

COUNCIL MEETING
MONDAY 26 SEPTEMBER 2022

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

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

1. ACKNOWLEDGEMENT OF COUNTRY

The Mayor will:

- make the following statement:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

- recite the Council prayer; and
- advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are livestreamed, audio-visually recorded and published to Council’s website. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

2. APOLOGIES

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 5 September 2022, as circulated, be taken as read and confirmed.

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

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

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

4.4. TABLING OF PETITIONS

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

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

4.5 REPORTS FROM OUTSIDE BODIES

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

REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**
Representatives: Cr James Walker
(Cr Luke Edmunds, Deputy Representative)

Quarterly Reports

None pending.

Representative Reporting

- **TASWATER CORPORATION**
- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 5, 12 and 19 September 2022 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 5, 12 and 19 September 2022 be noted.

5. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request a Councillor or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

5.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Nil.

5.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 5 September Victor Marsh of Bellerive asked the following question.

BOTP 23 JULY FOOTBALL MATCH**BACKGROUND**

On 23 July 2022, Redline buses were contracted to provide the service for the AFL game at Bellerive oval, a service usually provided by Metro. The traffic management diagram for 23 July provided to residents shows that a fenced 6.5m wide bus storage area forms part of the traffic management plan for 2022 AFL games. On 23 July the fenced bus storage area was not in place and supervisors were not in place to actively control the movement of buses and pedestrians if a bus operator accidentally hits someone in Church Street after an event and we are talking about a lot of drivers who have never experienced driving amongst large moving crowds, the sole responsibility would be on that driver because he or she are classified as professional operators.

/contd on Page 8

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

“What explanation can council’s BOTP representative give for this failure to adhere to the traffic management plan”?

ANSWER

Council officers have made enquiries with the venue operator and have not yet received a detailed response. Notwithstanding, it is clear that changes were made to the transport arrangements for the event and that those arrangements were not discussed with the BOPT group. We are seeking advice regarding the change. We will aim to have a further response for the next meeting.

5.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

6. DEPUTATIONS BY MEMBERS OF THE PUBLIC

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

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

**7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2021/021631 – 7
BUCHANAN 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 the dwelling at 7 Buchanan Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which has been extended with the consent of the applicant and expires on 28 September 2022.

CONSULTATION

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

- Privacy;
- Solar access; and
- Visual impact.

RECOMMENDATION:

A. That the Development Application for additions and alterations to the dwelling at 7 Buchanan Street, Bellerive (C1 Ref PDPLANPMTD-2021/021631) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [a reduction in the scale of the dwelling additions as per the amended plans dated 10 August 2022].
3. Prior to the issue of any building consent or building permit (including demolition) and/or plumbing permit pursuant to the *Building Act 2016* (whichever occurs first), certificates of title for the site Volume 106104 Folio 1 and Volume 106104 Folio 2, must be adhered in accordance with Section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the satisfaction of Council's Manager City Planning.

ADVICE

- The *Building Act 2016* and Australian Standards prescribe pool safety requirements, which must be met.
 - As building work is being carried out on the boundary, a Form 6 Protection Works Notice may be required. Please consult your Building Surveyor to advise if necessary.
 - All plumbing works must comply with the Tasmanian Plumbing Code and Australian Standard 3500.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 7.5 – Compliance with Applicable Standards;
 - Section 8.10 – Determining Applications;
 - Section 10.0 – General Residential Zone;
 - Section E6.0 – Parking and Access Code; and
 - Section E7.0 – Stormwater Management Code.
- 2.4.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is comprised of two lots that together form 7 Buchanan Street, Bellerive. The lots have a combined total area of 935m² with 20.52m frontage to Buchanan Street and are located within an established residential area at Bellerive.

The site supports an existing dwelling, associated outbuildings and landscaped gardens, and slopes down to the south-west. The existing parking area is a paved parking platform located to the east of the dwelling, with access directly to Buchanan Street. The location of the site is shown in the Attachments.

3.2. The Proposal

The proposal is for additions and alterations to the existing dwelling on the site.

The development would result in an increase in floor area of 100.21m² from that existing, and a total resultant floor area of 263.91m². A carport addition of 51m² is proposed in the location of the existing parking area to the east of the dwelling, and three deck areas are proposed.

Deck 1 would have an area of 48m², would incorporate a spa pool and would be sited to the rear (south-west) of the dwelling addition. Deck 2 would be sited to the south-east of the existing dwelling and would have an area of 26m². Deck 3 would have an area of 15.3m² and be incorporated within the dwelling addition, within proximity of the north-western (side) boundary.

The proposed development would be setback 1.5m from the north-western (side) boundary, 13.28m from the south-western (rear) boundary, and 0m from the south-eastern (side) boundary. The development would be 5.69m at its highest point above natural ground level and would be developed over both lots that form the site. The demolition of the outbuildings located on the site is also proposed as part of the development.

The proposed plans are provided in the Attachments.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 7.5]

“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”

4.2. Determining Applications [Section 8.10]

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(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 ss57(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. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Parking and Access and Stormwater Management Codes with the exception of the following.

General Residential Zone

- **Clause 10.4.2 (A1)** – setbacks and building envelope for all dwellings, in that the proposed carport would be setback 1.1m from the primary frontage to Buchanan Street, which does not comply with the prescribed 4.5m of the acceptable solution.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P1) of Clause 10.4.2 as follows.

Clause	Performance Criteria	Assessment
10.4.2 P1	<i>“A dwelling must:</i> <i>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and</i> <i>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.”</i>	Within the Buchanan Street streetscape there are examples of comparable setbacks, which include 3 and 11 Buchanan Street to the north of the site, and 8 Buchanan Street to the south. Both 8 and 11 Buchanan Street have a 0m setback, and 3 Buchanan Street has a setback of 2m. The proposed carport is to formalise an existing paved parking platform as a roofed parking area for vehicles and is considered to be of a scale compatible with examples within proximity of the site. Acknowledging that the proposed carport would have similar setback to those examples within the streetscape described above, it is considered that the requirements of this performance criteria are met by the proposal. Not applicable.

General Residential Zone

- Clause 10.4.2 (A3)** – setbacks and building envelope for all dwellings, in that the proposed carport would be setback 1.1m from the primary frontage to Buchanan Street, which does not comply with the prescribed 4.5m of the acceptable solution, and the dwelling additions would protrude beyond the prescribed building envelope at the north-western and south-eastern walls.

