

COUNCIL MEETING
MONDAY 5 FEBRUARY 2024

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ACKNOWLEDGEMENT OF COUNTRY	3
2.	APOLOGIES	3
3.	DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE	3
4.	OMNIBUS ITEMS.....	4
4.1	CONFIRMATION OF MINUTES	4
4.2	MAYOR’S COMMUNICATION	4
4.3	COUNCIL WORKSHOPS	4
4.4	TABLING OF PETITIONS.....	5
4.5	REPORTS FROM OUTSIDE BODIES	6
	• REPORTS FROM SINGLE AND JOINT AUTHORITIES	6
	• REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES.....	6
4.6	WEEKLY BRIEFING REPORTS.....	7
5.	PUBLIC QUESTION TIME	8
5.1	PUBLIC QUESTIONS ON NOTICE	8
5.2	ANSWERS TO QUESTIONS ON NOTICE.....	8
5.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	9
5.4	QUESTIONS WITHOUT NOTICE	9
6.	DEPUTATIONS BY MEMBERS OF THE PUBLIC.....	10
7	PLANNING AUTHORITY MATTERS	
7.1	DEVELOPMENT APPLICATION PDPLANPMTD-2023/033823 – 28 LANENA STREET, BELLERIVE - CHANGE OF USE TO VISITOR ACCOMMODATION (RETROSPECTIVE).....	12
7.2	DEVELOPMENT APPLICATION PDPLANPMTD-2023/040318 – 40A KING STREET, BELLERIVE - ADDITIONS AND ALTERATIONS TO DWELLING.....	26
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
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8.4	GOVERNANCE - NIL ITEMS
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9.	MOTIONS ON NOTICE
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9.1	NOTICE OF MOTION – COUNCILLOR WALKER AFL HIGH PERFORMANCE CENTRE – PRECINCT PLANNING PROCESS	54
10.	COUNCILLORS’ QUESTION TIME	56
10.1	QUESTIONS ON NOTICE	56
10.2	ANSWERS TO QUESTIONS ON NOTICE	56
10.3	ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING.....	56
10.4	QUESTIONS WITHOUT NOTICE	61
11.	CLOSED MEETING.....	62
11.1	APPLICATIONS FOR LEAVE OF ABSENCE	
11.2	TENDER T1507-23 PANEL OF PROVIDERS FOR THE SUPPLY OF NATURAL ASSET MAINTENANCE SERVICES	
11.3	SPORTING CLUB REQUEST	

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

Nil.

3. DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council’s adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

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

That the Minutes of the Council Meeting held on 15 January 2024, as circulated, be taken as read and confirmed.

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

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

PURPOSE

Confidential Briefing – Property Matter
Transport Solutions for our Future – Consultation
Future of Local Government Review Draft Response

DATE

29 January

RECOMMENDATION:

That Council notes the workshops conducted.

4.4. TABLING OF PETITIONS

(Note: Petitions received by Councillors are to be forwarded to the Chief Executive Officer within seven days after receiving the petition).

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

4.5 REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required.

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representative: Cr James Walker

Quarterly Reports

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 15, 22 and 29 January 2024 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 15, 22 and 29 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 Terry Polglase of Lindisfarne has given notice of the following questions:

AFL HIGH PERFORMANCE CENTRE

In reference to the decision of Council on 13 December 2023 to locate the AFL High Performance Centre's two ovals in Rosny Parklands and Charles Hand Memorial Park:

1. What consultation process was undertaken directly with the Rosny College School Association executive and the college's 895 students to assess the impact this might have on their daily life?
2. What consultation process was undertaken with any of the three Dog representative groups; the Tasmanian Dog Walkers Group TDWA, the Hobart Dog Walkers Group HDWA, or the Clarence Dog Owners Group CDOG to assist councillors before voting on this issue as one parkland is a declared on-lead and the other a declared off-lead dog exercise area?

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 [Public Question Time - City of Clarence : City of Clarence \(ccc.tas.gov.au\)](https://www.ccc.tas.gov.au/public-question-time)

6. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

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

7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2023/033823 – 28 LANENA STREET, BELLERIVE - CHANGE OF USE TO VISITOR ACCOMMODATION (RETROSPECTIVE)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Visitor Accommodation (retrospective) at 28 Lanena Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport 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 7 February 2024.

CONSULTATION

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

- Noise;
- Traffic;
- Privacy;
- Rubbish; and
- Property management.

RECOMMENDATION:

- A. That the Development Application for Change of Use to Visitor Accommodation (Retrospective) at 28 Lanena Street, Bellerive (Cl Ref PDPLANPMTD-2023/033823) be approved subject to the following condition.
1. GEN AP1 – ENDORSED PLANS.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

DEVELOPMENT APPLICATION PDPLANPMTD-2023/033823 - 28 LANENA STREET, BELLERIVE - CHANGE OF USE TO VISITOR ACCOMMODATION (RETROSPECTIVE) /contd...

ASSOCIATED REPORT**1. BACKGROUND**

Council was made aware of the property being used for visitor accommodation on 12 October 2022. Council's Compliance Officer investigated the matter and contacted the property owner to inform them that the use would require a planning application. A planning application was then lodged, which is the subject of this report.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 5.6 – Compliance with Applicable Standards;
- Section 6.10 – Determining Applications;
- Section 10.0 – General Residential Zone;
- Section C2.0 – Parking and Sustainable Transport Code; and
- Section C16.0 – Safeguarding of Airports Code.

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 property is an 845m² lot that contains a double storey dwelling, consisting of five bedrooms, two living areas, two bathrooms, a double garage and outdoor swimming pool.

The property is part of a normal residential area, with a single dwelling to the east and multiple dwellings to the north and west. The property is within easy walking distance to the Rosny Park commercial district.

3.2. The Proposal

The application is for retrospective approval for a change of use from residential (single dwelling) to visitor accommodation. The applicant intends to rent the accommodation out as one booking at a time, not per bedroom.

While the applicant has advised there is a strict house rule with no outside noise after 8pm and no noise at all after 10pm, this is not a matter for Council to enforce, outside the normal statutory nuisance provisions.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 5.6]

“5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.”

4.2. Determining Applications [Section 6.10]

“6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with section 57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”*

References to these principles are contained in the discussion below.

4.3. General Provisions

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

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

4.4. Compliance with Zone and Codes

The proposal is for a change of use to Visitor Accommodation. According to Table C2.1, the required number of parking spaces is two. The site has a double garage, and the Acceptable Solution is met.

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 proposal meets the Scheme's relevant Acceptable Solutions of the General Residential Zone with the exception of the following.

General Residential Zone

- **Clause 8.3.2 A1** – the proposal is for a change of use to Visitor Accommodation, the dwelling is 270m² in floor area which exceeds the maximum floor area of (200m²) of the Acceptable Solution.

The proposal must be considered against the Performance Criteria P1 of Clause 8.3.2 as follows.

Clause	Performance Criteria	Assessment
8.3.2 P1	<i>“Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</i>	The visitor accommodation seeks to convert an existing habitable dwelling and is considered to be compatible with the character and use of the surrounding area, which predominantly consists of residential and other visitor accommodation.

	<p>(a) <i>the privacy of adjoining properties;</i></p> <p>(b) <i>any likely increase in noise to adjoining properties;</i></p> <p>(c) <i>the scale of the use and its compatibility with the surrounding character and uses within the area;</i></p> <p>(d) <i>retaining the primary residential function of an area;</i></p>	<p>It is considered that there would not be an unreasonable loss of residential amenity to adjoining or nearby properties, having regard to:</p> <p>The building is a large 270m², two-storey dwelling on a hillside overlooking Rosny and the River Derwent beyond. As is common with many Hobart suburbs, there is a degree of overlooking assumed, and impossible to reasonably avoid.</p> <p>Furthermore, the visitor accommodation will not result in any changes to the current building, therefore there will be no change to the privacy for the adjoining properties from the windows, decks or raised areas than when the property was used for residential purposes.</p> <p>The applicant advises that individual instances of excessive noise can be managed through a property manager, who is located close by and available to handle any complaints.</p> <p>In terms of scale, the five-bedroom layout of the building creates a potential for groups or families to book the accommodation; however, this is no different in potential to that as a dwelling and is compatible with the area.</p> <p>As per any noise issue from a residential activity, excessive noise would be treated as a statutory nuisance under the provisions of the Environmental Management and Pollution Control Act 1994 (EMPCA). It is noted that all police officers are authorised officers under the Act.</p> <p>The area of Lanena Street and Mercedes Place would retain a predominantly residential use and character.</p>
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	(e) <i>the impact on the safety and efficiency of the local road network; and</i>	<p>The proposal is not expected to significantly increase potential traffic to and from the site compared to a single dwelling and therefore, there would be limited impact on the local road network.</p> <p>The application was referred to Council's Traffic engineers who did not raise any concerns.</p>
	(f) <i>any impact on the owners and users rights-of-way."</i>	<p>The site is not burdened with any relevant encumbrances or rights-of-way.</p>

5. REPRESENTATION ISSUES

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

5.1. Noise

All five representors raised concern in relation to noise, particularly as the application is retrospective, nearby properties claim they have witnessed noise issues since the property has been used for visitor accommodation. The issues raised were due to the large number of people staying (10-15 people) that generate high levels of noise, parties and guests being out the front of the house creating noise throughout the street.

One representor also notes that guests often communicate loudly between the rear windows and the pool, which is located close to their property, and with short-term accommodation, there is the potential for parties and excessive noise.

- **Comment**

Firstly, there are no relevant clauses in the Scheme particular to this application regarding the number of guests that can be accommodated within the visitor accommodation use, or the use as a single dwelling. The scale of the use has been considered appropriate in the assessment section above, and that the visitor accommodation use is likely to generate noise that is consistent with that of a residential use.

Secondly, there is no evidence to demonstrate that visitor accommodation guests are louder than residents.

5.2. Traffic

Three representations raised concern about traffic, and that guests often have more than two cars and cause traffic chaos in the street. Also, representors discussed overflow parking on the street, particularly from additional visitors, not the guests staying at the property, and that vehicles are illegally parked, for example over driveways.

- **Comment**

The proposal meets the Acceptable Solution for the number of car parking spaces required in the Parking and Sustainable Transport Code. The operation of the Scheme does not allow the Council to require additional on-site parking beyond these requirements.

Local roads are designed to accommodate overflow parking, however, there is no relevant Clause in the Scheme related to the capacity of on-street car parking with respect to a change of use.

In relation to the parking over driveways, enforcement action via Council's parking officers who have the power to fine or tow away vehicles in dangerous or obstructive locations could resolve this issue when it occurs.

5.3. Privacy

Three representors mention privacy, two specifically discuss overlooking of their private spaces and the third mentions that visitors roam the street and trespass into other people's front yards.

- **Comment**

The application is for the conversion of a single dwelling to visitor accommodation with no physical alterations proposed to the existing building or required to facilitate the change of use.

Therefore, there will be no change to the current privacy provision for the adjoining properties from the windows or decks. Furthermore, Council does not control behavioural issues should they occur.

5.4. Rubbish

One representor raised concern about the overflowing rubbish bins, and the excess rubbish is left in the driveway or street.

- **Comment**

Council provides for domestic rubbish services to the site; however, rubbish is not a consideration under the Scheme. Therefore, this issue has no determining weight.

5.5. Property Management

While some representors were fundamentally against the use, others were happy to support the use, noting that the property could be better managed by the applicant providing the adjoining property owners with the contact details of the property manager, in the event issues arise from guest behaviour.

- **Comment**

While this is a good idea, there are no relevant clauses in the Scheme that relate to property management for visitor accommodation, therefore this matter is not a relevant consideration under the Scheme nor can Council impose such a condition on the permit.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal is recommended for conditional approval.

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

Daniel Marr
HEAD OF CITY PLANNING

Attachment 1



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

22/01/2024

1:2257



Attachment 2



The red star is the parking area and there is a double garage in the house for guests to use.





Total Approx. Floor Area (incl. garage) 270 sqm



All measurements are internal and approximate.
This plan is a sketch for illustration, not valuation.
Produced by Open2view.com

Attachment 3



28 Lanena Street Bellerive



28 Lanena Street Bellerive - looking west down the street

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2023/040318 – 40A KING STREET, BELLERIVE - ADDITIONS AND ALTERATIONS TO DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions and alterations to a dwelling at 40A King Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period, which was extended with the permission of the applicant and now expires on 7 February 2024.

