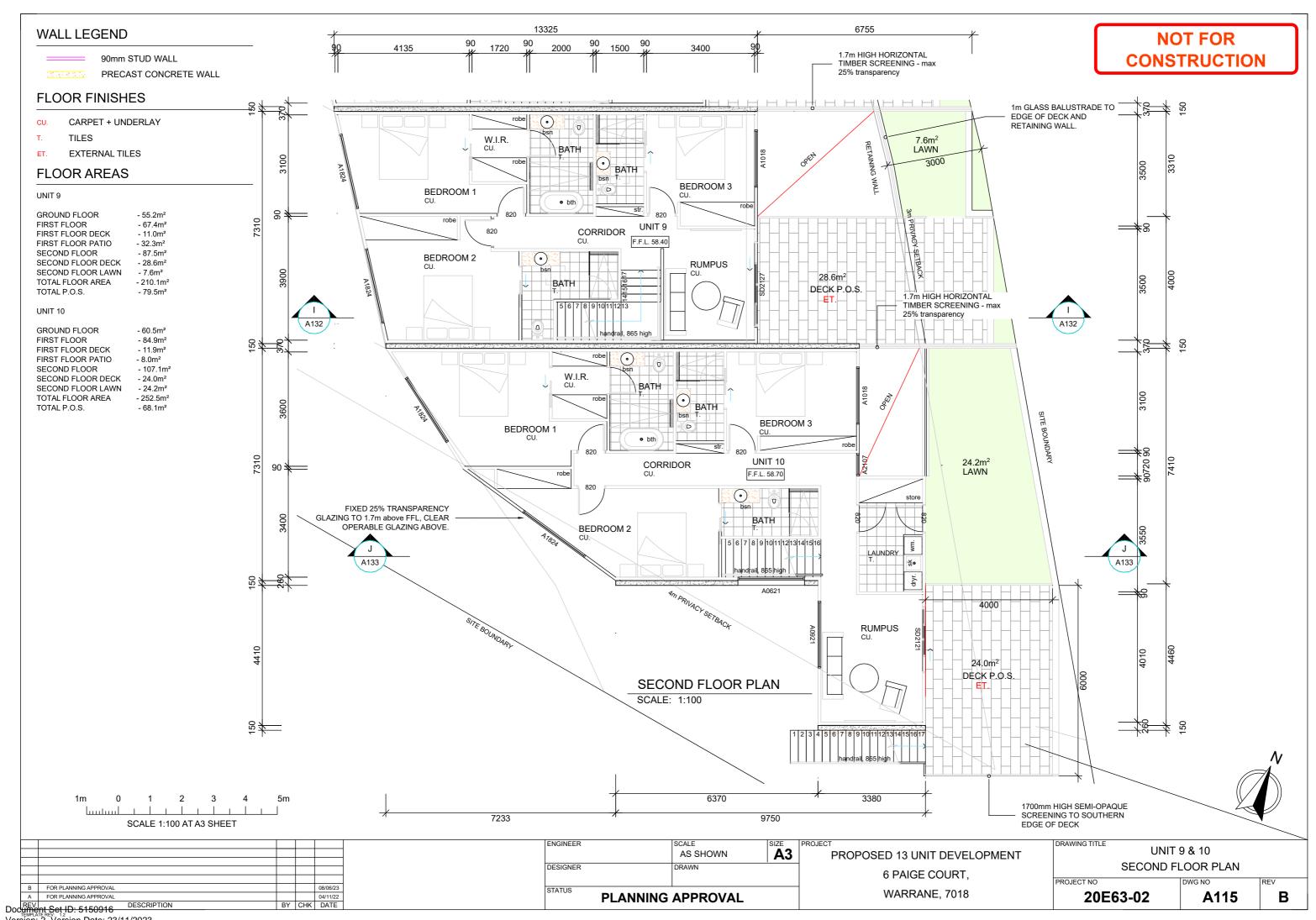


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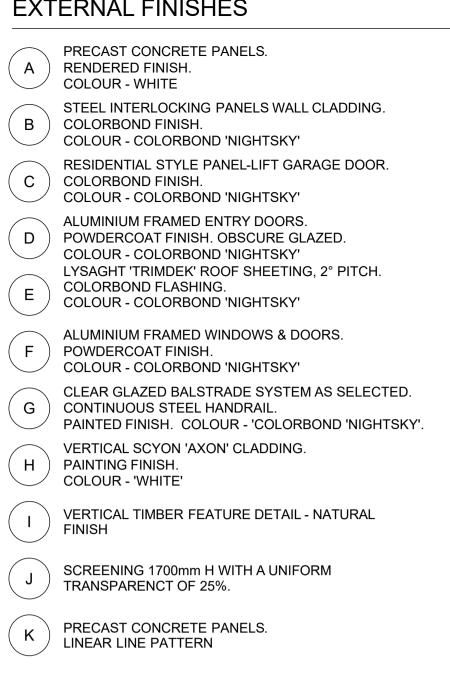
FOR PLANNING APPROVAL

B FOR PLANNING APPROVAL

1m



EXTERNAL FINISHES



NOTES

REFER TO A011 FOR 3D DEFINITION OF BOUNDARY ENVELOPE

	FFL VALUES UNITS 1-13 (m)										
UNIT NO.	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR								
1	48.90	51.60	54.60								
2	48.90	51.60	54.60								
3	48.90	51.60	54.60								
4	49.30	52.00	55.00								
5	50.00	52.70	55.70								
6	50.60	53.45	56.60								
7	51.20	53.90	56.90								
8	51.70	54.55	57.70								
9	52.40	55.25	58.40								
10	53.00	55.70	58.70								
11	49.20	n/a	n/a								
12	47.18	47.94	48.89								
13	49.10	50.43	51.38								





1000mm 0 1000 2000 3000 4000 5000mm SCALE 1:100 AT A1 SHEET

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

В	FOR PLANNING APPROVAL			08/06/23						
A	FOR PLANNING APPROVAL			04/11/22						
REV	DESCRIPTION	BY	CHK	DATE	REV	DESCRIPTION	BY	CHK	DATE	
REV DA	TE: 31/08/17			•						

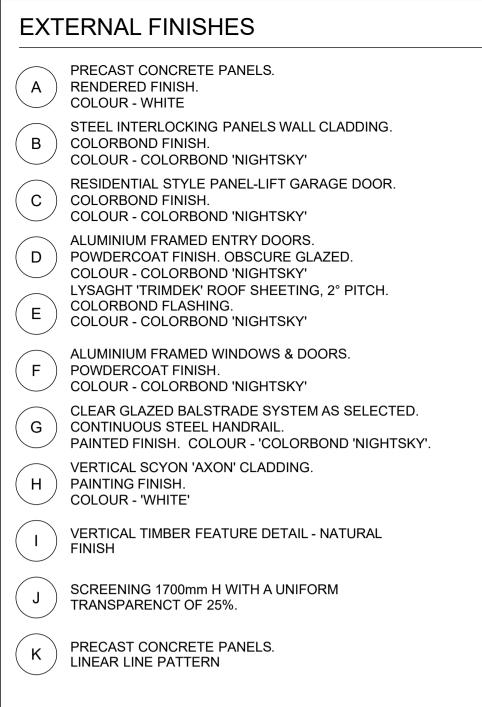
Document Set ID: 5150916 Version: 2, Version Date: 23/11/2023

WEST ELEVATION SCALE: 1:100 UNITS 1 - 5

WEST ELEVATION SCALE: 1:100 UNITS 6-10

	PLANNING APPRO	/AL	
STATUS			-
DESIGNER	DRAWN	I	
	AS SHOW	/N A1	PR
CHECKED	SCALE	SIZE	PROJECT

ROPOSED 13 UNIT DEVELOPMENT	UNITS	5 1 - 10	
	PROPOSED	ELEVATIONS	
6 PAIGE COURT,	PROJECT NO	DWG NO	REV
WARRANE, 7018	20E63-02	A116	В