It is noted that the development is proposed over the shared boundary of both lots that comprise the site. The applicant has submitted that the adhesion of both lots would be undertaken as part of the development, and on that basis, it is noted that the assessment of the building envelope requirements of the Scheme have been taken as the adhered lot boundaries. A condition has been included in the recommended conditions to ensure that adhesion occurs prior to the granting of a building or plumbing permit, should a planning permit be granted.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P3) of Clause 10.4.2 as follows.

Clause	Performance Criteria	Assessment
10.4.2 P3	<i>“The siting and scale of a dwelling must:</i> <i>(a) not cause unreasonable loss of amenity by:</i> <i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	See below. The adjoining site at 9 Buchanan Street is located to the south-west of the development site. The shadow diagrams provided by the applicant (included in the Attachments) show that the development would have an impact upon solar access to the dwelling at 9 Buchanan Street from 12 noon onwards at Winter Solstice. There is a north-west facing window to a habitable (living) room of the dwelling at 9 Buchanan Street that would be impacted in part by the proposed addition. While an impact is shown by the shadow diagrams, it is unclear from the shadow diagrams whether this window would be provided with at least three hours of sunlight at Winter Solstice.

		This issue was raised with the applicant upon the conclusion of advertising, in that two representations were received which include concern regarding overshadowing impacts. In response to the concerns raised, the applicant has re-designed the proposal and subsequently provided amended plans (dated 10 August 2022), to reduce the size and extent of the proposed additions. The amended plans show a decrease in size of the proposed addition to have a total floor area of 249.58m², a reduction in the scale of the development and the setback increased from the south-eastern (side) boundary where adjacent 9 Buchanan Street, to 3.52m. The amended plans are included in the Attachments. Updated shadow diagrams were provided as part of the amended plans, which show there would be no increase in overshadowing to the subject window at 9 Buchanan Street, and that three hours of sunlight would be available at Winter Solstice from 10am until 1pm. The amended plans, revised to address the concerns raised by the representations and discussed in further detail below, meet the tests of this part of the performance criteria. An associated permit condition has been included in the recommended conditions to introduce the amended plans.
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	<i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	There are no other adjacent dwellings that would be affected by overshadowing as part of the proposed development. The proposal will cause overshadowing to parts of the ground level private open space at the rear of the site at 9 Buchanan Street throughout the day at Winter Solstice. The deck area to the south-west of the dwelling at 9 Buchanan Street already experiences overshadowing throughout the day at Winter Solstice. The submitted shadow diagrams show an impact to the private open space areas at 9 Buchanan Street; however, this impact allows in excess of three hours of sunlight to at least 50% of this area, meaning that the extent of the overshadowing impact likely from this proposal to the outdoor living areas associated with that dwelling is not unreasonable. There is also a large, unaffected area of private open space to the south-west of that dwelling that serves as valuable open space associated with that dwelling and complies with the dimension requirements of the Scheme for open space. For these reasons it is considered that the impact is not unreasonable.
	<i>(iii) overshadowing of an adjoining vacant lot; or</i>	Not relevant.

	<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The proposed dwelling additions are single-storey and would have a maximum height above natural ground level that would not exceed 5.69m at their highest point above natural ground level. The amended plans propose a setback in excess of 3.5m from the south-eastern boundary, while the proposed carport would have a 0m setback. To the north-west, a setback of 1.09m is proposed. These setback distances would provide separation that is consistent with the nature of development in the surrounding area. The amended plans show the retention of the existing outbuilding adjacent to the south-eastern boundary, and the addition itself is reduced in scale and setback from the shared boundary with 9 Buchanan Street. The immediate area is largely characterised by single dwellings on each lot with a combination of single and double-storey development, and the proposed addition would provide setback distances from boundaries that limit the visual impact in terms of bulk and proportion, when viewed from adjacent lots. On this basis, the development is not considered to have an unreasonable visual impact on the adjoining properties.
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	<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area."</i>	There are many examples in the surrounding area where dwellings are located in proximity to the front and boundaries of lots and on this basis, the separation between dwellings is considered compatible with that prevailing in the surrounding area.
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General Residential Zone

- **Clause 10.4.5 (A1)** – width of openings for garages and carports for all dwellings, in that the proposed carport would be setback 1.1m from the primary frontage to Buchanan Street and have an opening width of 6.33m, which does not comply with the prescribed maximum width of 6m for the acceptable solution.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P1) of Clause 10.4.5 as follows.

Clause	Performance Criteria	Assessment
10.4.5 P1	<i>"A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage."</i>	The proposed carport would be located in the place of an existing paved parking platform to the east of the dwelling and would have a width of 6.33m, it is submitted to enable the parking of two vehicles. The carport would have a block wall on the side (south-eastern) boundary and for part of its rear wall, with an opening for access to the south-western part of the site. Though visible from the street, the carport would not exceed 2.7m above natural ground level where adjacent to the front boundary. It is considered that the structure would not dominate the primary frontage on the basis of the limited scale and width, and consistency with nearby examples within the streetscape.

		Existing landscaping is to remain between the dwelling and front boundary which further serves to soften the visual impact of the development. It is therefore considered that this test of the Scheme is met.
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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. Privacy

Concern was raised by the representors that privacy may be compromised as a result of the proposed decking and outdoor living areas proposed.

- **Comment**

As discussed above in relation to Clause 10.4.2 (P3), the applicant has, in response to the concerns raised, provided amended plans (dated 10 August 2022) for the development. These show a decrease in overall size of the altered dwelling from 263.91m² to 249.58m². An increase in the proposed setback from the south-eastern (side) boundary where adjacent to 9 Buchanan Street from 1.5m to 3.52m is also proposed, together with the retention of the existing outbuilding located adjacent to the south-eastern boundary.

That said, both the original proposal and amended plans meet the requirements of the Scheme in relation to privacy, as articulated by the acceptable solutions of Clause 10.4.6 (A1) and (A2). The measures utilised by the design to achieve compliance include privacy screening for the deck areas, and there being windows to habitable rooms within 3m of side and rear boundaries but with appropriate compliant sill heights. On the basis that the relevant acceptable solutions are met by the proposal, this issue is not of determining weight.