CONSULTATION

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

- Overshadowing;
- Visual impacts;
- Heritage; and
- Loss of privacy.

RECOMMENDATION:

- A. That the Development Application for Additions and Alterations to Dwelling at 40A King Street, Bellerive (CI Ref PDPLANPMTD-2023/040318) be approved subject to the following condition.
1. GEN AP1 – ENDORSED PLANS.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

DEVELOPMENT APPLICATION PDPLANPMTD-2023/040318 - 40A KING STREET, BELLERIVE - ADDITIONS AND ALTERATIONS TO DWELLING /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The subject property was originally part of the lot at 40 King Street, prior to a 1980s subdivision. The existing dwelling received planning approval in 1991 and was completed in 1995.

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 all the Acceptable Solutions under the Scheme and relies on a Performance Standard.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 5.6 – Compliance with Applicable Standards;
 - Section 6.10 – Determining Applications;
 - Section 8.0 – General Residential Zone;
 - Section C2.0 – Parking and Sustainable Transport Code;
 - Section C16.0 – Safeguarding of Airports Code; and
 - Section CLA – S21.0 Bellerive Bluff Specific Area Plan.
- 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 narrow, south-west orientated 345m² lot. It has a primary frontage of 9.14m on King Street and extends 37.41m at its side boundaries, abutting the rear boundary of the property at 3 Chapman Street. The lot has a moderate downward slope from King Street.

The existing two-storey dwelling is 93m², with two bedrooms and one bathroom. A single-car carport abuts the front of the dwelling and a 9m² deck abuts the rear.

The dwelling is separated from 42 King Street, at its south-eastern (side) boundary, by a boundary wall of approximately 10m in length. The property at 42 King Street is listed as a Heritage Place in the Local Historic Heritage Code. The property at 40 King Street, adjoining the subject property at its north-western (side) boundary, is listed on the Tasmanian Heritage Register, as are 1 Chapman Street and 3 Chapman Street, which adjoin the property at its north-eastern (rear) boundary.

3.2. The Proposal

The proposal is to demolish the 9m² deck at the rear of the dwelling and extend a single-storey continuation of the existing volume toward the rear of the site. The existing ground floor area of the dwelling would be increased from 64.5m² to 109.2m², adding 44.8m² internal habitable space, as well as a new deck area at the rear of 13m².

The extension would result in the addition of a new bedroom on the ground floor of the dwelling, in addition to larger kitchen, dining and living areas.

No changes are proposed at the front of the property.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 5.6]

“5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.”

4.2. Determining Applications [Section 6.10]

“6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:

- (a) *all applicable standards and requirements in this planning scheme; and*
- (b) *any representations received pursuant to and in conformity with section 57(5) of the Act, but in the case of the exercise of discretion, only as far 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.

Compliance with Zone and Codes

The proposal does not require an assessment against the Safeguarding of Airports Code as 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 proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, Parking and Sustainable Transport Code, and Bellerive Bluff Specific Area Plan with the exception of the following.

Bellerive Bluff Specific Area Plan

Clause CLA-S21.7.1 Setbacks and building height (A2) – the proposal includes a wall height of 4.4m and a total building height of 7.1m (measured on the north-western elevation), which exceeds the 3.5m limit prescribed for wall heights and 5.5m limit for building heights, respectively, at Acceptable Solution A2.

The proposal must be considered against the corresponding Performance Criterion P2 of Clause CLA-S21.7.1 as follows.

Clause	Performance Criteria	Assessment
CLA-S21.7.1 P2	<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i></p>	<p>The proposal is considered to satisfy the Performance Criterion P2 at CLA-S21.7.1 of the Scheme for the following reasons:</p> <p>Shadow diagrams prepared by the applicant were submitted with the application and were deemed suitable for assessment.</p> <p>Supplied modelling shows that there will be no overshadowing to habitable rooms of the adjoining properties at 40 and 42 King Street, and 1 and 3 Chapman Street at the Winter Solstice.</p>
	<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i></p>	<p>Supplied modelling shows that there will be a slight increase in overshadowing of the private open space at the rear of the dwelling at 42 King Street at 3pm at the Winter Solstice.</p> <p>The extent of this increase represents a negligible change to existing conditions. Documentation illustrates this would not result in the private open space of the adjoining dwelling being overshadowed for more than three hours at the Winter Solstice.</p> <p>The private open space of all other adjoining properties, which are to the north of the subject property, will be unaffected by the proposal.</p>
	<p><i>(iii) overshadowing of an adjoining vacant property; or</i></p>	<p>There are no adjoining vacant properties.</p>
	<p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i></p>	<p>The proposed extension would be visible from the rear of each of the adjoining properties, thereby resulting in a degree of visual impact upon each.</p>

		<p>The proposal has been designed in a way that is sensitive to and minimises any potential impact.</p> <p>Key determinants of its form are the gradient of the site and the medium pitch of the roof on the existing part of the dwelling: The pitch of the existing roof is continued in the extended volume, and stepped down in height in a way that follows the gradient of the site.</p> <p>The addition extends toward the rear boundary as far as the dwelling on the adjoining property at 40 King Street – such that each has similar rear setback.</p> <p>The width of the addition is reduced in the transition from the existing to the new part, further reducing its visible bulk.</p> <p>It is considered that this level of visual impact is reasonable in the General Residential Zone.</p>
	<p><i>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area;</i></p>	<p>The existing north-western (side) boundary setback, shared with 40 King Street, will be unchanged. The existing south-eastern (side) boundary setback, shared with 42 King Street, will be reduced in the proposed extension.</p> <p>For this reason, the separation between dwellings adjoining at side boundaries will be unchanged.</p> <p>The existing rear boundary setback of approximately 20m will be reduced to 10m at the rear of the property.</p>

		<p>This reduction will make the separation between dwellings adjoining the rear boundary of the property more consistent with that of those adjoining at side boundaries.</p> <p>The rear boundary setback from 40 King Street is approximately 8.5m; the rear boundary setback of the main dwelling at 42 King Street is approximately 15m, albeit that a secondary residence on the same property appears to be abutting the rear boundary.</p> <p>With regards to the consistency of separation between buildings, the proposal would constitute an improvement on that existing.</p>
	<p>(c) <i>not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i></p> <p>(i) <i>an adjoining property;</i> or (ii) <i>another dwelling on the same site; and</i></p>	<p>There is no existing solar energy installation on any adjoining property or dwelling on the same site.</p>
	<p>(d) <i>have regard to:</i></p> <p>(i) <i>the relevant established precinct characteristics and the objectives identified in the local area objectives;</i></p>	<p>As changes to the frontage setback and façade of the property are not proposed, relevant precinct characteristics and objectives (at CLA-S21.3.4.1) concern the following:</p> <ul style="list-style-type: none"> • A reduced need for substantial foundation walls; • Generally single level dwellings with some two storey dwellings on sloping sites; • An emphasis on medium to strongly pitched roofs.

		<p>The contours at this point of the Precinct are steeper than those nearer the crest, which means that where dwellings are not benched into a site, as is the case with the proposed extension, a foundation wall that is more pronounced at the trough than the peak of a dwelling becomes unavoidable. Such is the case with the existing and proposed parts of the dwelling.</p> <p>The design continues the roof pitch between existing and proposed volumes, albeit that the ridge height of the proposed extension falls in a way which follows the natural contours of the site.</p> <p>The proposal is consistent with the established precinct characteristics and objectives identified in the Local Area Objectives.</p>
	<i>(ii) any topographical constraints;</i>	<p>The proposal is topographically constrained by the 11% gradient of the site, which means that the foundational walls toward the rear of the extension are more pronounced than where it abuts the existing dwelling (and more so at the top of the slope).</p> <p>This is accommodated in the design, which creates a balance of consistency with the existing volume and the need to avoid substantial foundation walls.</p>
	<i>(iii) any existing development on-site;</i>	<p>The existing dwelling on the site is smaller than those on adjoining properties, which extend deeper into the lots.</p>
	<i>(iv) development built up to the boundary should avoid the appearance of conjoined terraces or side by side town houses; and</i>	<p>The existing dwelling is built up to the south-eastern boundary, which is shared with 42 King Street. The proposed extension is setback more than 3m from the same.</p>

		Thus, as far as avoiding the appearance of conjoined terraces is possible within this proposal, it is avoided.
	(v) <i>the extent to which the variation visually impacts an immediately adjoining property identified in the Local Historic Heritage Code within its streetscape setting.</i>	<p>The properties at 40 King Street, 1 Chapman and 3 Chapman Street are all listed on the Tasmanian Heritage Register. They are not, however, listed within the Local Historic Heritage Code. As observed at Clause C6.2.3 of the Scheme, relating to the Application of the Local Historic Heritage Code, the Code does not apply to places entered on the Tasmanian Heritage Register (besides development related to significant trees).</p> <p>The property at 42 King Street is listed within the Local Historic Heritage Code, however, as a Local Heritage Place (CLA-C6.1.3), for its ability to demonstrate the principal characteristics of a single storey weatherboard Federation Queen Anne domestic building.</p> <p>As the proposed works are to be undertaken at the rear of the subject property only, the potential for visual impact within the streetscape surrounding 42 King Street is limited to what can be viewed of the rear from the frontage on King Street, and brief glimpses of the ridge line of its roof from Scott Street, which intersects King Street to the north of the dwelling at No 40.</p> <p>When viewed from the frontage on King Street, the dwellings at 40A and 42 King Street are separated by an existing boundary wall for the length of the existing dwelling at 40A King Street.</p>

		<p>Immediately beyond that, on the side of 42 King Street, a 6m wide concrete driveway separates the existing dwelling at 42 King Street and the boundary wall shared with 40A King Street. (The concrete drive is more of a demonstration of modern approaches to stormwater drainage than Federation Queen Anne style.)</p> <p>Beyond that boundary wall, the height and volume of the extension recede from the shared boundary to the point that the proposed would be scarcely visible when viewed from anywhere along King Street.</p> <p>Considering the existing visual separation between the two dwellings and the relative unobtrusiveness of the proposed extension, it must be assumed that any visual impact on the adjoining property at 42 King Street will be minimal-to-negligible – and will certainly not impact its ability to demonstrate the principal characteristics of a single storey weatherboard Federation Queen Anne domestic building.</p> <p>Although the dwelling at 42 King Street is visible from the streetscape along Scott Street, the distance from this vantage point is substantial enough that this visibility is limited to glimpses of a chimney at the rear and its roofline, which are not impacted in any meaningful way by the proposal, as its main bulk and volume align with that of the dwelling at 40 King Street.</p>
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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. Siting and Scale of Dwelling

Representors were concerned that the proposed extension was too high – both in terms of the ridge line of the roof and the height of the walls. They expressed concern that these would lead to an unreasonable loss of amenity for adjoining properties due to the following:

- reduced exposure to sunlight;
- overshadowing of private open space;
- loss of privacy; and
- visual impacts (reduced outlook from windows directly opposite proposed extension).

Comment

Each of these listed concerns are addressed individually in the assessment above. More broadly, they are symptoms of a building proposal which representors believe to be too high. The part of the building height stemming from the pitch of the roof is a result of the designer's endeavour to continue the pitch of the existing dwelling, thereby minimising visual impacts of the proposal from the frontage. A shallower pitch would reduce the height but would establish an inconsistency with the shape of the existing gable. The part of the building height relating to the wall stems from practical necessity in construction and an endeavour to avoid benching into the site – again, continuing the pattern established with the existing dwelling.

Importantly, the proposal is assessed as complying with the applicable standards relating to overshadowing, loss of privacy and visual impact.

5.2. Loss of Heritage Value

Representors were concerned that the choice of material and the visual prominence of the proposed extension, when viewed from Scott Street (to the north of the proposal), will visually impact the heritage value of adjoining buildings (at 40 and 42 King Street) listed on the Tasmanian Heritage Register.