NOTES

REFER TO A011 FOR 3D DEFINITION OF BOUNDARY ENVELOPE

	FFL VALUES UNITS 1-13 (m)										
UNIT NO.	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR								
1	48.90	51.60	54.60								
2	48.90	51.60	54.60								
3	48.90	51.60	54.60								
4	49.30	52.00	55.00								
5	50.00	52.70	55.70								
6	50.60	53.45	56.60								
7	51.20	53.90	56.90								
8	51.70	54.55	57.70								
9	52.40	55.25	58.40								
10	53.00	55.70	58.70								
11	49.20	n/a	n/a								
12	47.18	47.94	48.89								
13	49.10	50.43	51.38								

FENCE 'A' 1.8m HIGH TREATED PINE PALING FENCE & GATE SCREEN 'A' 1.7m HIGH HORIZONTAL TIMBER SCREENING - max 25% transparency

Revision 21/11/23





1000mm 0 1000 2000 3000 4000 5000mm

IMPORTANT DRAWINGS MUST BE PRINTED & READ IN COLOUR

В	FOR PLANNING APPROVAL			08/06/23					
Α	FOR PLANNING APPROVAL			04/11/22					
REV	DESCRIPTION	BY	CHK	DATE	REV	DESCRIPTION	BY	CHK	DATE
REV DA	TE: 31/08/17								

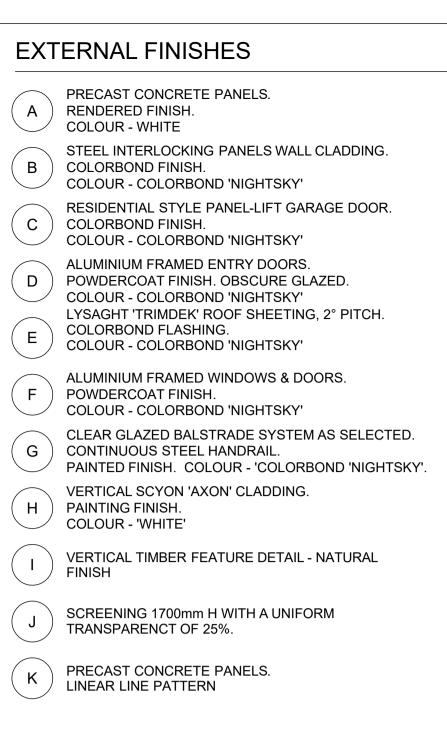
Document Set ID: 5150916 Version: 2, Version Date: 23/11/2023 EAST ELEVATION SCALE: 1:100 UNITS 6-10

EAST ELEVATION SCALE: 1:100 UNITS 1 -5

STATUS PLANI	NING APPROVAL		
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CHECKED	SCALE AS SHOWN	SIZE	PROJECT

	a.		Corrow 101				
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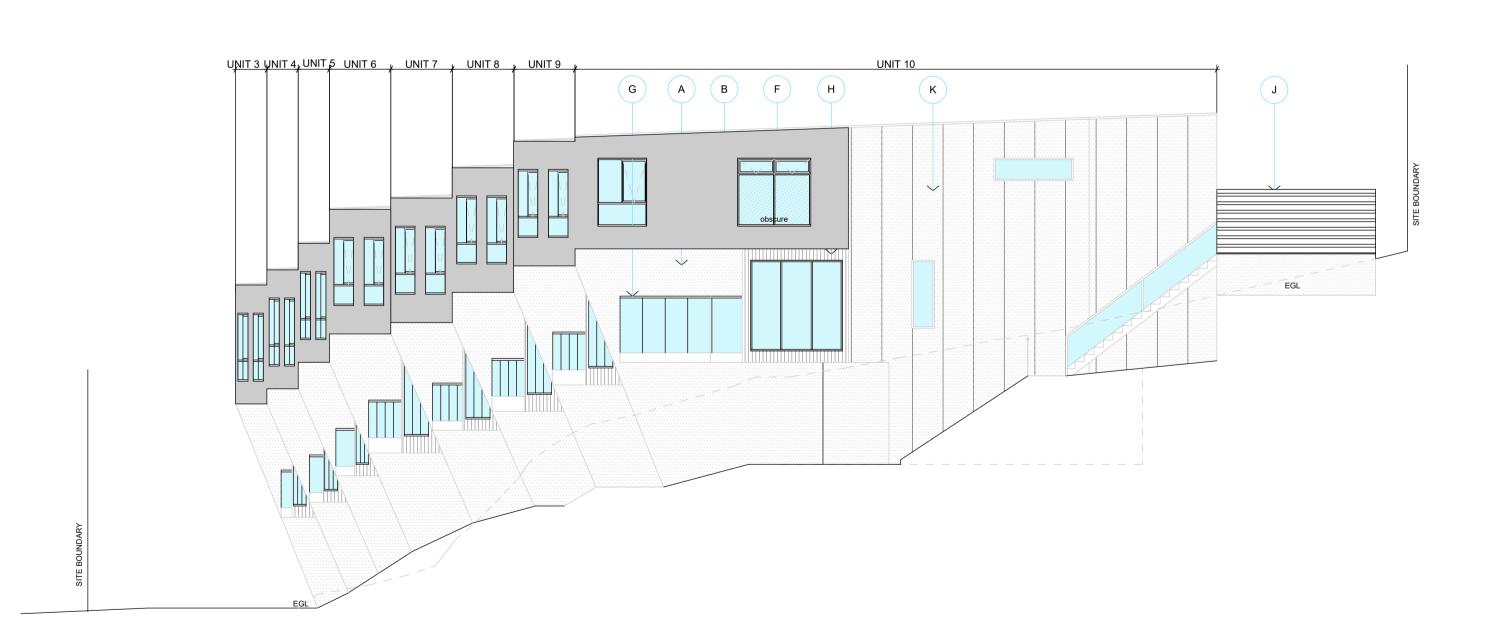
ROPOSED 13 UNIT DEVELOPMENT 6 PAIGE COURT, WARRANE, 7018	_	S 1 - 10 ELEVATIONS DWG NO A117	REV B



NOTES

REFER TO A011 FOR 3D DEFINITION OF BOUNDARY ENVELOPE

	FFL VALUES UNITS 1-13 (m)								
UNIT NO.	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR						
1	48.90	51.60	54.60						
2	48.90	51.60	54.60						
3	48.90	51.60	54.60						
4	49.30	52.00	55.00						
5	50.00	52.70	55.70						
6	50.60	53.45	56.60						
7	51.20	53.90	56.90						
8	51.70	54.55	57.70						
9	52.40	55.25	58.40						
10	53.00	55.70	58.70						
11	49.20	n/a	n/a						
12	47.18	47.94	48.89						
13	49.10	50.43	51.38						

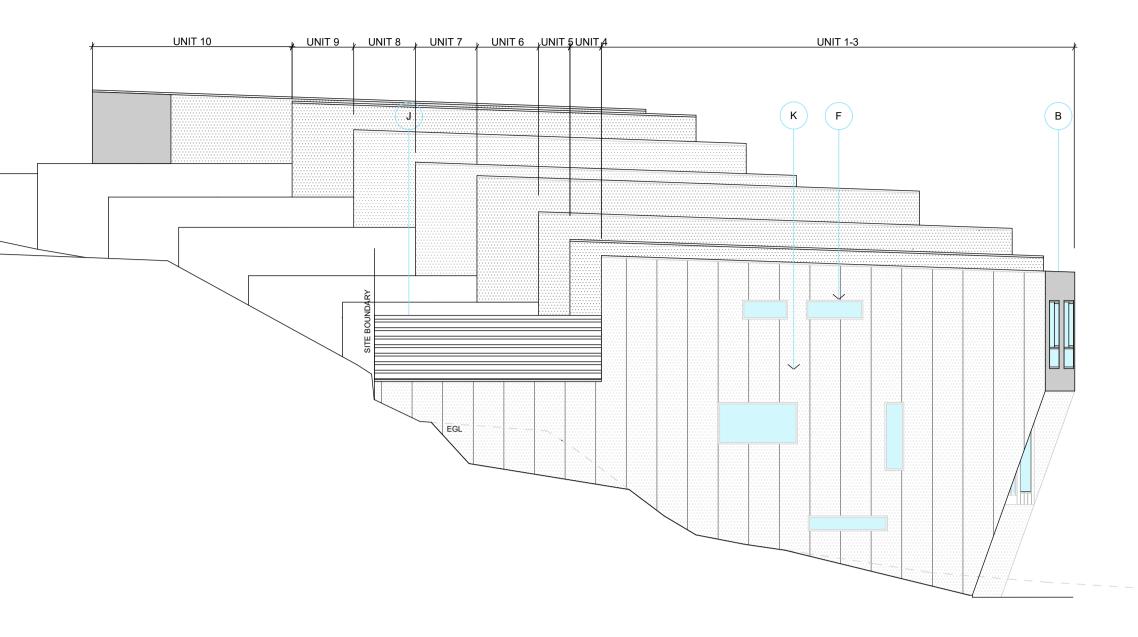


1000mm 0 1000 2000 3000 4000 5000mm SCALE 1:100 AT A1 SHEET

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

В	FOR PLANNING APPROVAL			08/06/23					
Α	FOR PLANNING APPROVAL			04/11/22					
REV	DESCRIPTION	BY	CHK	DATE	REV	DESCRIPTION	ΒY	CHK	DATE
REV DA	TE: 31/08/17								