5.2. Solar Access

The representations raised the loss of sunlight as a concern in relation to the proposed development. The specific concerns are that sunlight to both indoor and outdoor living areas would be lost during winter, until evening sun reaches alternative windows.

- **Comment**

Clause 10.4.2 (A3) prescribes the building envelope requirements, and the proposal does not comply with the acceptable solutions. It does, for the reasons discussed in the assessment above, satisfy the associated performance criteria P3, in that the amended plans submitted show that there would be in excess of three hours of sunlight at Winter Solstice available to the habitable areas and outdoor living areas of the adjacent dwellings.

While it is acknowledged that the development would have some impact upon solar access at Winter Solstice, this impact is not considered an unreasonable impact in terms of the tests of the Scheme, and therefore does not justify refusal of the proposal.

5.3. Visual Impact

Concern is raised by the representations that the proposal would have a significant and negative impact upon the amenity of nearby residential land use. The specific concerns relate to the proximity and scale of the development, and the overall bulk of the additions. It is submitted that the proposal should be amended to comply with the permitted building envelope.

- **Comment**

Loss of view in isolation is not a relevant planning consideration and therefore cannot have determining weight. The proposal meets the relevant tests of the Scheme in relation to building envelope, and loss of view are not relevant considerations under the Scheme and to the discretions sought by the proposal. This issue is therefore not considered to be of determining weight in relation to the proposal.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

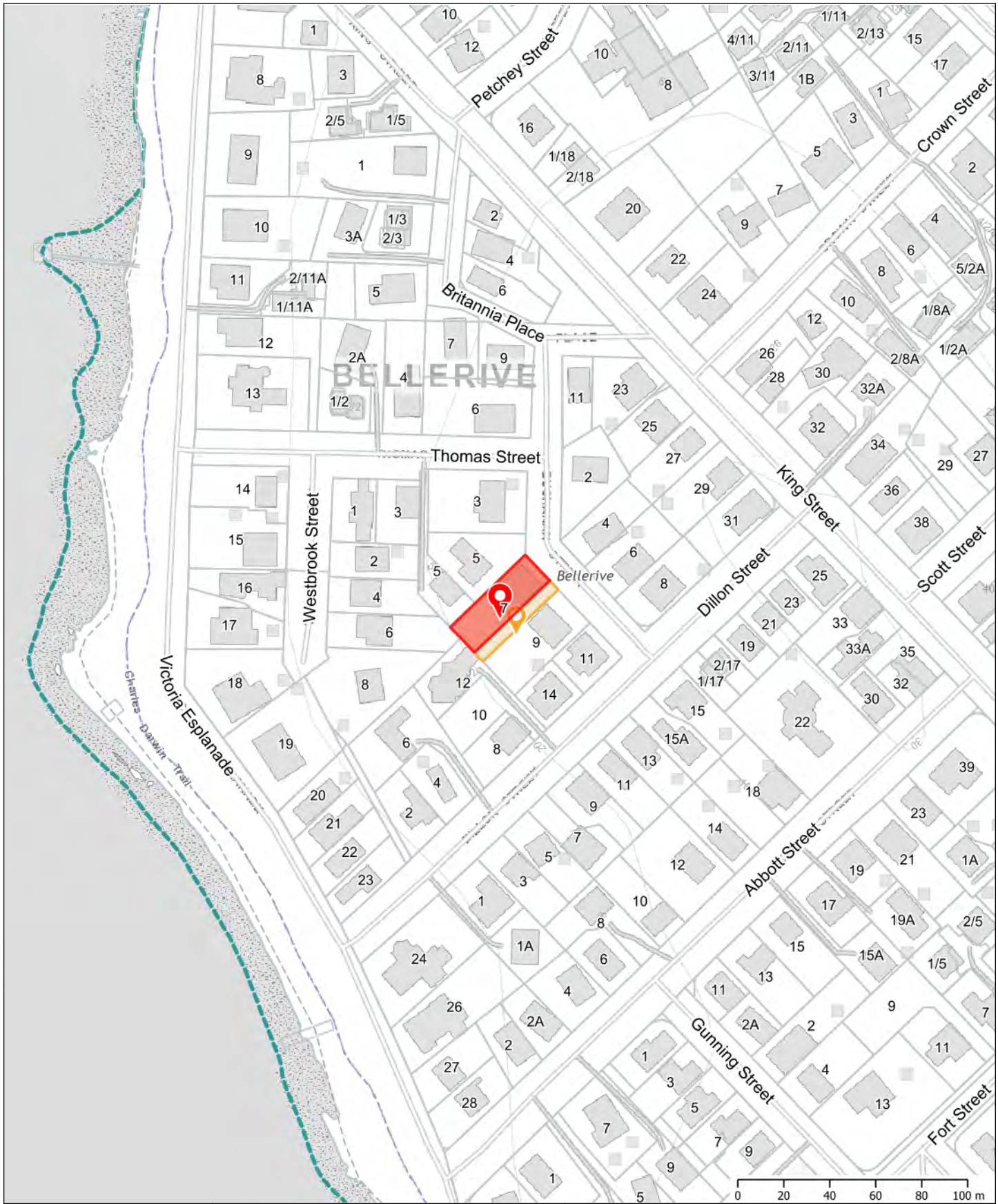
The proposal is for additions and alterations to the existing dwelling at 7 Buchanan Street, Bellerive.

In response to the concerns raised during advertising, the applicant re-designed the proposal and amended plans were provided which reduce the size and extent of the proposed additions. These show a decrease in overall size of the altered dwelling from 263.91m² to 249.58m², and an increase in the proposed setback from the south-eastern (side) boundary from 1.5m to 3.52m.

Council is able to condition a planning permit to require amended plans in this instance, in that the reduction in the size of the proposed addition shown by the amended plans satisfactorily addresses the relevant performance criteria of the Scheme. On the basis of the amended plans, the proposal satisfies the relevant requirements of the Scheme and is therefore recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plans (17)
3. Amended Proposal Plans (18)
4. Site Photos (2)

Ross Lovell
MANAGER CITY PLANNING



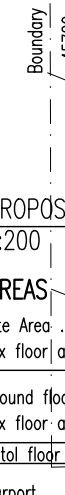
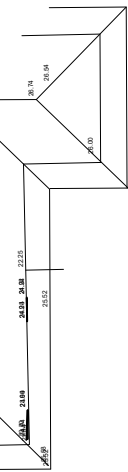
This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

14/09/2022

1:2257



PRELIMINARY NOT FOR CONSTRUCTION



LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY



Preston
—
Lane

Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC1017F

Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9827 8902

info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

©No part of this drawing shall be reproduced or otherwise dealt with without the prior written consent of Preston Lane.