Comment

As the adjoining properties at 40 King Street, 1 Chapman and 3 Chapman Street are not identified in the Local Historic Heritage Code, there is no scope to consider those within the context of the applicable standards within the Scheme. The potential extent of visual impact on the streetscape settings of 42 King is deemed minimal-to-negligible, as described in the assessment above.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

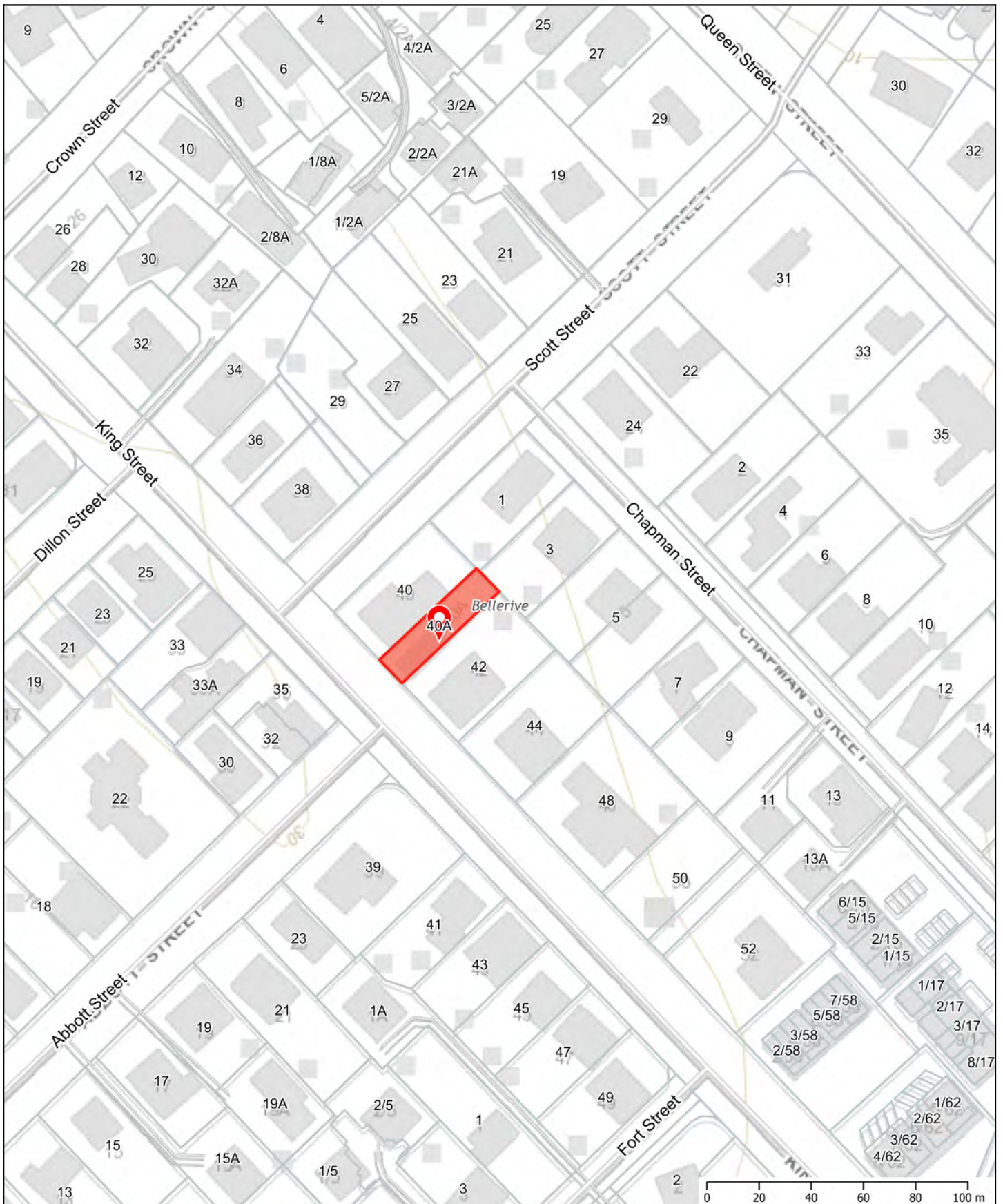
The proposal is recommended for approval because it complies with all applicable standards within the Scheme.

Attachments: 1. Location Plan (1)
2. Proposal Plan (9)
3. Site Photos (2)

Daniel Marr
HEAD OF CITY PLANNING

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

Location Plan - 40a King Street, Bellerive



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

24/01/2024

1:2000

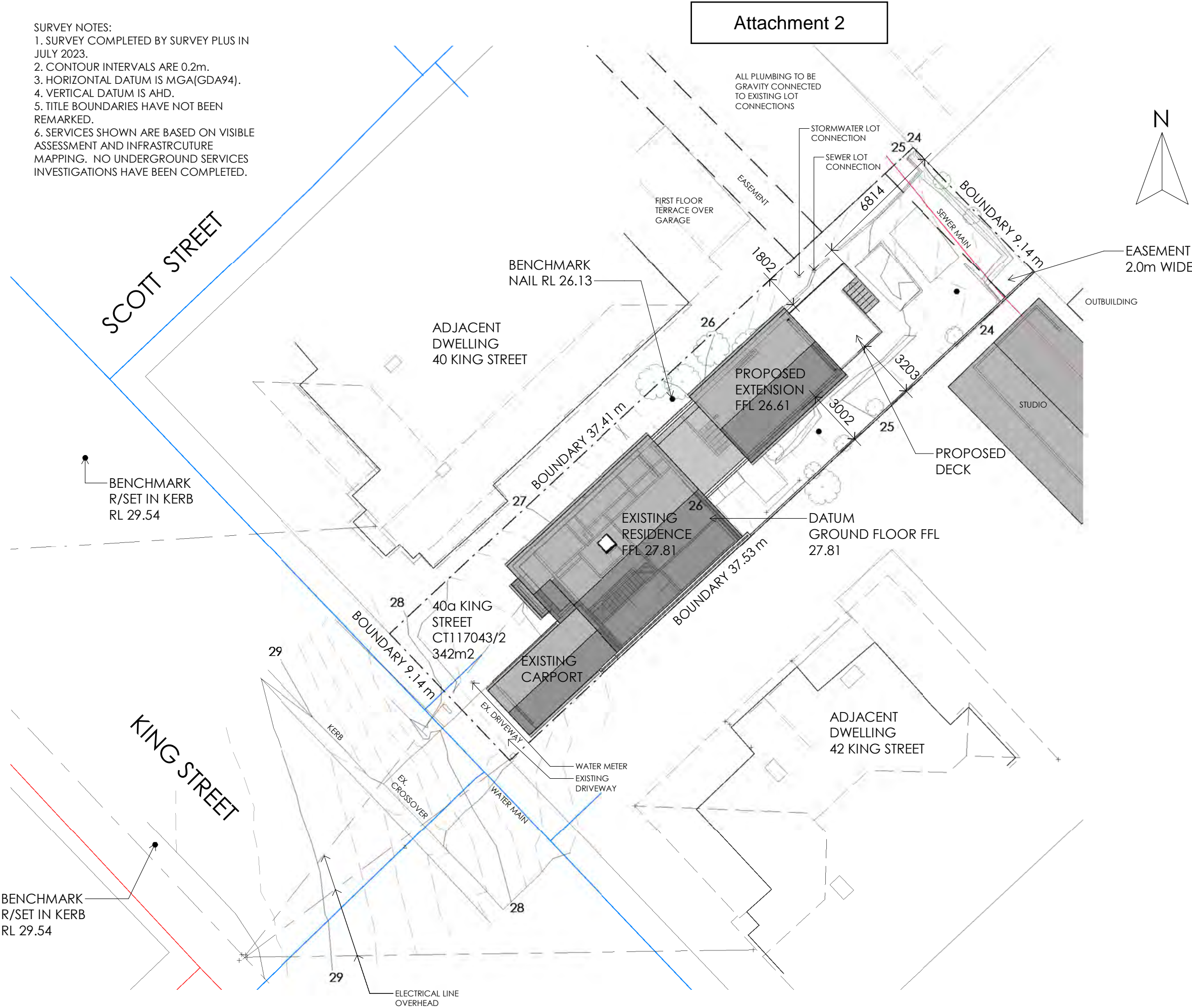


SURVEY NOTES:
1. SURVEY COMPLETED BY SURVEY PLUS IN JULY 2023.
2. CONTOUR INTERVALS ARE 0.2m.
3. HORIZONTAL DATUM IS MGA(GDA94).
4. VERTICAL DATUM IS AHD.
5. TITLE BOUNDARIES HAVE NOT BEEN REMARKED.
6. SERVICES SHOWN ARE BASED ON VISIBLE ASSESSMENT AND INFRASTRUCTURE MAPPING. NO UNDERGROUND SERVICES INVESTIGATIONS HAVE BEEN COMPLETED.

Attachment 2



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Alycia Mcconalogue CC6943
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E: info@libd.com.au
www.libd.com.au



SITE PLAN

1 : 200

THIS DRAWING IS TO READ IN COLOUR.

PLANNING DRAWINGS

ALTERATIONS +
ADDITIONS TO DWELLING
40A KING STREET,
BELLERIVE

FOR:
G. SIVARAJAH

Date:
05.12.2023

Project no/ Drawing no: Revision:
LI23011 -01 04

DRAWING KEY

B/BAR	BREAKFAST BAR
COL	COLUMN
CPD	CUPBOARD
C/T	COOKTOP
D/W	DISHWASHER
DP	DOWNPIPE
FG	FIXED GLASS
FW	FLOOR WASTE
GS	GLASS SCREEN
REF	REFRIGERATOR SPACE
R/H	RANGE HOOD
RWH	RAIN WATER HEAD
S	SINK
S/D	SLIDING DOOR
SHR	SHOWER
S/L	SIDELIGHT
TR	TROUGH
VAN	VANITY
WC	WATER CLOSET
W/M	WASHING MACHINE