Document Set ID: 5150916 Version: 2, Version Date: 23/11/2023



NORTH ELEVATION SCALE: 1:100 UNITS 1 - 10

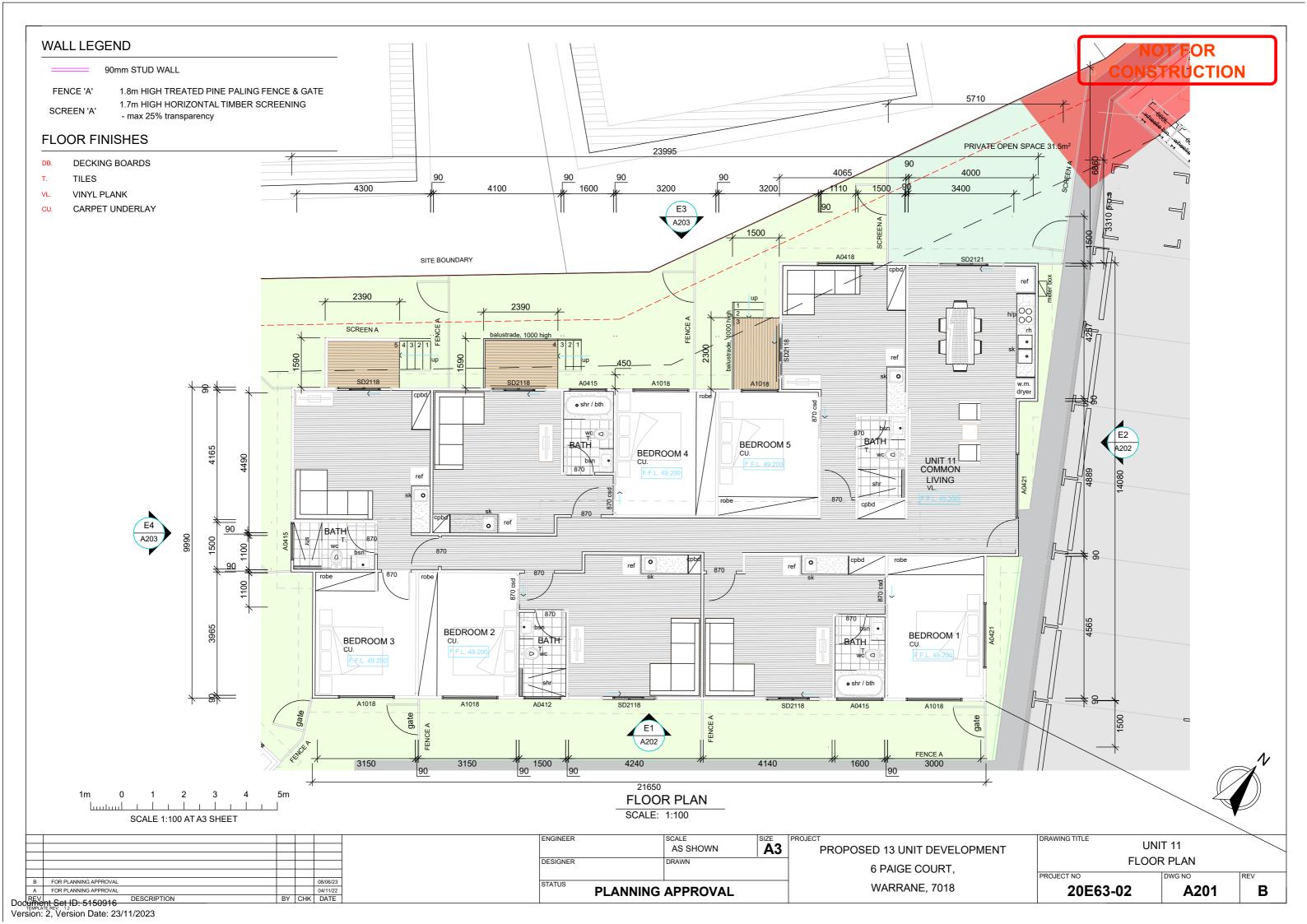
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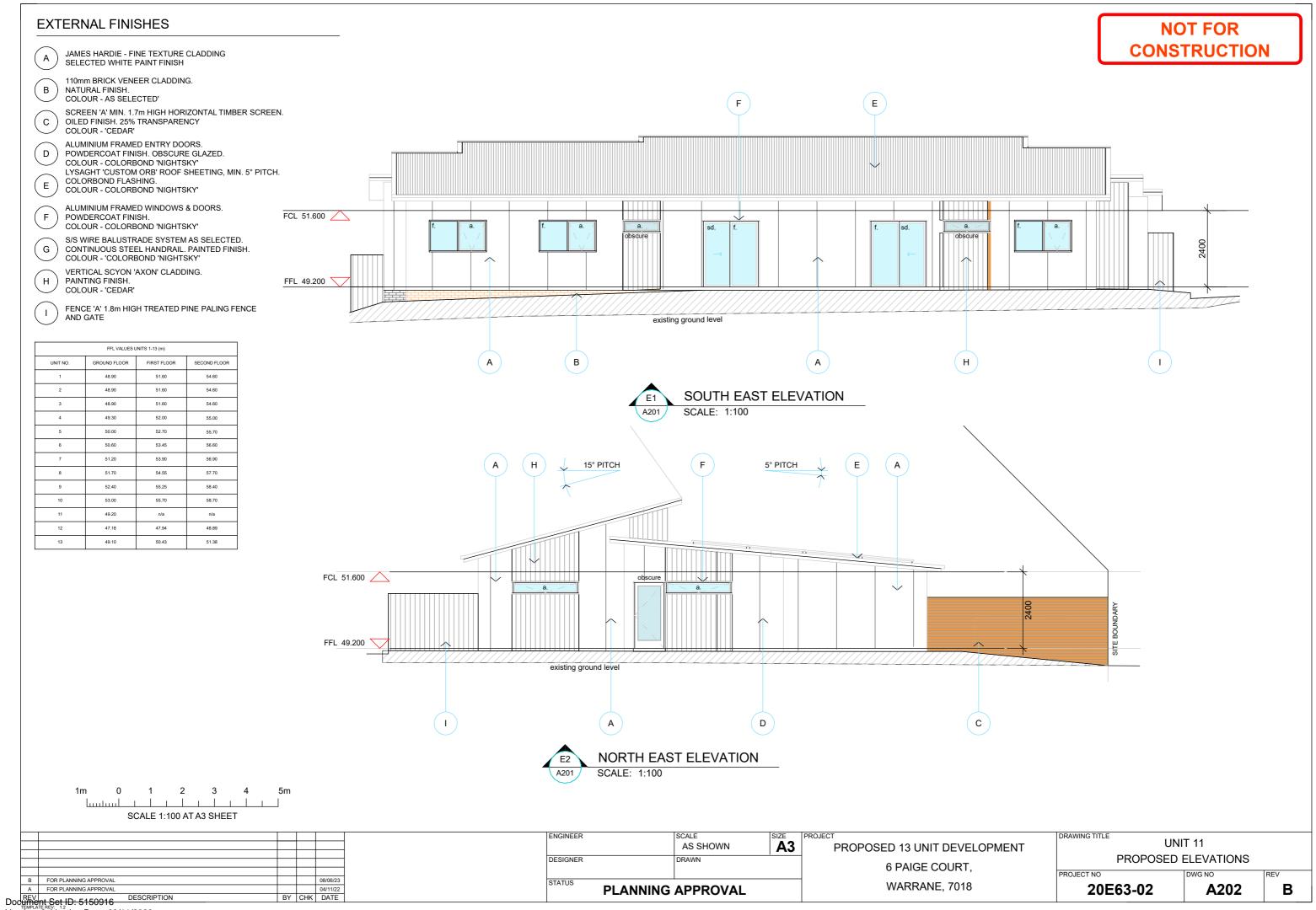
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	DESIGNER	DRAWN	1	
	CHECKED	AS SHOWN	SIZE A1	PROJECT