Proprietor

MR & MRS MILLER

Project 7 BUCHANAN ST
BELLERIVE

Drawing SITE PLAN

Scale 1:500 @ A3

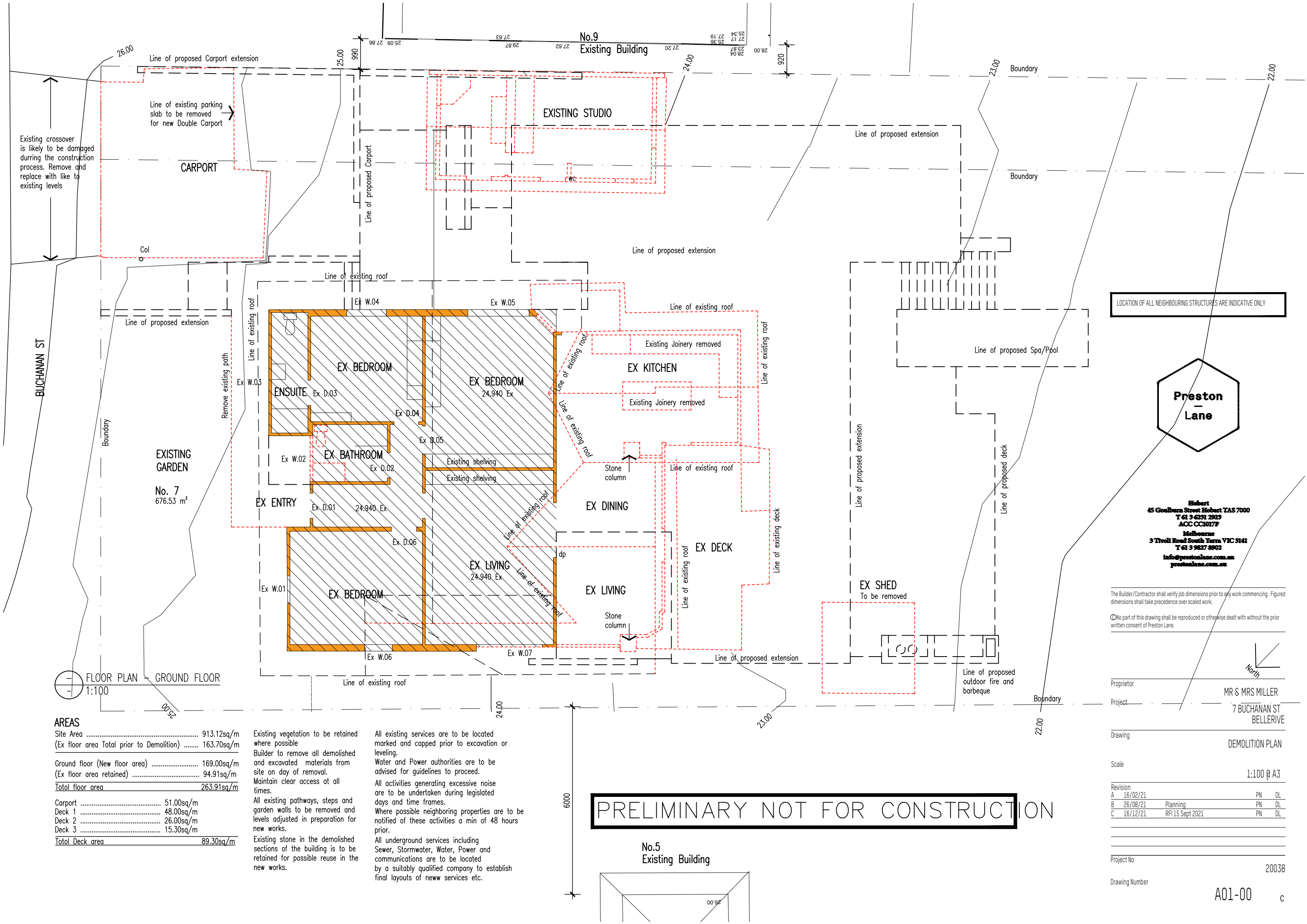
Revision			
A	16/02/21		PN DL
B	26/08/21	Planning	PN DL
C	16/12/21	RFI 15 Sept 2021	PN DL

Project No

20038

Drawing Number A00-11 c

AREAS		21.00
Site Area		913.12sq/m
(Ex floor area Total prior to Demolition)		163.70sq/m
Ground floor (New floor area)		169.00sq/m
(Ex floor area retained)		94.91sq/m
Total floor area		263.91sq/m
Carport	51.00sq/m	
Deck 1	48.00sq/m	
Deck 2	26.00sq/m	
Deck 3	15.30sq/m	
Total Deck area		89.30sq/m



Existing crossover is likely to be damaged during the construction process. Remove and replace with like to existing levels

BUCHANAN ST

FLOOR PLAN
1:100

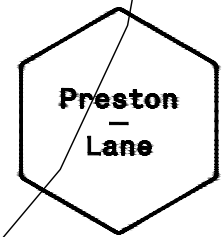
AREAS	
Site Area	913.12sq/m
(Ex floor area Total prior to Demolition)	163.70sq/m
Ground floor (New floor area)	
(Ex floor area retained)	169.00sq/m
	94.91sq/m
Total floor area	263.91sq/m
Carport	
	51.00sq/m
Deck 1	48.00sq/m
Deck 2	26.00sq/m
Deck 3	15.30sq/m
Total Deck area	89.30sq/m

Existing vegetation to be retained where possible
Builder to remove all demolished and excavated materials from site on day of removal.
Maintain clear access at all times.
All existing pathways, steps and garden walls to be removed and levels adjusted in preparation for new works.
Existing stone in the demolished sections of the building is to be retained for possible reuse in the new works.