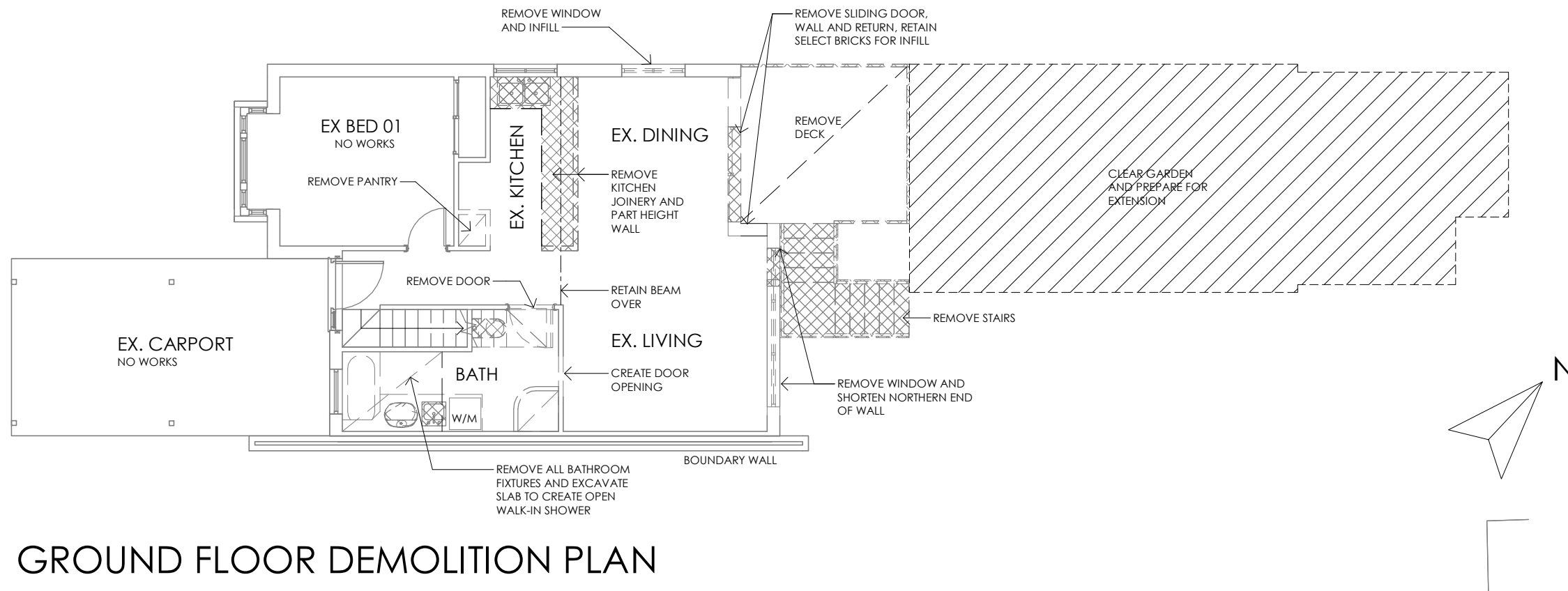
PLANNING DRAWINGS

ALTERATIONS + ADDITIONS TO DWELLING 40A KING STREET, BELLERIVE

FOR:
G. SIVARAJAH

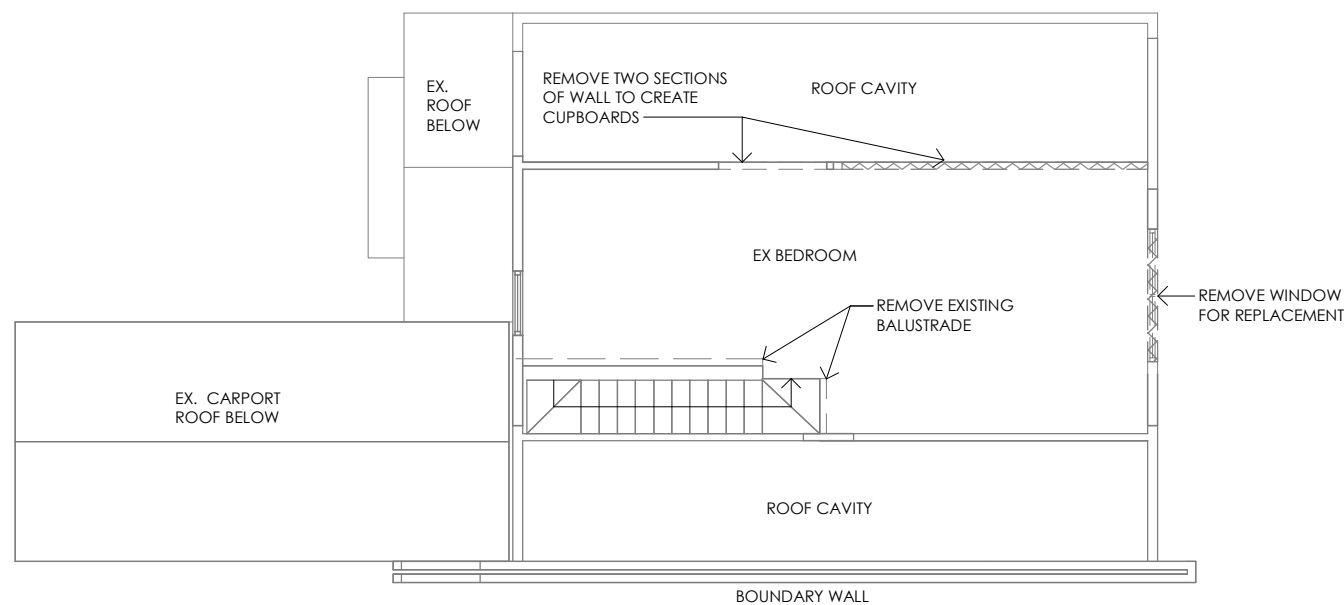
Date:
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Project no/ Drawing no: Revision:
LI23011 -02 04



GROUND FLOOR DEMOLITION PLAN

1 : 100



FIRST FLOOR PLAN DEMOLITION PLAN

1 : 100

DEMOLITION NOTES:

1. INVESTIGATION INTO PRESENCE OF ASBESTOS IS THE RESPONSIBILITY OF THE BUILDER.
2. BEFORE DEMOLITION DISCONNECT ELECTRICITY AND CAP ALL PLUMBING.
3. BUILDER TO PROP WHERE REQUIRED. CONTACT ENGINEER IF UNSURE IF PROPPING IS REQUIRED.
4. CARE IS TO BE TAKEN TO ENSURE NO DEBRIS ENTERS PLUMBING LINES. INSTALL SEDIMENT CONTROL MEASURES UPSLOPE OF CONNECTIONS WHERE REQUIRED.
5. ANY VARIATION TO OR DEGRADATION OF THE EXISTING STRUCTURE IS TO BE REPORTED TO THE ENGINEER.
6. ALL DEMOLISHED MATERIALS ARE TO BE APPROPRIATELY CONTAINED ON SITE AND DISPOSED OF BY THE BUILDER VIA APPROVED METHODS.

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DRAWING KEY

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COL	COLUMN
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C/T	COOKTOP
D/W	DISHWASHER
DP	DOWNPIPE
FG	FIXED GLASS
FW	FLOOR WASTE
GS	GLASS SCREEN
REF	REFRIGERATOR SPACE
R/H	RANGE HOOD
RWH	RAIN WATER HEAD
S	SINK
S/D	SLIDING DOOR
SHR	SHOWER
S/L	SIDELIGHT
TR	TROUGH
VAN	VANITY
WC	WATER CLOSET
W/M	WASHING MACHINE

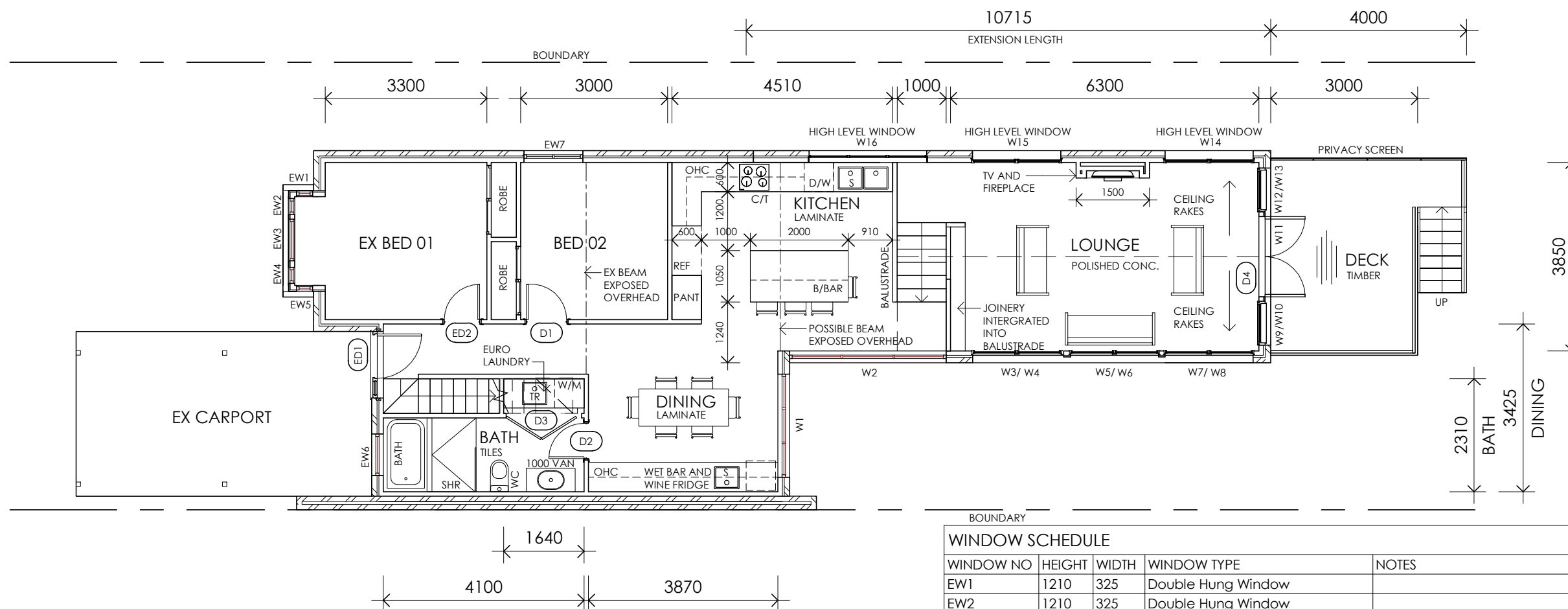
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05.12.2023

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GROUND FLOOR PLAN

1 : 100

EX. GROUND FLOOR AREA	64.50	m2
ADDITIONALGROUND FLOOR AREA	44.79	m2
DECK AREA	13.57	m2
EXISTING FIRST FLOOR AREA	31.39	m2
EXISTING CARPORT AREA	20.85	m2
TOTAL AREA	175.10	

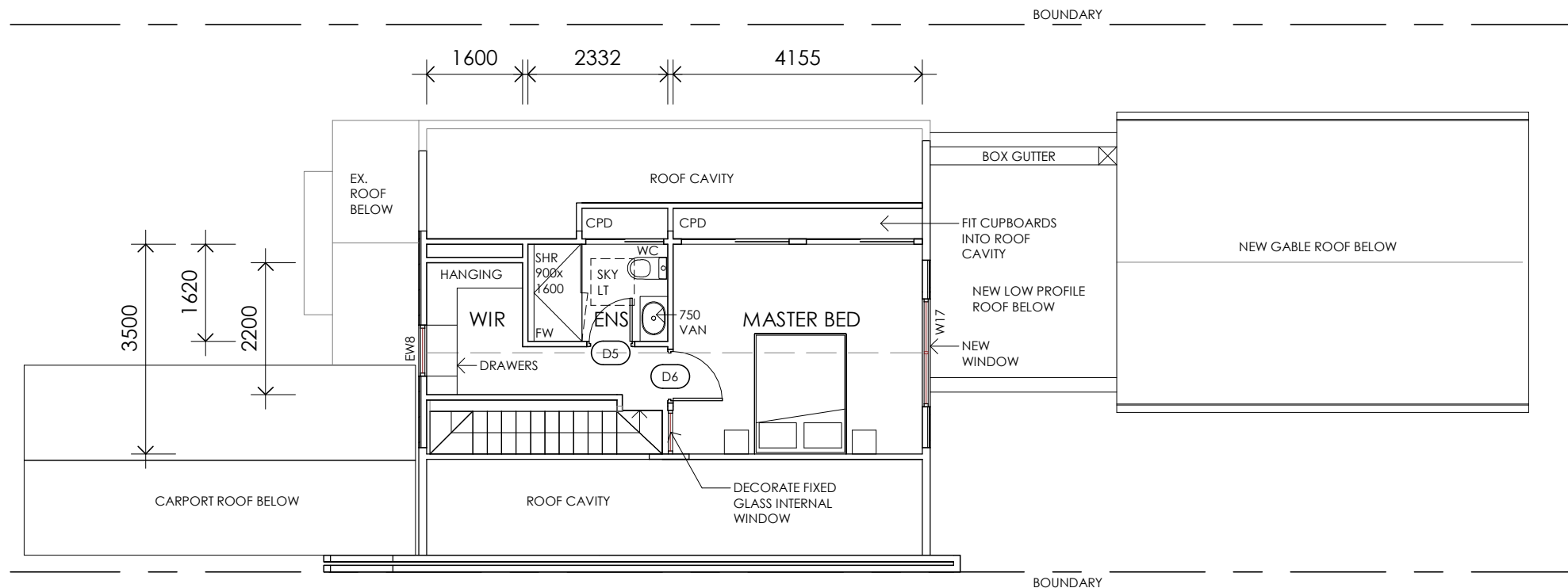
DOOR SCHEDULE			
DOOR NO	WIDTH	DOOR TYPE	NOTES
D1	820	INTERNAL DOOR	
D2	720	INTERNAL DOOR	
D3	1540	JOINERY DOOR	
D4	1640	ALUMINIUM FRAMED FRENCH DOOR	
D5	720	INTERNAL DOOR	
D6	820	INTERNAL DOOR	
ED1	1360	FRONT DOOR WITH SIDELIGHT	
ED2	720	INTERNAL DOOR	