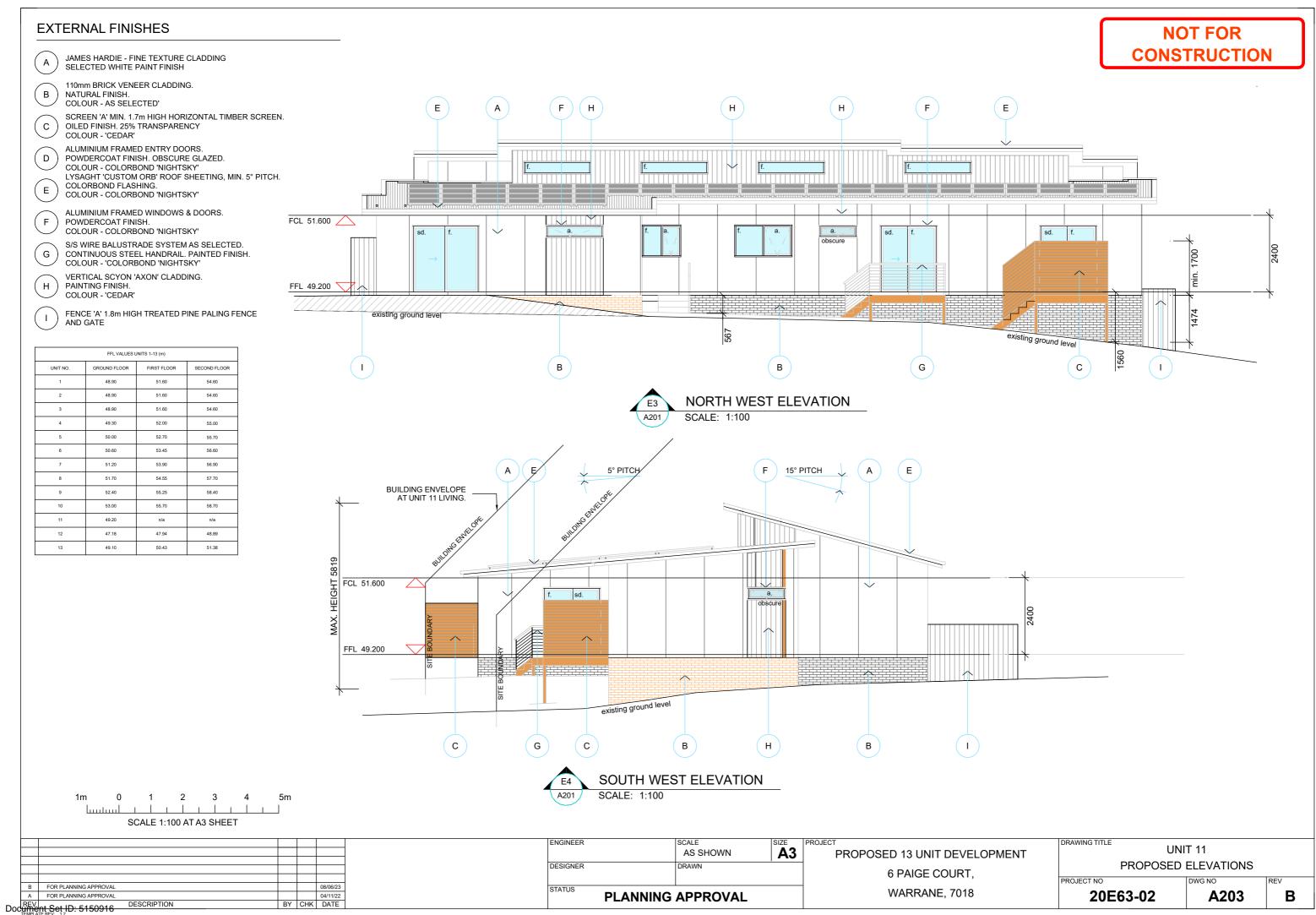


ROPOSED 13 UNIT DEVELOPMENT 6 PAIGE COURT, WARRANE, 7018

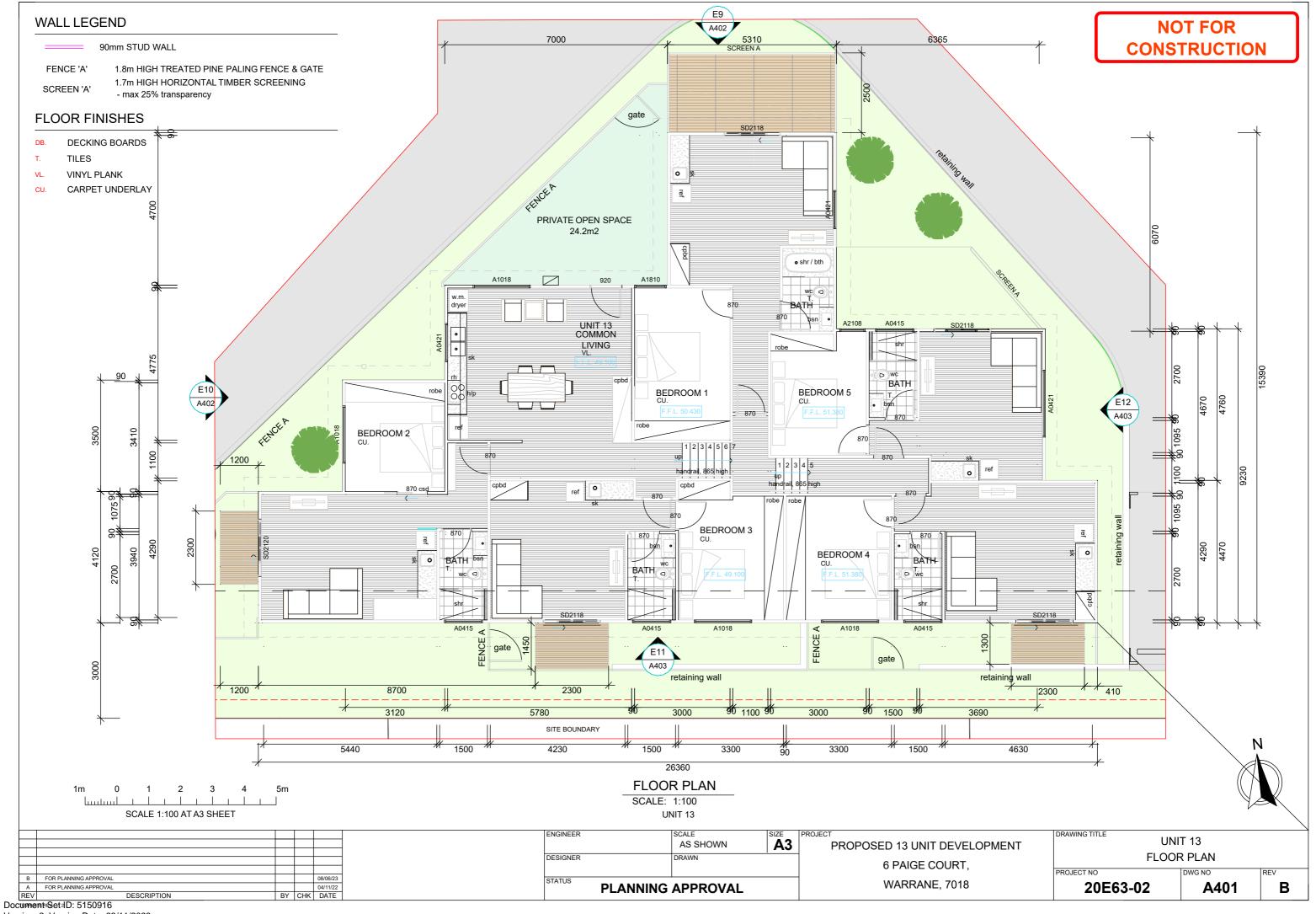
DRAWING TITLE UNITS 1 - 10 PROPOSED ELEVATIONS PROJECT NO 20E63-02 A118 В