All existing services are to be located marked and capped prior to excavation or leveling.
Water and Power authorities are to be advised for guidelines to proceed.
All activities generating excessive noise are to be undertaken during legislated days and time frames.
Where possible neighboring properties are to be notified of these activities a min of 48 hours prior.
All underground services including Sewer, Stormwater, Water, Power and communications are to be located by a suitably qualified company to establish final layouts of neww services etc.

PRELIMINARY NOT FOR CONSTRUCTION

LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY



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T 61 3 9827 8902
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prestonlane.com.au

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Project 7 BUCHANAN ST
BELLERIVE

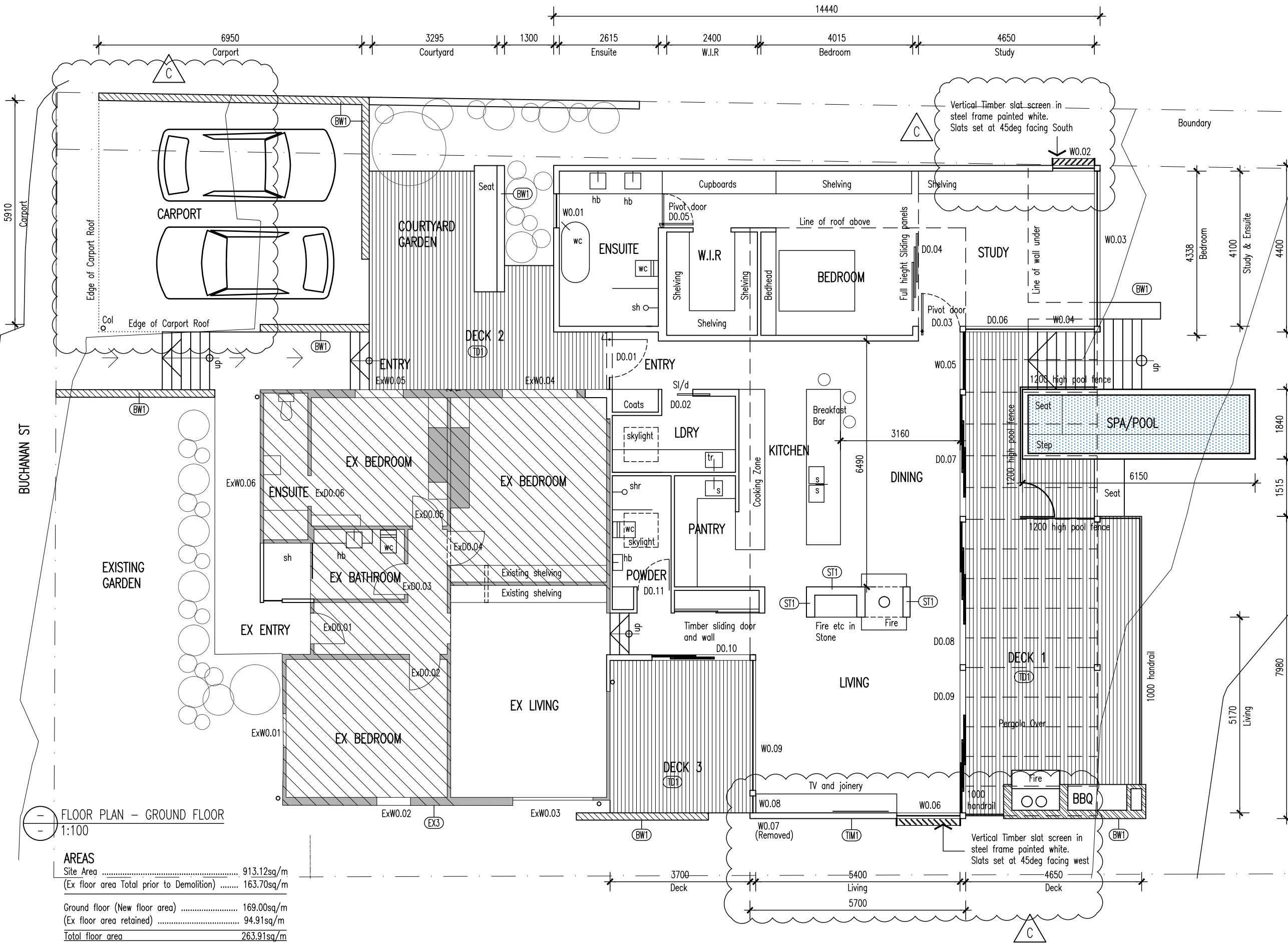
Drawing DEMOLITION PLAN

Scale 1:100 @ A3

Revision			
A	16/02/21	PN	DL
B	26/08/21	Planning	PN
C	16/12/21	RFI 15 Sept 2021	PN

Project No 20038

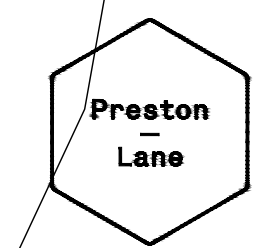
Drawing Number A01-00



- FINISHES**
- (TIM1) Timber vertical shiplap cladding, paint finish. Species and paint colour to future selection
 - (CR1) Roof sheeting. Shale grey in colour.
 - (CS1) Cement sheet cladding. Paint finish.
 - (EX1) Existing roof sheeting. no works.
 - (EX2) Existing brickwork. no works.
 - (EX3) Existing weatherboards. no works.
 - (M1) Powder coated aluminium. colour to future selection.
 - (TD1) Timber decking. species to future selection.
 - (TIM2) Painted Tas Oak timber battens.
 - (BW1) Rendered and painted blockwork
 - (ST1) Stone to match existing. Facing over blockwork

Notes
Paint finish to all expressed steel work is to be Dulux Ferreko no.3 MIO epoxy (complete system to Dulux recommendations). Typical to all external steel work.