WINDOW SCHEDULE				
WINDOW NO	HEIGHT	WIDTH	WINDOW TYPE	NOTES
EW1	1210	325	Double Hung Window	
EW2	1210	325	Double Hung Window	
EW3	1200	850	Double Hung Window	
EW4	1210	325	Double Hung Window	
EW5	1210	325	Double Hung Window	
EW6	1200	850	Double Hung Window	
EW7	990	1200	Casement Window	EXISTING WINDOW IS RETAINED AND UNCHANGED
EW8	1195	850	Double Hung Window	
W1	1500	2105	Aluminium Framed Double Hung Window	
W2	1500	3195	Aluminium Framed Double Hung Window	
W3	2400	1855	Residential Double-Hung Window	BOTTOM PANEL FIXED
W4	600	1800	Aluminium Framed Fixed Window	
W5	2400	1800	Residential Double-Hung Window	BOTTOM PANEL FIXED
W6	600	1800	Aluminium Framed Fixed Window	
W7	2400	1800	Residential Double-Hung Window	BOTTOM PANEL FIXED
W8	600	1800	Aluminium Framed Fixed Window	
W9	2400	895	Aluminium Framed Fixed Window	
W10	990	1200	Casement Window	
W10	1760	895	Essential Direct Glaze Polygon P4	RAKING HEAD
W11	1500	3010	Double Hung Window	
W11	1600	1640	Aluminium Framed Fixed Window	RAKING HEAD
W12	990	1750	Casement Window	
W12	2400	895	Aluminium Framed Fixed Window	
W13	1760	895	Essential Direct Glaze Polygon P4	
W14	600	1800	Aluminium Framed Fixed Window	
W15	600	1800	Aluminium Framed Fixed Window	
W16	600	2400	Residential Fixed Window	OBSURE GLASS
W17	1500	1800	Double Hung Window	WITH RAKING HIGHLIGHT

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DRAWING KEY

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S	SINK
S/D	SLIDING DOOR
SHR	SHOWER
S/L	SIDELIGHT
TR	TROUGH
VAN	VANITY
WC	WATER CLOSET
W/M	WASHING MACHINE



FIRST FLOOR PLAN

1 : 100

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WINDOW SCHEDULE				
WINDOW NO	HEIGHT	WIDTH	WINDOW TYPE	NOTES
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EW4	1210	325	Double Hung Window	
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W9	2400	895	Aluminium Framed Fixed Window	
W10	990	1200	Casement Window	
W10	1760	895	Essential Direct Glaze Polygon P4	RAKING HEAD
W11	1500	3010	Double Hung Window	
W11	1600	1640	Aluminium Framed Fixed Window	RAKING HEAD
W12	990	1750	Casement Window	
W12	2400	895	Aluminium Framed Fixed Window	
W13	1760	895	Essential Direct Glaze Polygon P4	
W14	600	1800	Aluminium Framed Fixed Window	
W15	600	1800	Aluminium Framed Fixed Window	
W16	600	2400	Residential Fixed Window	OBSCURE GLASS
W17	1500	1800	Double Hung Window	WITH RAKING HIGHLIGHT

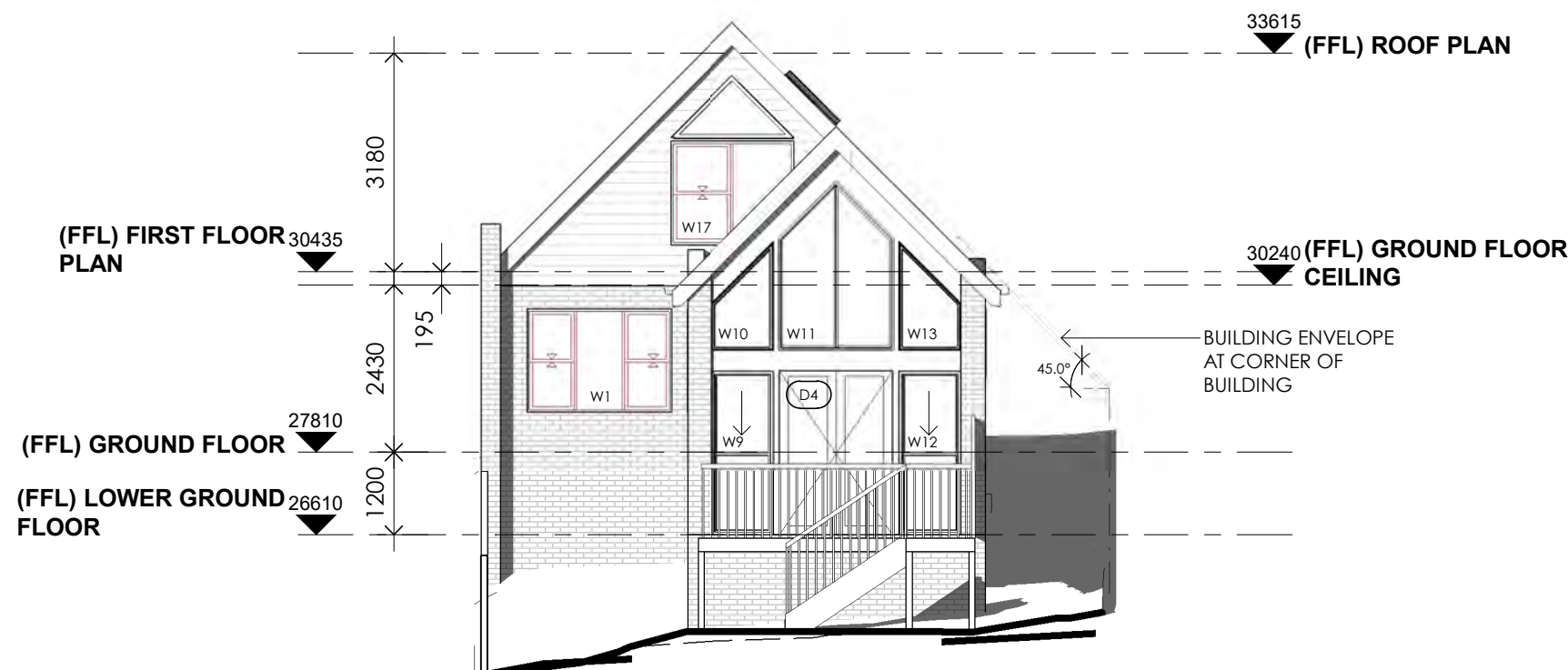
PLANNING DRAWINGS

ALTERATIONS +
ADDITIONS TO DWELLING
40A KING STREET,
BELLERIVE

FOR:
G. SIVARAJAH

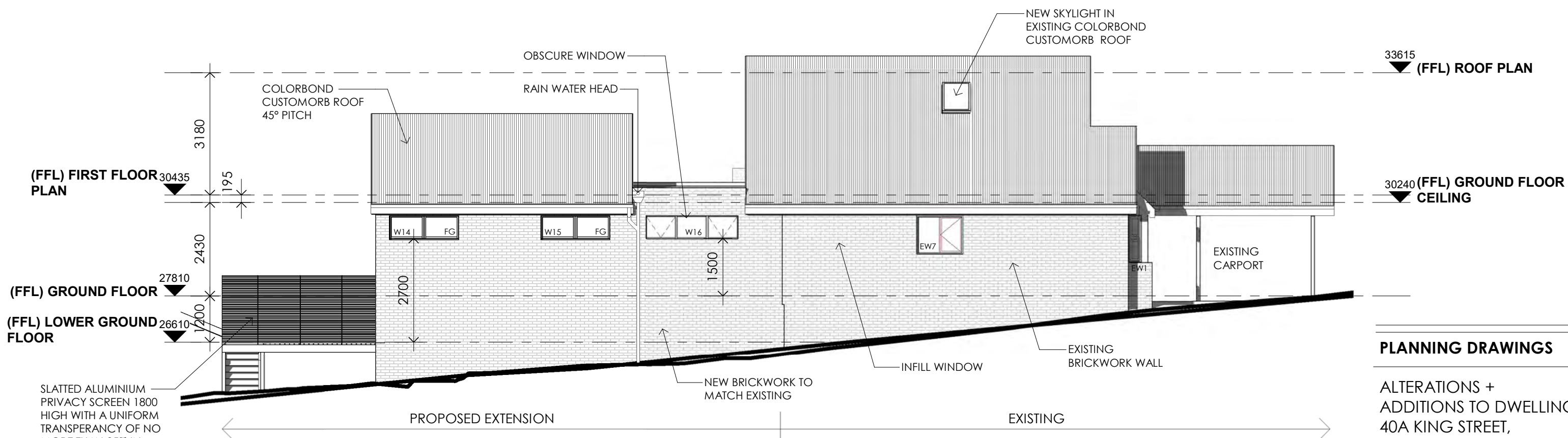
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NORTH-EASTERN ELEVATION

1 : 100



NORTH-WESTERN ELEVATION

1 : 100

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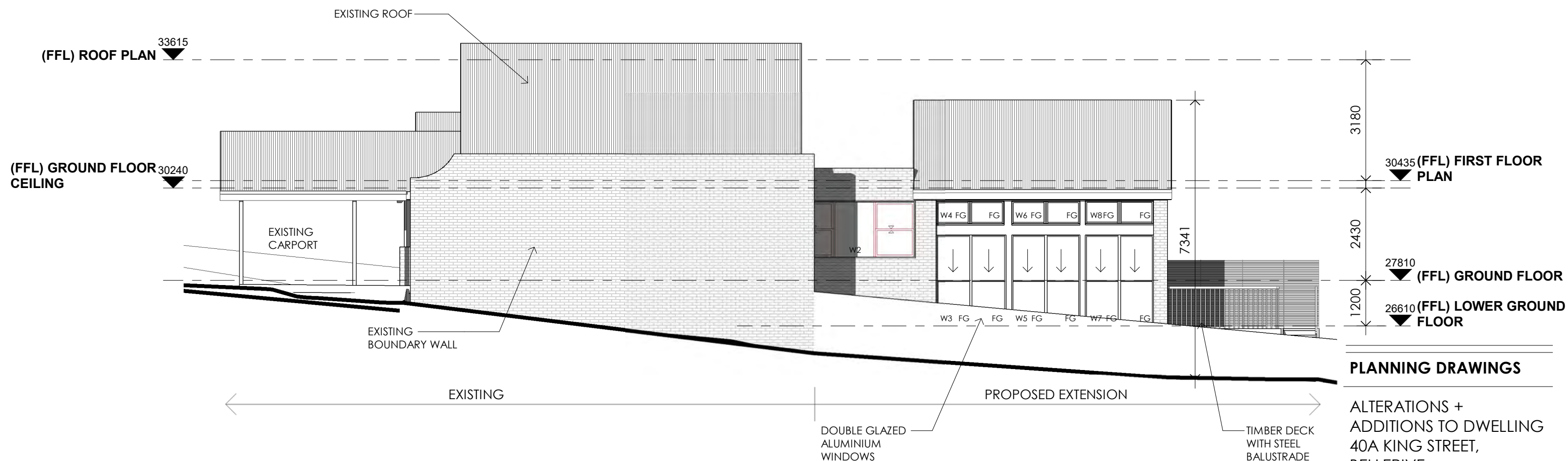
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LI23011 -06 04



SOUTH-WESTERN ELEVATION (KING STREET)