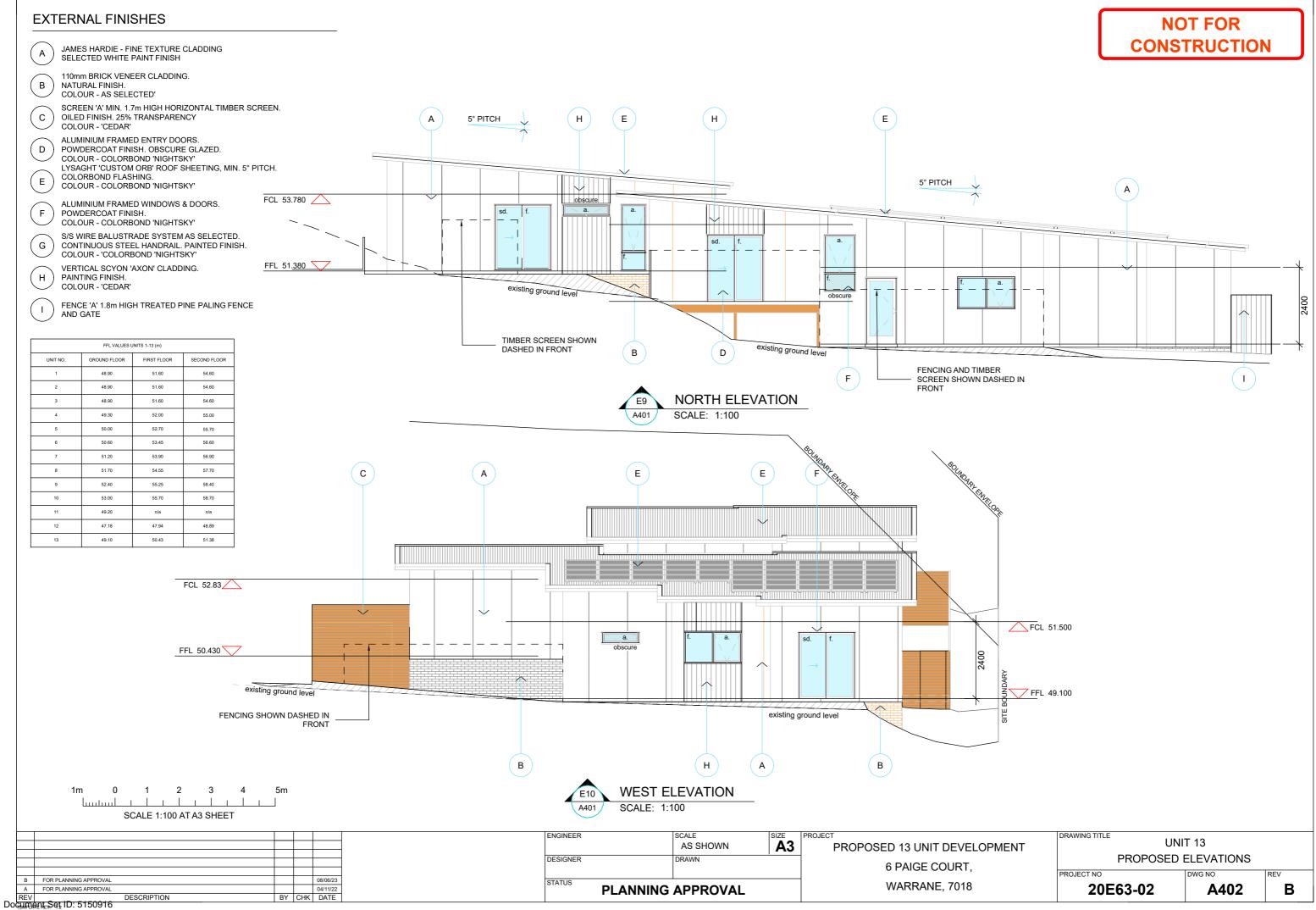




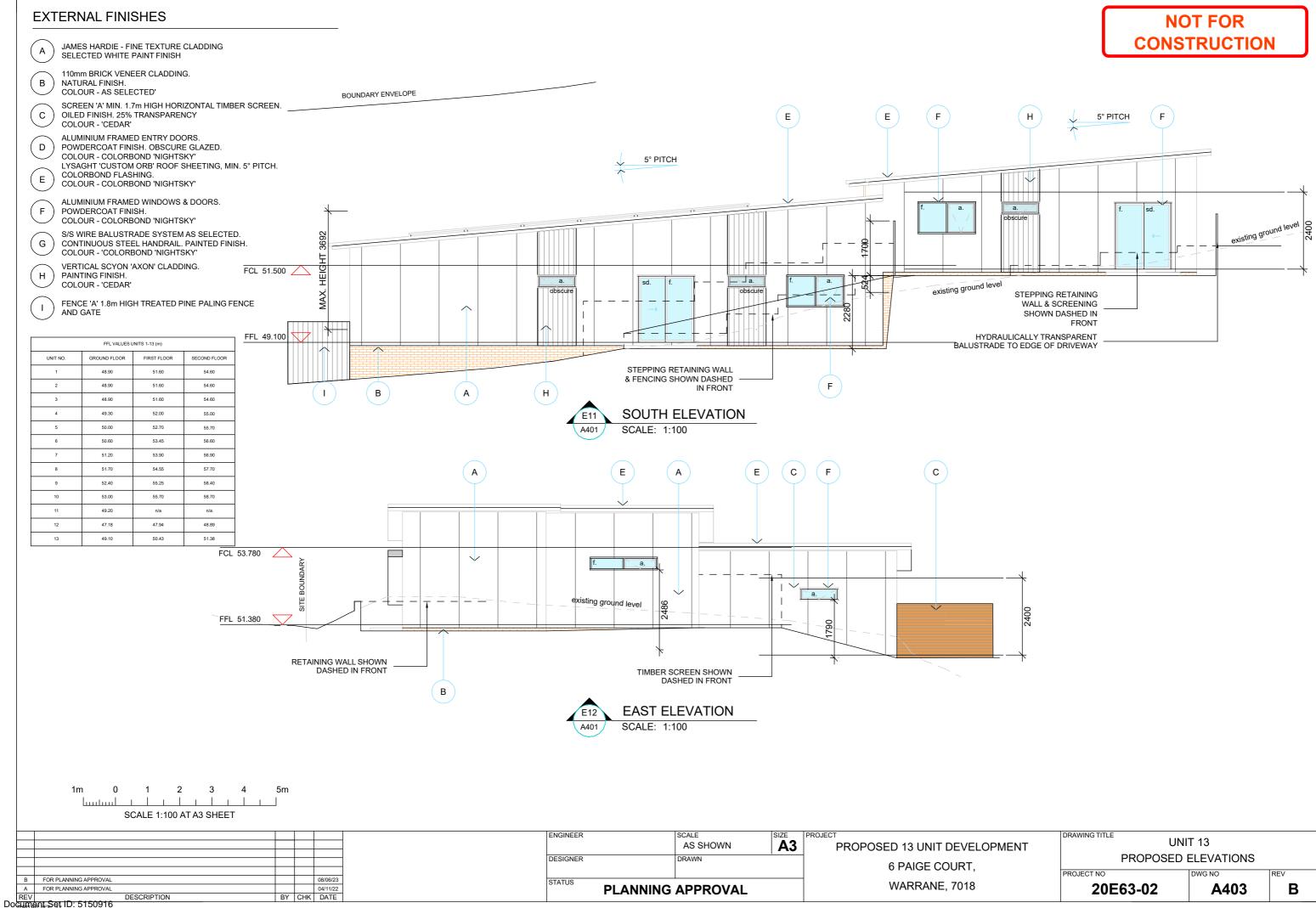
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	PROJECT NO	DWG NO	REV
	PROPOSED	ELEVATIONS	
ENT			