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Project 7 BUCHANAN ST BELLERIVE
Drawing

Scale 1:100 @ A3

Revision		PN	DL
A	16/02/21		
B	26/08/21	Planning	
C	16/12/21	RFI 15 Sept 2021	

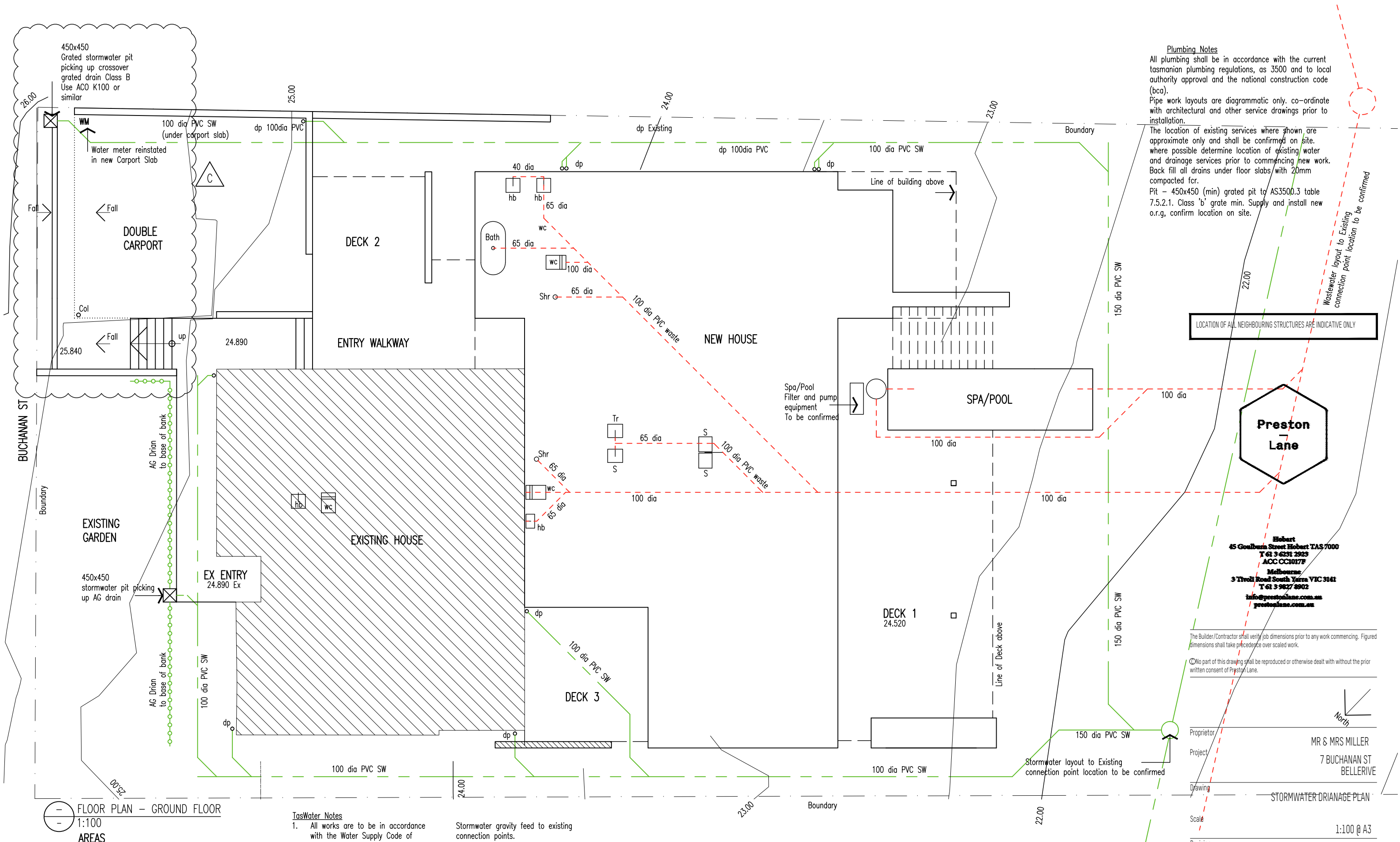
Project No 20038
Drawing Number

PRELIMINARY NOT FOR CONSTRUCTION

FLOOR PLAN - GROUND FLOOR
1:100

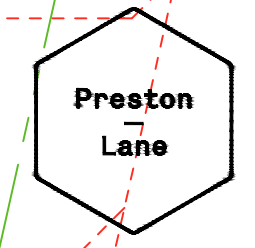
AREAS

Site Area	913.12sq/m
(Ex floor area Total prior to Demolition)	163.70sq/m
Ground floor (New floor area)	169.00sq/m
(Ex floor area retained)	94.91sq/m
Total floor area	263.91sq/m
Carport	51.00sq/m
Deck 1	48.00sq/m
Deck 2	26.00sq/m
Deck 3	15.30sq/m
Total Deck area	89.30sq/m



Plumbing Notes
All plumbing shall be in accordance with the current tasmanian plumbing regulations, as 3500 and to local authority approval and the national construction code (bca).
Pipe work layouts are diagrammatic only. co-ordinate with architectural and other service drawings prior to installation.
The location of existing services where shown are approximate only and shall be confirmed on site. where possible determine location of existing water and drainage services prior to commencing new work. Back fill all drains under floor slabs with 20mm compacted fcr.
Pit – 450x450 (min) grated pit to AS3500.3 table 7.5.2.1. Class 'b' grate min. Supply and install new o.r.g, confirm location on site.

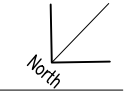
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Project 7 BUCHANAN ST BELLERIVE
Drawing STORMWATER DRAINAGE PLAN