1 : 100

NOTE: STREET ELEVATION IS UNCHANGED



SOUTH-EASTERN ELEVATION

1 : 100

PLANNING DRAWINGS

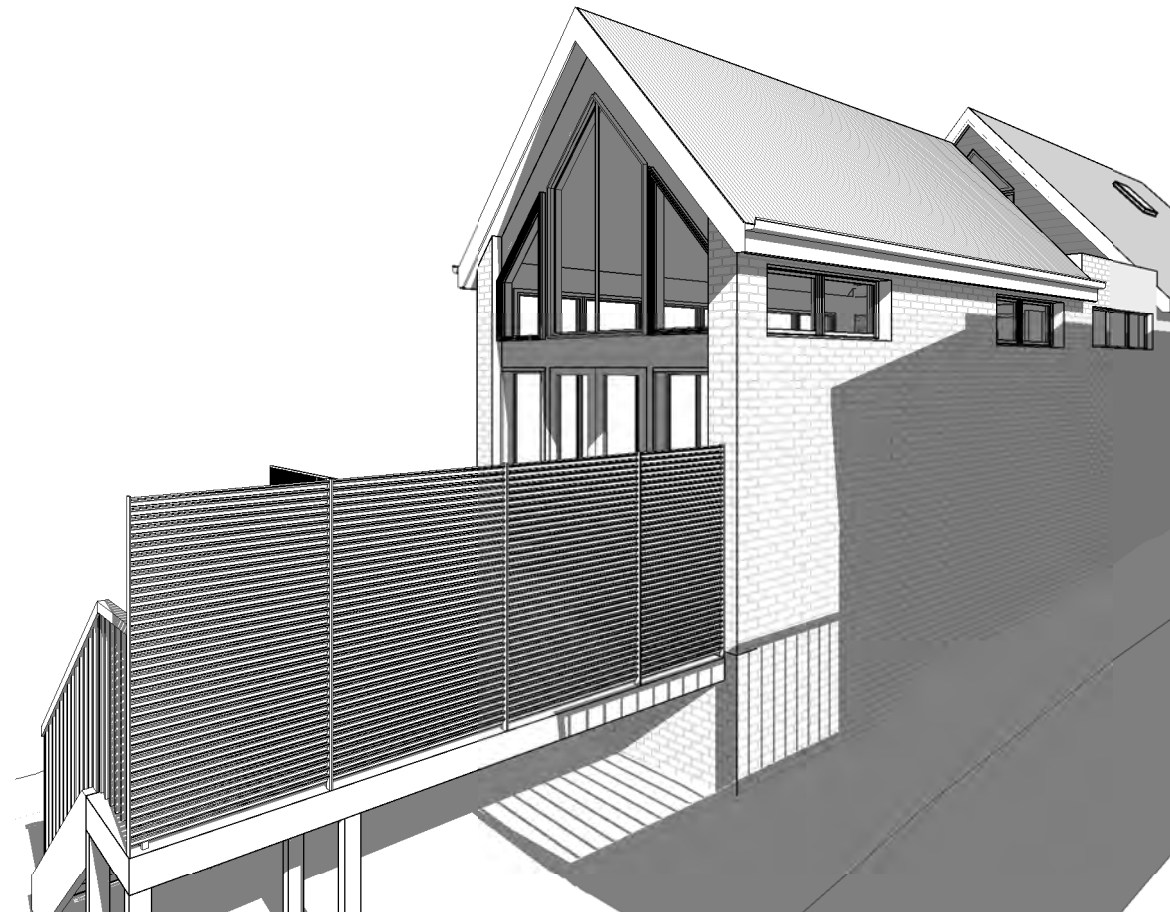
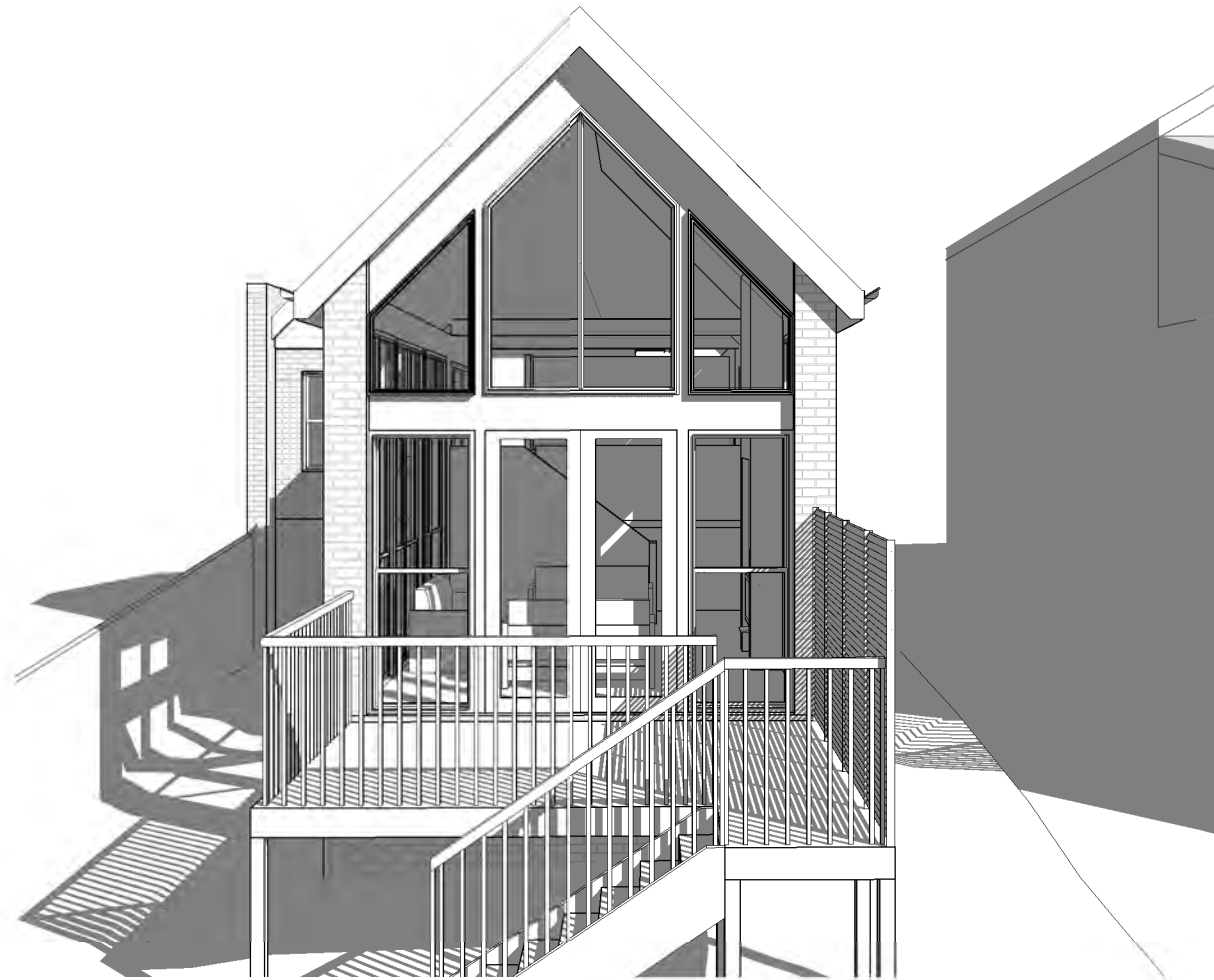
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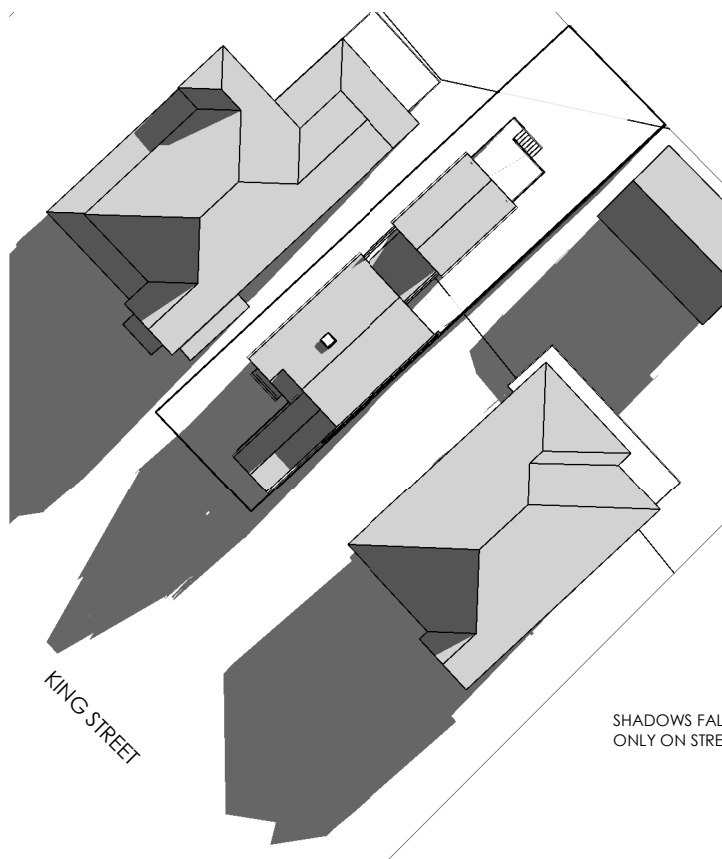
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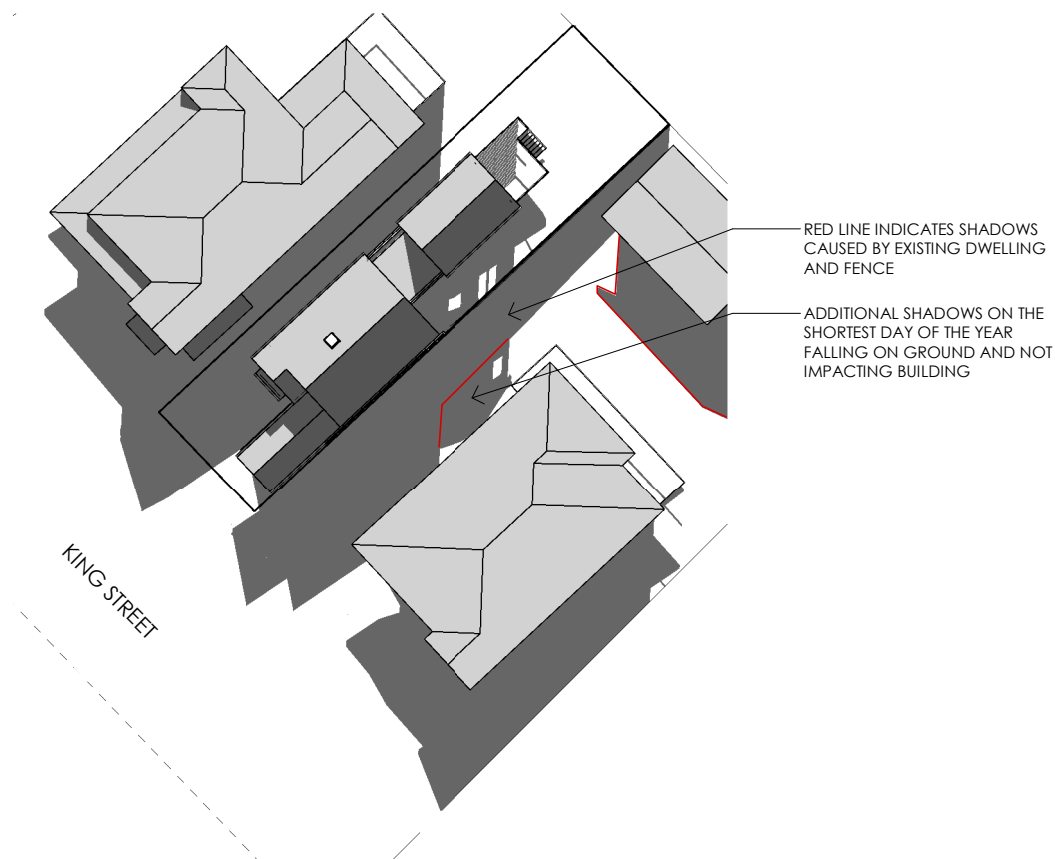
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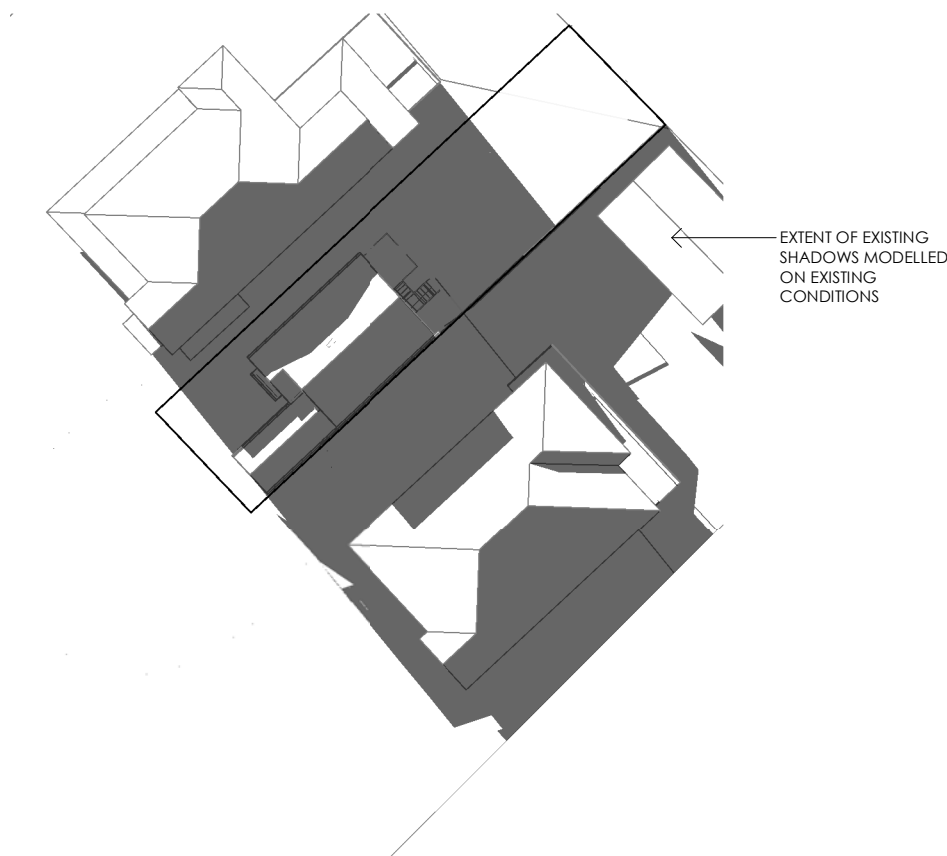
SUN SHADOWS 9AM JUNE 21ST (PROPOSED)