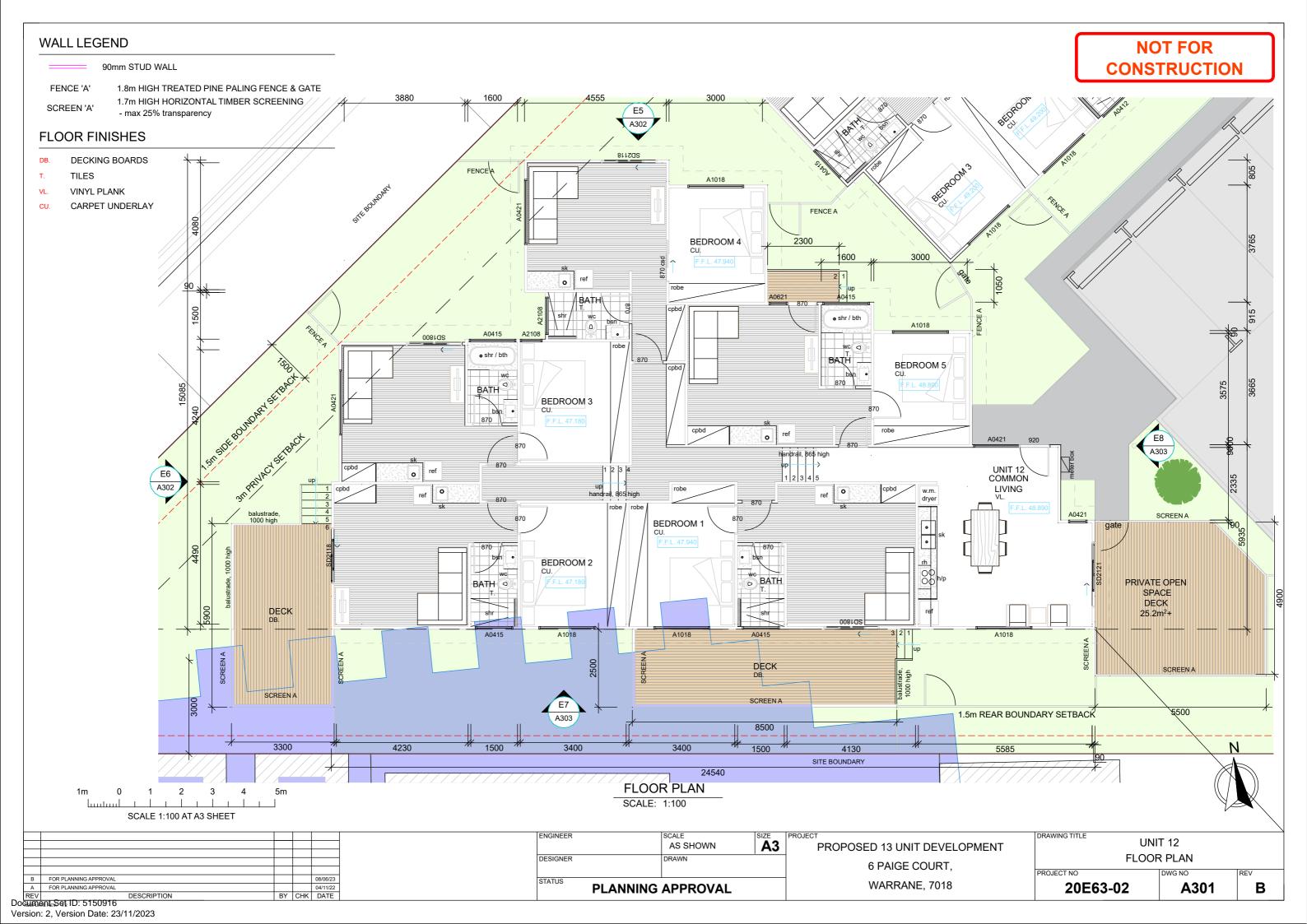
Version: 2, Version Date: 23/11/2023

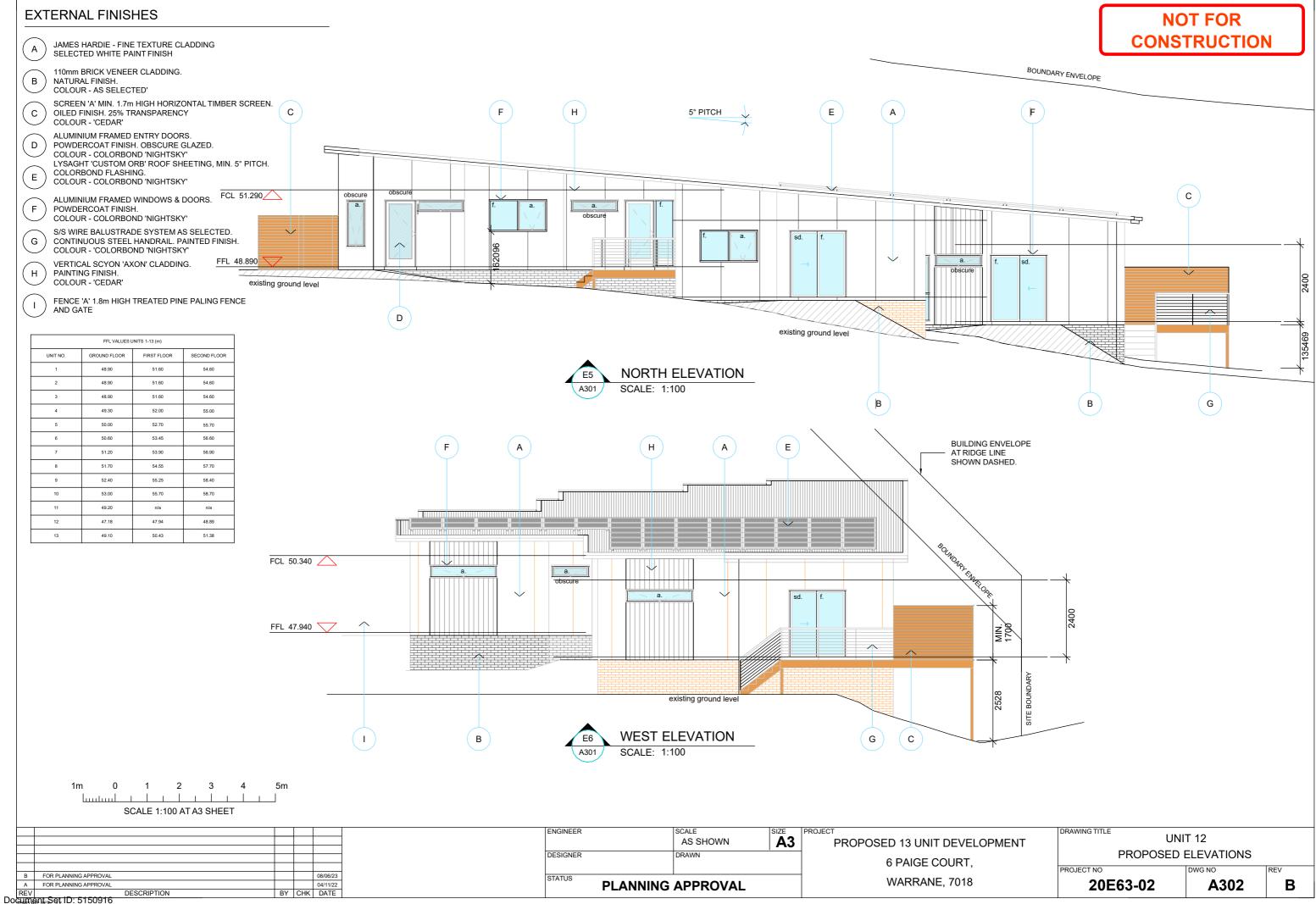


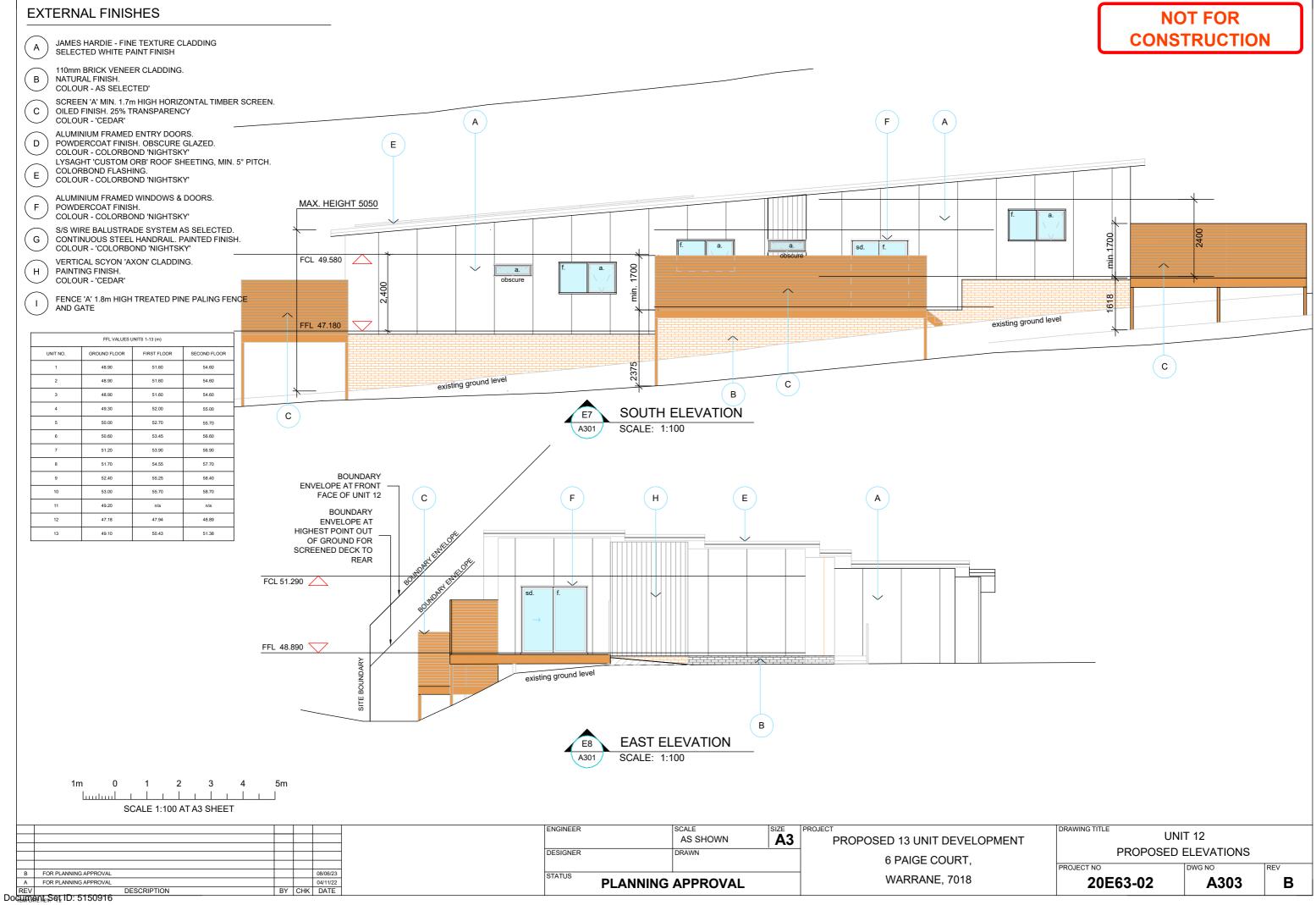
Version: 2, Version Date: 23/11/2023



20E63-02	A403	E
PROJECT NO	DWG NO	REV
FROFOG	ED ELEVATIONS	









TIMBER FENCING

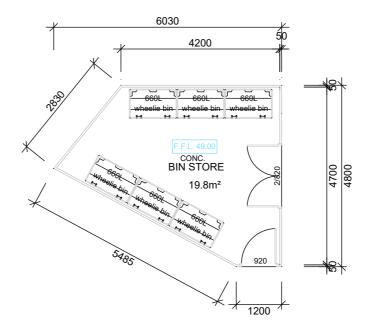