Scale 1:100 @ A3

Revision		PN	DL
A	16/02/21		
B	26/08/21	Planning	
C	16/12/21	RFI 15 Sept 2021	

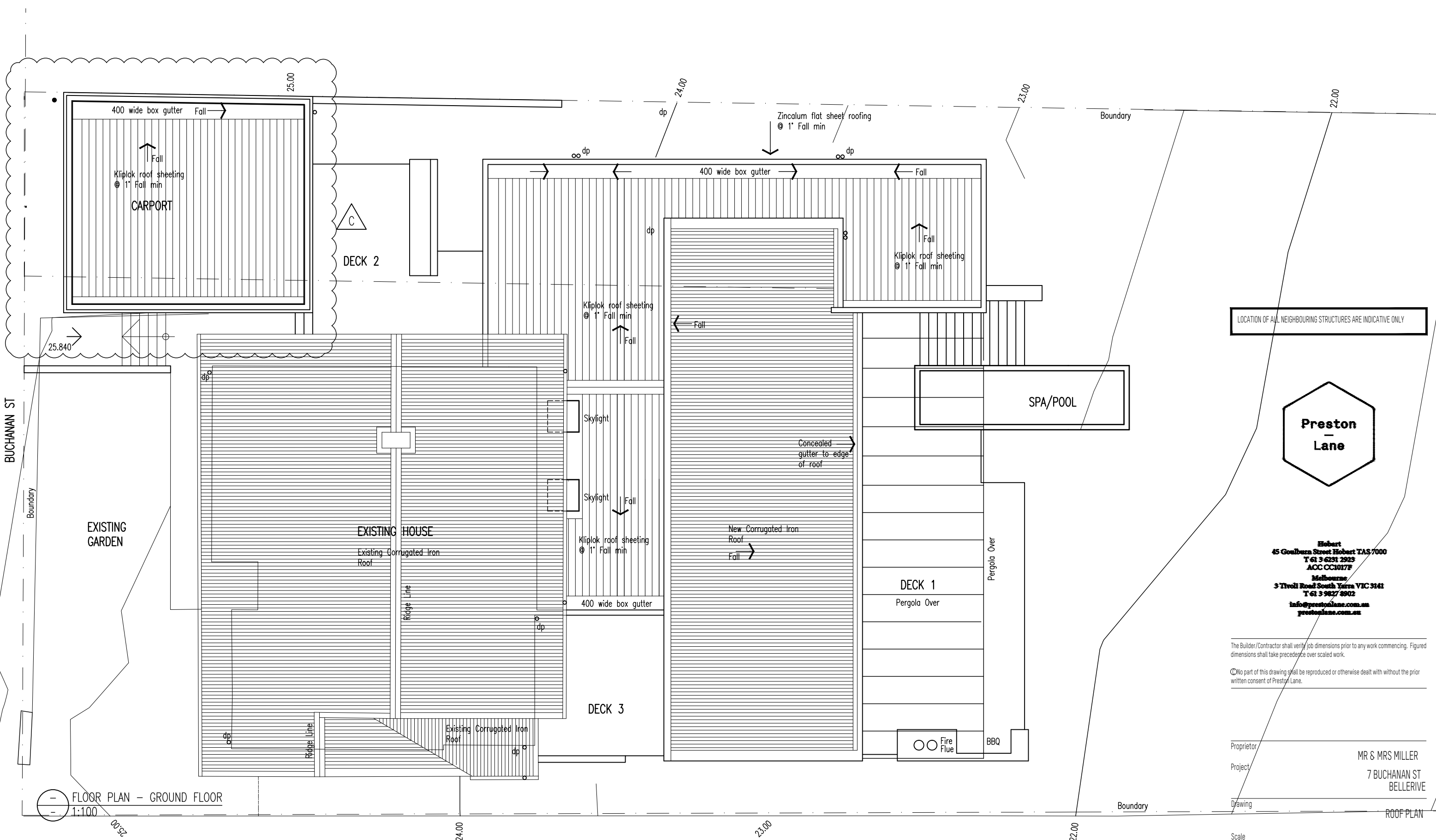
Project No 20038
Drawing Number

- TasWater Notes**
- All works are to be in accordance with the Water Supply Code of Australia WSA 03-2011-3.1 version 3.1 MRWA edition V2.0 and sewerage Code of Australia Melbourne Retail Water Agencies Code WSA 02-2014-3.1 MRWA version 2 / WSA 02-2002 version 2.3 MRWA edition 1.0 and TasWater's supplements to these codes.
 - Water meter installed by TasWater at developers cost.
 - Water connection to be carried out by TasWater at developers cost.
- Stormwater gravity feed to existing connection points.
A full and detailed hydraulics design will be provided as part of the building permit documents.

PRELIMINARY NOT FOR CONSTRUCTION

FLOOR PLAN – GROUND FLOOR
1:100

AREAS	
Site Area	913.12sq/m
(Ex floor area Total prior to Demolition)	163.70sq/m
Ground floor (New floor area)	
(Ex floor area retained)	169.00sq/m
	94.91sq/m
Total floor area	263.91sq/m
Carport	
Deck 1	51.00sq/m
Deck 2	48.00sq/m
Deck 3	26.00sq/m
Deck 3	15.30sq/m
Total Deck area	89.30sq/m

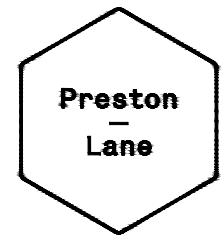


FLOOR PLAN - GROUND FLOOR
1:100

AREAS	
Site Area	913.12sq/m
(Ex floor area Total prior to Demolition)	163.70sq/m
Ground floor (New floor area)	169.00sq/m
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Carport	51.00sq/m
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Total Deck area	89.30sq/m

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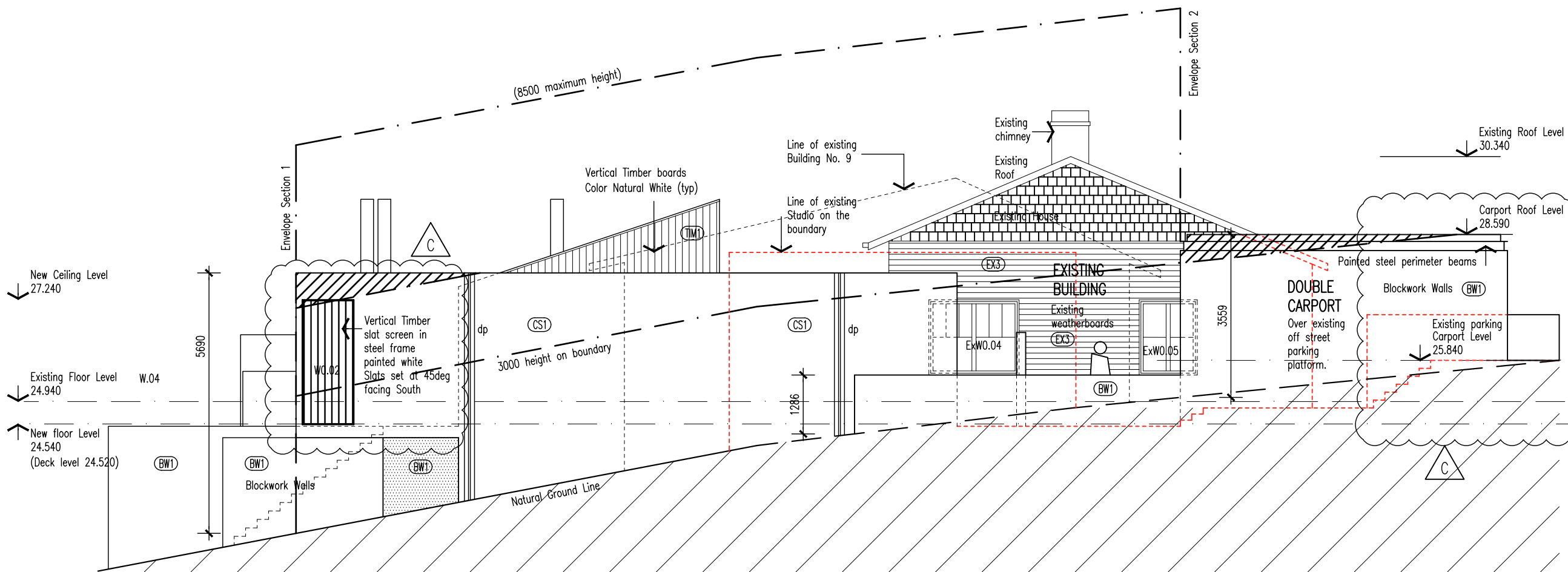
Proprietor MR & MRS MILLER
Project 7 BUCHANAN ST BELLERIVE
Drawing