1 : 500



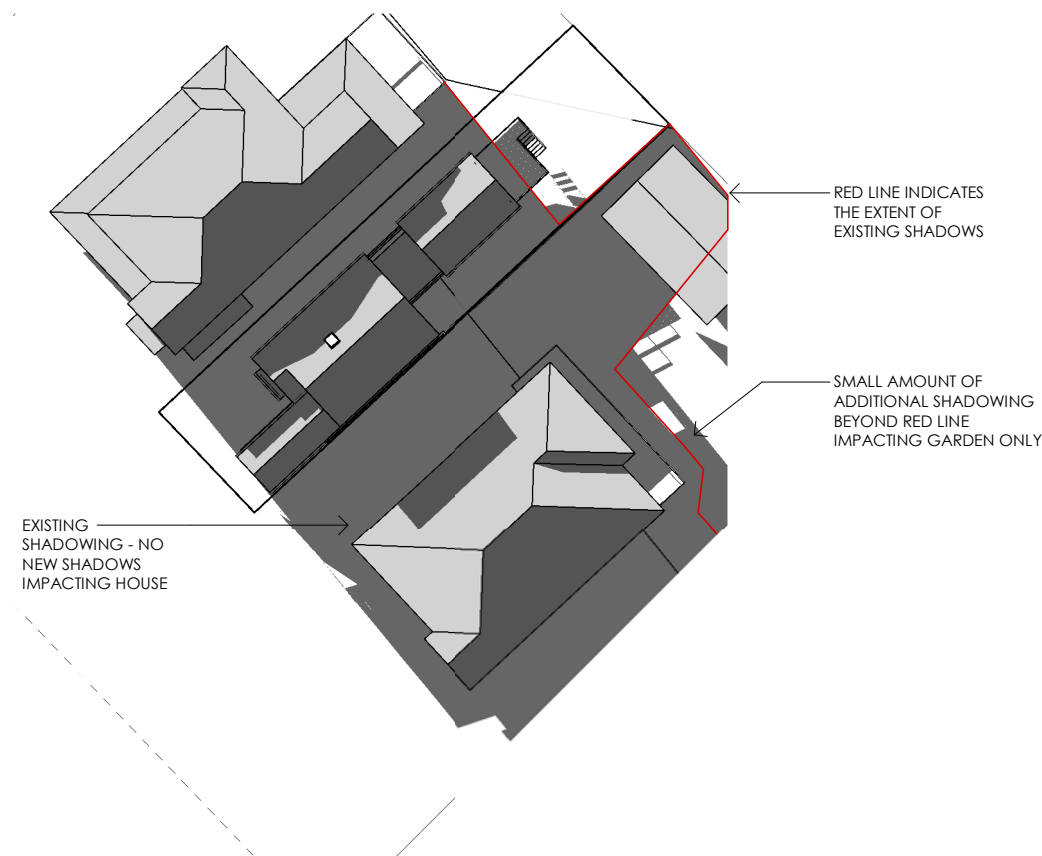
SUN SHADOWS 12 NOON JUNE 21ST (PROPOSED)

1 : 500



SUN SHADOWS 3PM JUNE 21ST (EXISTING)

1 : 500



SUN SHADOWS 3PM JUNE 21ST (PROPOSED)

1 : 500

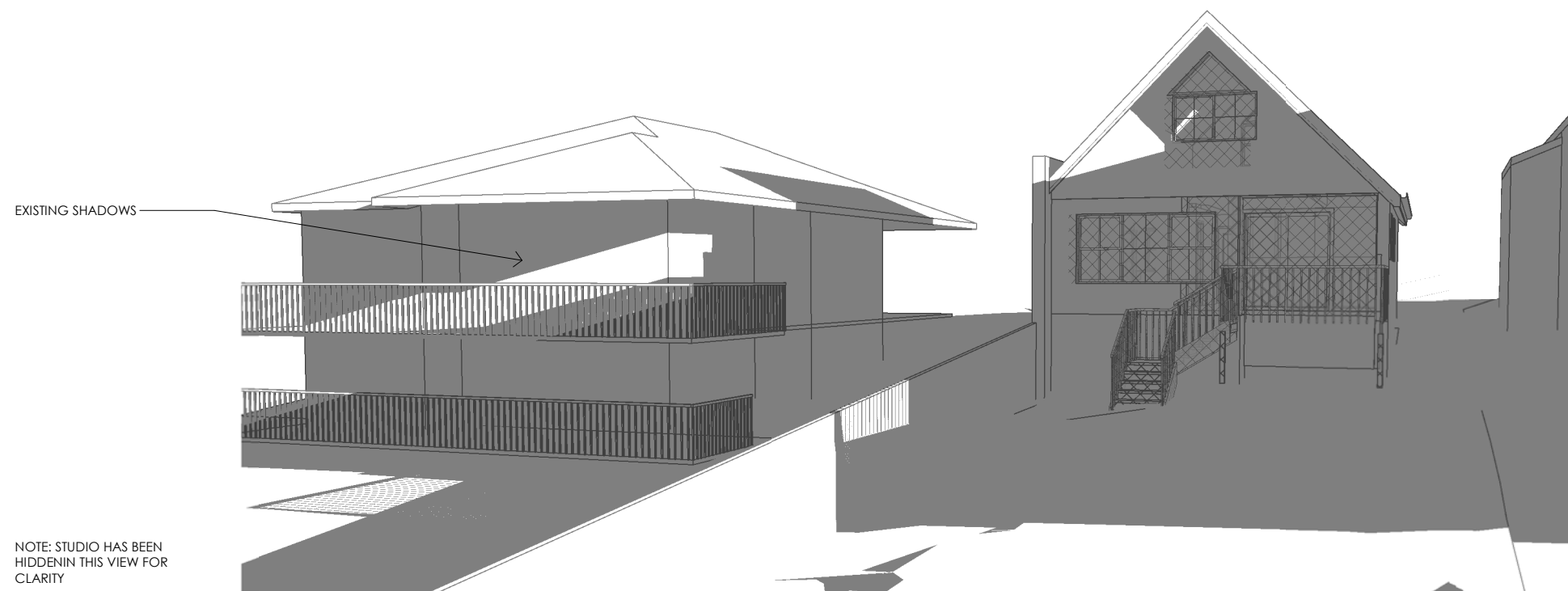
PLANNING DRAWINGS

ALTERATIONS +
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40A KING STREET,
BELLERIVE

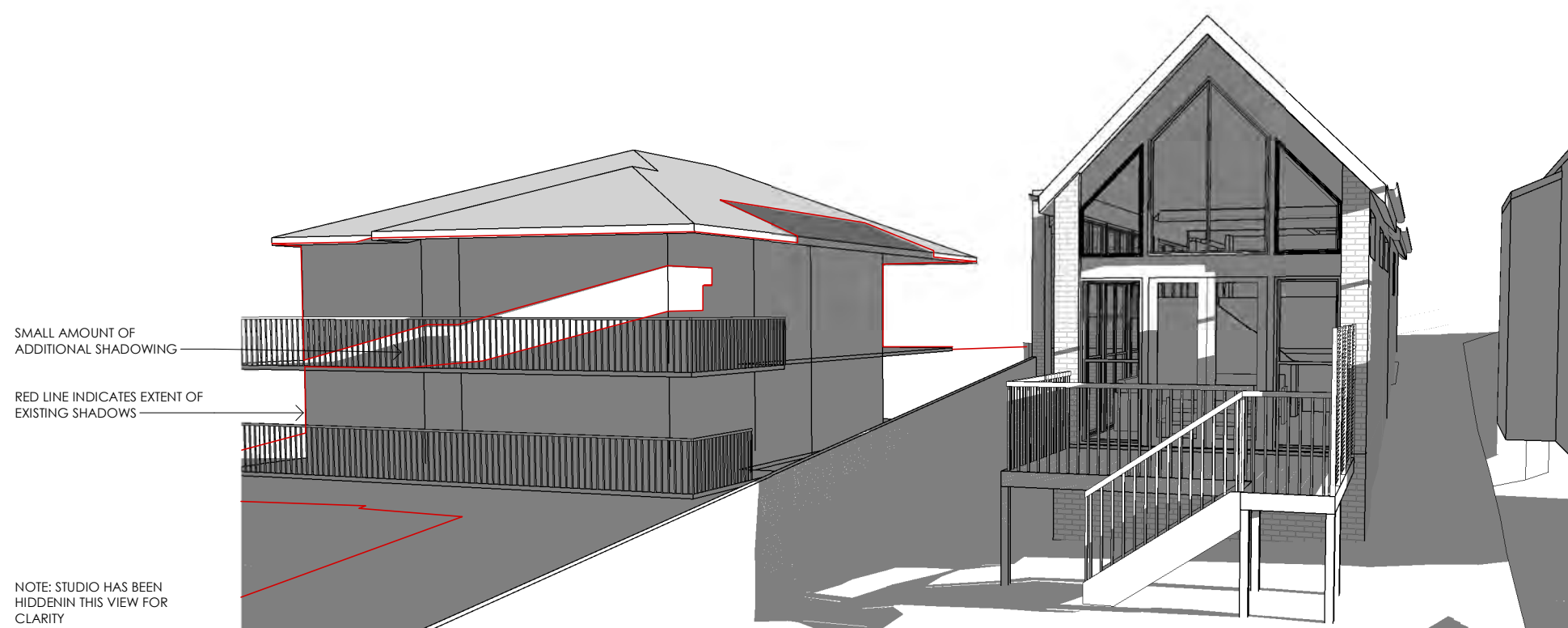
FOR:
G. SIVARAJAH

Date:
05.12.2023

Project no/ Drawing no: Revision:
LI23011 -09 04



SUN SHADOW JUNE 21ST 3PM (EXISTING)



SUN SHADOW JUNE 21ST 3PM (PROPOSED)

PLANNING DRAWINGS

ALTERATIONS +
ADDITIONS TO DWELLING
40A KING STREET,
BELLERIVE

FOR:
G. SIVARAJAH

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05.12.2023

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LI23011 -10 04



Figure 1. Showing the separation between the dwellings at 40a King Street and 42 King Street.



Figure 2. Showing the boundary wall separating the dwellings at 40a King Street and 42 King Street.



Figure 3. Showing the rear of the existing dwellings, 40-42 King Street, viewed from Scott Street.

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**9.1 NOTICE OF MOTION – COUNCILLOR WALKER
AFL HIGH PERFORMANCE CENTRE - PRECINCT PLANNING PROCESS**

In accordance with Notice given, Councillor Walker intends to move the following Motion:

- “A. That Council, as a part of the precinct planning process (however named) associated with the AFL High Performance Centre, authorises the CEO to:
- identify potential options for new off lead / effective control areas for dog walkers in order to offset potential losses associated with the development of the AFL High Performance Centre (HPC) in Rosny Park.
 - include a review of rules around beach access for dogs as part of the process; and
 - provide advice regarding options and recommendations to Council at a workshop at an appropriate time.
- B. That the Clarence Dog Owners Group (CDOGS) and Hobart Dog Walking Association are recognised as stakeholders in the AFL High Performance Centre precinct planning process.”