FLOOR FINISHES

CONC. CONCRETE - TROWEL FINISH

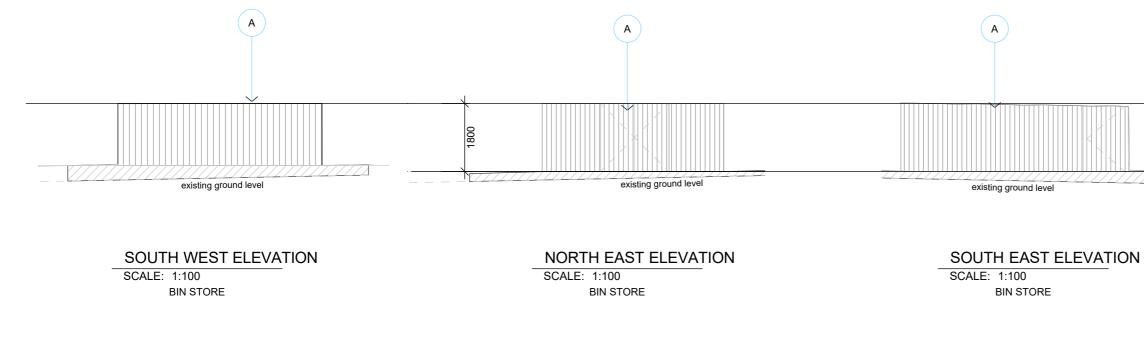
EXTERNAL FINISHES

A FENCE 'A' 1.8m VERTICAL TIMBER FENCE 70x35 WITH 5mm GAPS AND GATE. FENCE TO BE DESIGNED AND CONSTRUCTED TO BE COMPLETELY DEMOUNTABLE TO ALLOW ACCESS FOR WORKS WITHIN THE EASEMENT