EXPLANATORY NOTES

1. On 11 December 2023 meeting of Council, The CEO was authorised to submit a proposal to Department of State Growth (DSG) for an AFL High Performance Centre located in Charles Hand Park and the Rosny Parklands. This was subsequently accepted by DSG as their preferred proposal.
2. Access to off lead areas for dog walkers is already limited in Clarence in proportion to the number of registered dogs in the Municipality. Charles Hand Park will no longer be available for off lead dog walking once construction of AFL facilities commences.
3. Council undertakes a 5 yearly review process of the Dog Management Act, which was last done in 2021. An out of cycle consideration of access to off lead areas is warranted given the foreshadowed loss of Charles Hand Park for dog walkers and two year wait till the next review.

4. The High Performance Centre precinct planning phase is anticipated to take 6-12 months providing a good window of time to identify and consider alternative off lead areas.

J Walker
COUNCILLOR

CHIEF EXECUTIVE OFFICER'S COMMENT
A matter for Council.

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).

Nil

10.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Cr Kennedy

With regard to communications, we have an overwhelming amount of younger people in the community that have wanted to have their say on the High Performance Centre in a positive way and their mechanism is through social media. Is there an easier way forward to get the message out to the broader people of Clarence because there is an overwhelming amount of youth that aren't apparently being heard. I would like to have some advice on the best way, is it to have them in for a deputation, do we ask them all to come in like we have seen tonight, what would be the best way?

ANSWER

(Head of Strategic Development, Communication and Engagement) We do have campaigns through social media, but I will take that on notice and consider further.

(Further information) Continuing to improve how we hear from young people is so important and an ongoing focus across our engagements. One finding so far is that there isn't one way or one best way of communicating with and hearing from young people. We consider project by project how we can reach people eight to eighty and try to then do this in a time and cost-effective way. Every project is different; therefore, each consultation needs to be tailored to suit the needs of the community we are trying to engage with.

We know from the recent Living in Clarence Survey results that younger people prefer online to hear about engagement and to contribute. For all age groups a survey was the preferred way of sharing feedback (favoured by 70% of Respondents). The core challenge is how to get the word out for people to complete our surveys. We have been trying different things and being in places where young people are is a critical element.

Across all our engagements, we use a multi-media channel approach – social and legacy media, radio (commercial and non-commercial) and our web platforms, as well as other activities, such as establishing pop-ups at youth focused community events to reach the young people in our communities, holding focus groups with our youth to hear their views on important matters, and undertaking a specific youth needs analysis to deep-dive into the key drivers and needs of our youth in the city. We monitor the ages of contributions and are finding that consultations involving parks and outdoors are of most interest and get the highest proportions of young people. Our findings inform our future engagement activities.

Cr Warren

1. Last year I asked about the tree strategy which I understand was on hold at that time. Could I have an update on that please, given that we are planning to cut down a significant number of mature trees in the area and I would like to know what plans we have for replacing those and increasing our tree canopy?

ANSWER

Taken on notice.

(Further information) Council commenced the Seven Mile Beach Tree Strategy last year with consultants Inspiring Place. This project was prioritised first due to the drafting of the Local Area Plan and Stormwater Plan. The Seven Mile Beach work has helped inform the scope for our Urban Tree Strategy. The first phase in development of the strategy is to undertake a canopy cover assessment.

This will be a priority of the new Team Leader Environment and Biodiversity, which has just been recently advertised. It is anticipated the strategy will have recommendations regarding offsetting.

In addition, as part of the ongoing discussions with the state government in relation to the proposed AFL High Performance Centre, an offset plan will be required to replace the trees requiring removal.

2. Earlier in the meeting you as Mayor tabled a communication regarding the AFL Centre. Will you also be tabling the significant number of negative letters we have received on the topic?

ANSWER

(Mayor) Referring to our meeting procedures, the Mayor or Chairperson may make any communication to Council that the Mayor or Chairperson considers necessary. I made that call; that is my prerogative, so the answer is clearly, no.

Cr Darko

Following on from Cr Warren's question I was contacted today by a resident concerned with the removal of trees on Natone Hill. They said that what appeared to be completely healthy wattles were being chopped down along the track and they asked how this is assessed as being a fire danger when they did appear completely healthy, and I wonder whether alternatives to tree removal were considered and how might we avoid removing trees more often in future?

ANSWER

(Head of Infrastructure and Natural Assets) I will take that on notice because there would have been specific reasons for those tree removals, so I will obtain the details and provide them to Council.

(Further information) Councillors previously received a briefing report advising that these saplings and undergrowth were removed as part of an approved hazard management plan for Natone Hill. Council is required to undertake these works from a risk mitigation point of view to protect neighbouring properties from the risk of bushfire.

Cr Goyne

1. I have put in an elected member request regarding this, I have been speaking to the resident of 62 Bastick Street regarding an easement adjacent to the property. They have been in communication with Council many times over the years. They are quite concerned due to their age and ill health and would like it tidied up for the Will. I was hoping to have an update on my elected member request of 5 December as to what the progress is on the selling and/or allocation of the easement adjacent to 62 Bastick Street?

ANSWER

Taken on notice.

(Further information) The Elected Member Request has now been responded to. To clarify, the area of land the resident is referring to is not an easement and forms part of the road reservation. The resident has been previously advised that it is not possible for Council to sell part of the road reservation to them. Council's Open Space team are in contact with the resident's son to discuss maintenance of the nature strip and to reduce sight distance issues for vehicles exiting Seabird Lane.

2. My question is regarding the collection of hard waste. I have had a lot of contact since Christmas in regard to people just realising that we are not hosting the collection this year. Was the hard waste itemised on our rates or is it just something that is considered to be a service provided, or is it something that was paid for by residents and not provided? Do we have an update on our plans going forward? I know that we looked into options for a booking service for certain residents and other options.

ANSWER

(Chief Executive Officer) In terms of the funding it does not appear on the rates as a separate item. It is a cost that is incurred through our operational budget so it is effectively included in the general rate, but I will confirm that for you. Any change to our current position in terms of hard waste collection will be a matter for our upcoming budget and that is an issue that we will discuss during the process.

(Further information) The previous advice that hard waste collection was included in the general rate was incorrect. The hard waste costs were previously included in the kerbside collection budget, as this service was provided to all residents that have kerbside collection. The costs for collection of Kerbside, recycling and green waste are all disclosed separately on the rates notice.

With the removal of the hard waste collection budget in 23/24, the kerbside collection budget only increased by 3% while green waste and recycling collection budgets increased by around 12.5%. If the hard waste collection had been provided again in 23/24, the kerbside collection budget would have seen an increase of 25% over the 22/23 budget.

Cr Hulme

In relation to the High Performance Centre, we have seen concept plans but the detailed design has not been done yet and there is a number of things that we were looking at possibly happening. I understand that the report said that the skatepark may possibly need to be removed. It wasn't a fait-accompli but then there was an opportunity mentioned to develop some youth related activity elsewhere. There is consideration of how it is going to affect the tennis club there is also how it will affect the design of the other areas of the parkland which are not covered by the centre and in relation to the City Heart Plan. I just wonder what the timeframe will be to iron out some of these details and find out what will be happening?

ANSWER

(Chief Executive Officer) I cannot give you a precise answer at this time. Since we returned from the Christmas break, we have been working on what we consider to be key terms from a Council perspective for the Heads of Agreement. I have a preliminary meeting with the Department of State Growth on Thursday in regard to that and those are the sort of issues that we will be fleshing out in terms of not only design but key stakeholders, how those processes will be managed and who will be responsible for those. I hope to be able to provide an update in the next couple of weeks.

Cr Hunter

On behalf of some residents of Howrah and Tranmere is there a possibility that Council will investigate erecting a fence around the play equipment at Carella Park?

ANSWER

Taken on notice.

(Further information) As outlined in the Weekly Briefing Report of 15 January 2024, the play equipment at the northern end of Carella Park will be due for renewal within the next five years. Prior to renewal a master plan will be developed for the park, and any fencing will be considered during development of that master plan.

Cr Mulder

1. Mr Mayor my question relates to communication that you have had with Dr Ian Sale of Opossum Bay regarding Spitfarm Road. The content of that correspondence was that Spitfarm Road, although it is deplorable and totally unfit or safe, is something that Council cannot be spending money on and also you have ruled out the alternative of connecting through a bypass through Bodega Court to service the golf course which goes through private property. Unfortunately, as you point out, that subdivision that was long planned for the area cannot go ahead due to the fact that it falls outside the urban growth boundary.

Why can we be so keen to switch the urban growth boundary when it suits the Skylands development, but we are not entertaining the prospect of moving the urban growth boundary to allow for suitable development in Opossum Bay when it is eminently suited to it? My question is why can't we support a movement of the urban growth boundary or construct the road anyway?

ANSWER

(Mayor) As you may be aware from discussions with Mr Sale I have a great deal of sympathy for his position. I think we all have, and I think you have raised some very good points. I am sure that we all agree that we would like to see a solution sooner rather than later because that part of our city is just going to take off, particularly when Arm End becomes operational and also when the water goes through. There is a lot of sympathy there from my perspective, I expressed that in my response to Mr Sale and in my several conversations with him over recent months.

The Chief Executive Officer took the question on notice.

(Further information) The Urban Growth Boundary (UGB) in Clarence is a construct of the Southern Tasmanian Regional Land Use Strategy (STRLUS). STRLUS plays a significant part in the consideration of any amendment to the Local Provisions Schedule of a planning scheme, in that it must be consistent with the relevant regional land use strategy. Section 19.6 - Greater Hobart Residential Strategy of STRLUS specifically restricts residential growth to primarily within the UGB, identifies a 50/50 greenfield to infill ratio and identifies density provisions. Furthermore, STRLUS identifies that, to ensure an orderly release of land within the UGB, it should generally be planned through a Structure Plan process prior to a rezoning process. One of the key aspects of the structure plan process is the consideration of infrastructure provision and sequencing to these areas. This is supported through the specific Regional Policy SRD2 under Section 19.7 of STRLUS which articulates these provisions.

For Council to consider amendments to the planning scheme for areas which are isolated residential pockets and are unlikely to have timely, sequential, and efficient service provisions, changes to the UGB would be required, which requires Ministerial consent.

Accordingly, rezoning for residential growth outside these constraints in Clarence is unlikely to be supported through the Tasmanian Planning Commission as it clearly does not meet the legislative criteria. The Clarence City Council Strategic Plan 2021–2031 already identifies key strategic projects and initiatives which will assist in the development of future housing stock. It is considered that the primary focus of strategic planning resources should be on undertaking and achieving these projects and initiatives.

2. My question is regarding something that was alluded to before and it relates to Mayoral Communication. It is all the positive news and none of the negative news. Surely in the interest of balance Mr Mayor you should at least give us the number of letters you have had for and against rather than just flag waving the nice ones?

ANSWER

(Mayor) Again I refer to the consolidated meeting procedures, it is my prerogative. I was elected on a positive platform, and I will continue to be a positive advocate for this city and all the Council determines to do.

Cr Ritchie

My question is in relation to consultation that is being undertaken regarding a potential new youth centre in the city. I am just wondering when we may expect to see any information from the consultation, the online survey and that sort of material and when we might expect a timeline for the first flush of information to come back to councillors?

ANSWER

(Head of Community and Culture) We are expecting a draft report from the consultant shortly for us to consider with the final expected in February. As soon as that information is available, we will provide it to Councillors.

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 TENDER T1507-23 PANEL OF PROVIDERS FOR THE SUPPLY OF NATURAL ASSET MAINTENANCE SERVICES

11.3 SPORTING CLUB REQUEST

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:

- commercial information of a confidential nature that, if disclosed, is likely to prejudice the commercial position of the person who supplied it;
- contracts and tenders for the supply of goods and services; and
- applications by Councillors for a Leave of Absence.

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

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

PROCEDURAL MOTION

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