ALL FASTENERS TO BE SCREW FIXED AND BRACKETS TO CONCRETE TO BE ABLE TO BE REMOVED



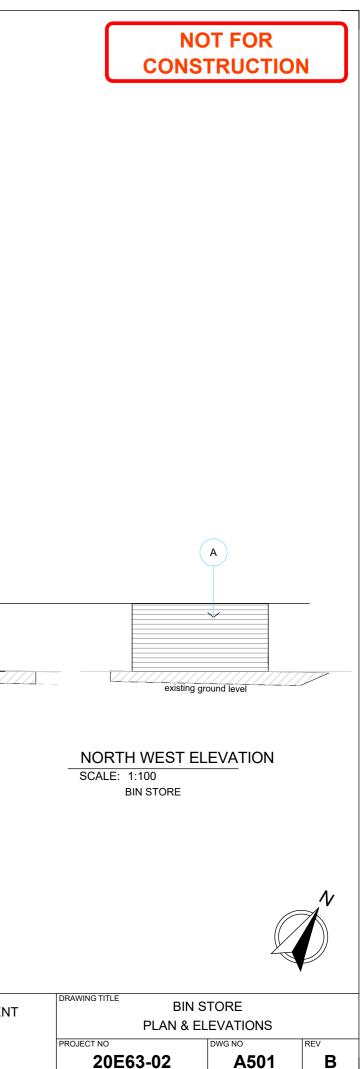
FLOOR PLAN SCALE: 1:100 BIN STORE

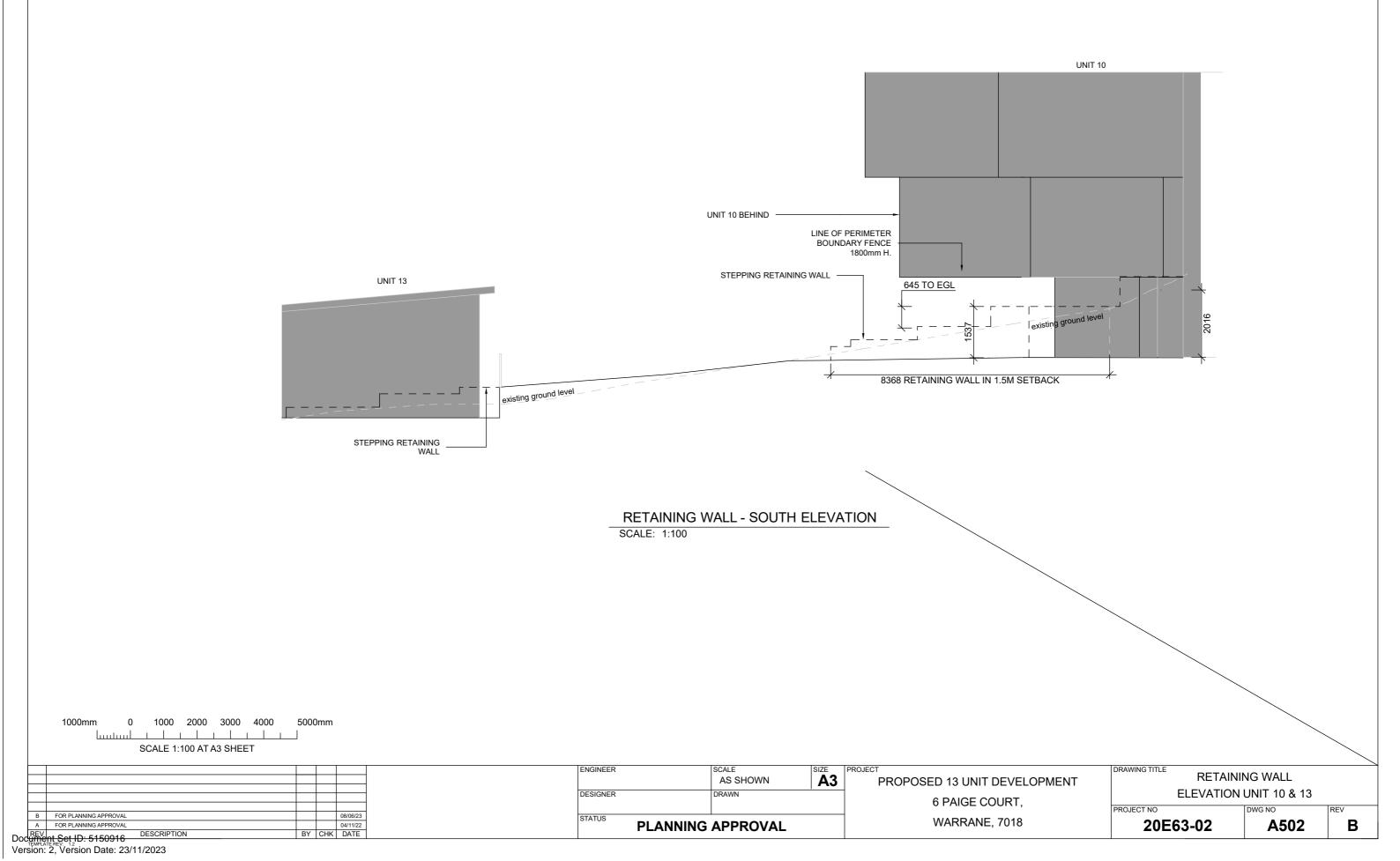




В	FOR PLANNING APPROVAL			08/06/23
А	FOR PLANNING APPROVAL			04/11/22
REV	DESCRIPTION	BY	CHK	DATE
)ocume	ant Set ID: 5150916			

STATUS	PLANNING	APPROVAL		WARRANE, 7018
DESIGNER		DRAWN		6 PAIGE COURT,
ENGINEER		AS SHOWN	A3	PROPOSED 13 UNIT DEVELOPMENT





ATTACHMENT 3

PDPLANPMTD-2022-032299 - 6 Paige Court, Warrane



Existing cross over to subject site – looking west



Showing slope along eastern property boundary.



Showing main area of the lot and adjoining development to the north.

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

8.2 ASSET MANAGEMENT

8.3 FINANCIAL MANAGEMENT

8.4 GOVERNANCE

9. MOTIONS ON NOTICE

10. COUNCILLORS' 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).

Cr Hulme has given notice of the following question:

ELECTRIC VEHICLES

Noting that 11% of new car sales in Australia in 2023 were electric vehicles (EVs) and that the number of EVs sold is more than doubling every year:

- 1. Please provide the following information (or an estimate if an exact answer is not possible):
 - a. The number of registered private EVs in Clarence, and what percentage of registered private vehicles this represents.
 - b. The number and location of public EV charging stations in Clarence.
 - c. The number and location of private EV charging stations in Clarence.
- 2. What is Council's understanding of the current and projected future EV charging infrastructure needs in Clarence, and the capacity of the private sector to deliver it?
- 3. Does Council have any plans to assist in the delivery of EV charging infrastructure further to the installation of an EV charging station at Council chambers?

10.2 ANSWERS TO QUESTIONS ON NOTICE

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Cr James

1. In response to a question I asked at the last meeting, I was advised what Council's cash reserves were at 30 June 2023. The answer referred to amongst other things, 58.1 million dollars was subject to restrictions for employee provisions but not limited to infrastructure renewal, 45.074 million dollars was therefore considered unrestricted at that time. That 45 million dollars, could that be directed to any particular project or need to be directed towards a major project within the city as part of a major redevelopment of this space?

ANSWER

(Chief Financial Officer) Those monies are all allocated to existing projects within our capital or operational budgets, to move any of those monies would be a matter for Council.

2. On our rates notice there is a reference to the Tasmanian Collection Service, and I think has the words "may" or "is to be contacted" should a ratepayer fail to meet his or her obligation to pay their rates on time. Is it possible for some of that wording to be changed so that it may not necessarily frighten the ratepayers because it seems as though the very wording does imply that the Tasmanian Collection Service will as a matter of course collect unpaid rates?

ANSWER

Taken on notice.

(Further information) All Council rates notices have commentary that if rates are not paid on time or a formal payment arrangement is not entered into the ratepayer may be referred to our collection agency for possible legal action. Our final notice which is only issued to ratepayers with a minimum of two instalments outstanding has a heading of "overdue/final notice – referral to Tas Collection Service". Further, on the notice it says unless payment or contact is made with Council the account will be referred to Tas Collection Service. We recently issued almost 1900 final notices and have only received two complaints about the wording on the notice. The notices have had the same wording for many years and complies with the requirements of the Local Government Act 1993.

Cr Walker

1. Mr Mayor, my question relates to something you mentioned earlier when reading out some correspondence in relation to the upgrades in the Percy Street area. I have had some feedback from some of the Bellerive residents that the state of the road immediately leading up to that area is quite degraded with potholes on the Clarence Street side. Would it be the engineering department's plan to deal with those once all the road works have been completed and the use of heavy trucks has ended?

ANSWER

Taken on notice.

151

(Further information) The section of Cambridge Road (between Clarence Street and Percy Street) has been identified as reaching end of life and is due for reconstruction. A works program is being developed. To minimise disruption to local residents and businesses, these renewal works would likely be completed in conjunction with upgrades at the Cambridge Road / Clarence Street traffic signals.

2. Page 41 of the Quarterly Report mentions a delay in installing the drinking fountain at the park in De Bomford Lane. There are two shelters and barbecues which are incredibly popular at this time of the year. Can we have a timeline of when we can expect that? Given the absence of this fountain families are now having to use the hand basin associated with the toilet to access water. Could we look at prioritising this drinking fountain please?

ANSWER

Taken on notice.

(Further information) The drinking station for De Bomford Lane, Geilston Bay has arrived Assessment is being carried out on a location and whether the for installation. infrastructure needs a back-flow prevention device, which will take some more time and additional cost to coordinate. We will provide further information and timing to Council once these items have been resolved.

TasWater has flushed the water main leading to the existing toilet block and a further check this week has found the water to be clear.

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 PROPERTY MATTER ROKEBY
- 11.3 LEGAL MATTER

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:

- applications by Councillors for a Leave of Absence;
- matters relating to actual or possible litigation; and
- the personal hardship of a ratepayer or person living in the municipal area.

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".