Scale 1:100 @ A3

Revision				
A	16/02/21		PN	DL
B	26/08/21	Planning	PN	DL
C	16/12/21	RFI 15 Sept 2021	PN	DL

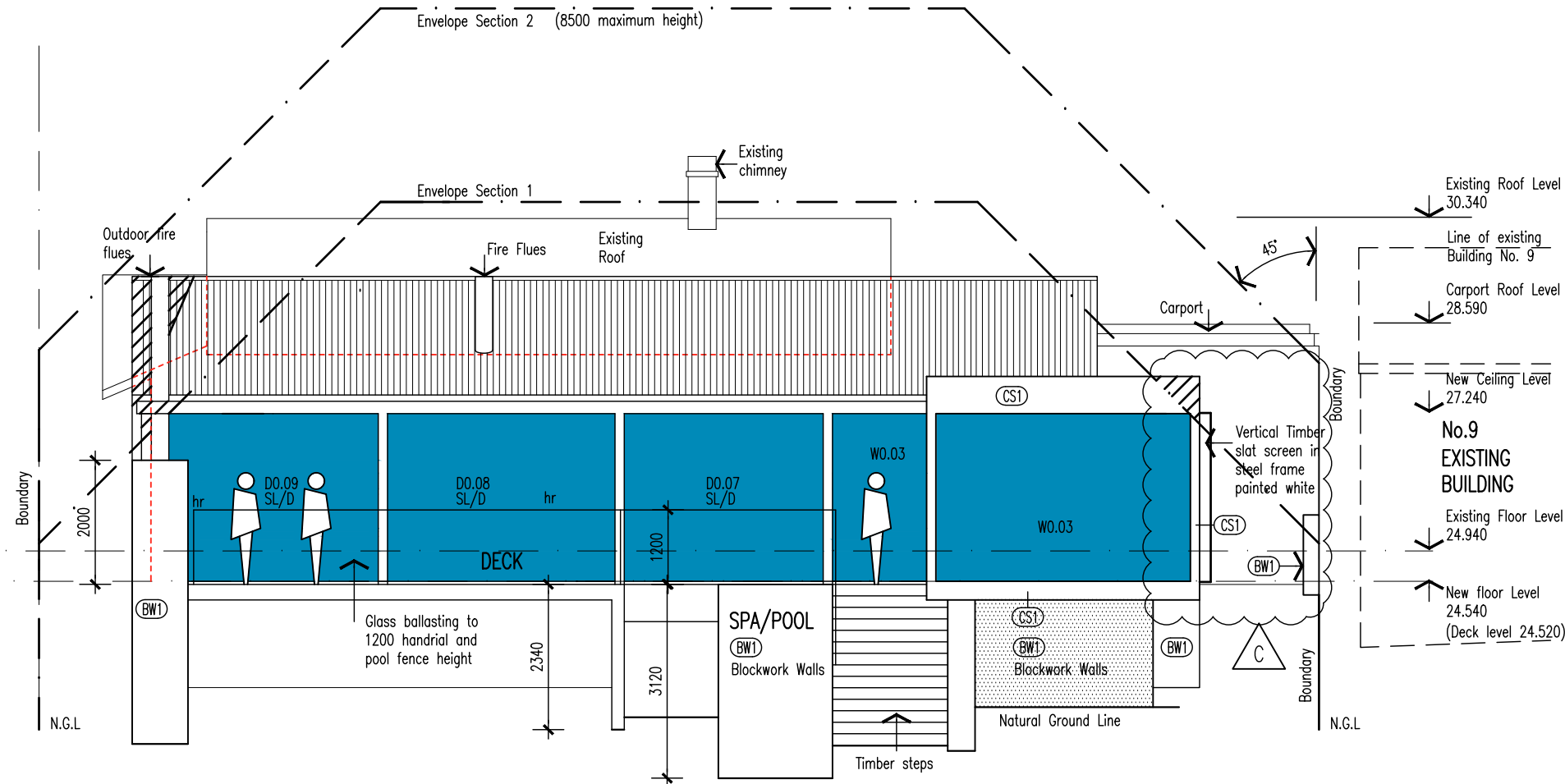
Project No 20038

Drawing Number A02-02 c



SOUTH EAST ELEVATION
1:100

Area of building
outside the prescribed
building envelope



SOUTH WEST ELEVATION
1:100

FINISHES

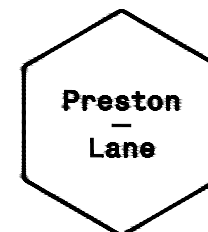
- (TIM) Timber vertical shiplap cladding, paint finish. Species and paint colour to future selection
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- (TIM2) Painted Tas Oak timber battens.
- (BW1) Rendered and painted blockwork
- (ST1) Stone to match existing. Facing over blockwork

aw Awning window
fg Fixed glazing
sj Silicon joint

Notes

Paint finish to all expressed steel work is to be Dulux Ferreko no.3 MIO epoxy (complete system to Dulux recommendations). Typical to all external steel work.

LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY



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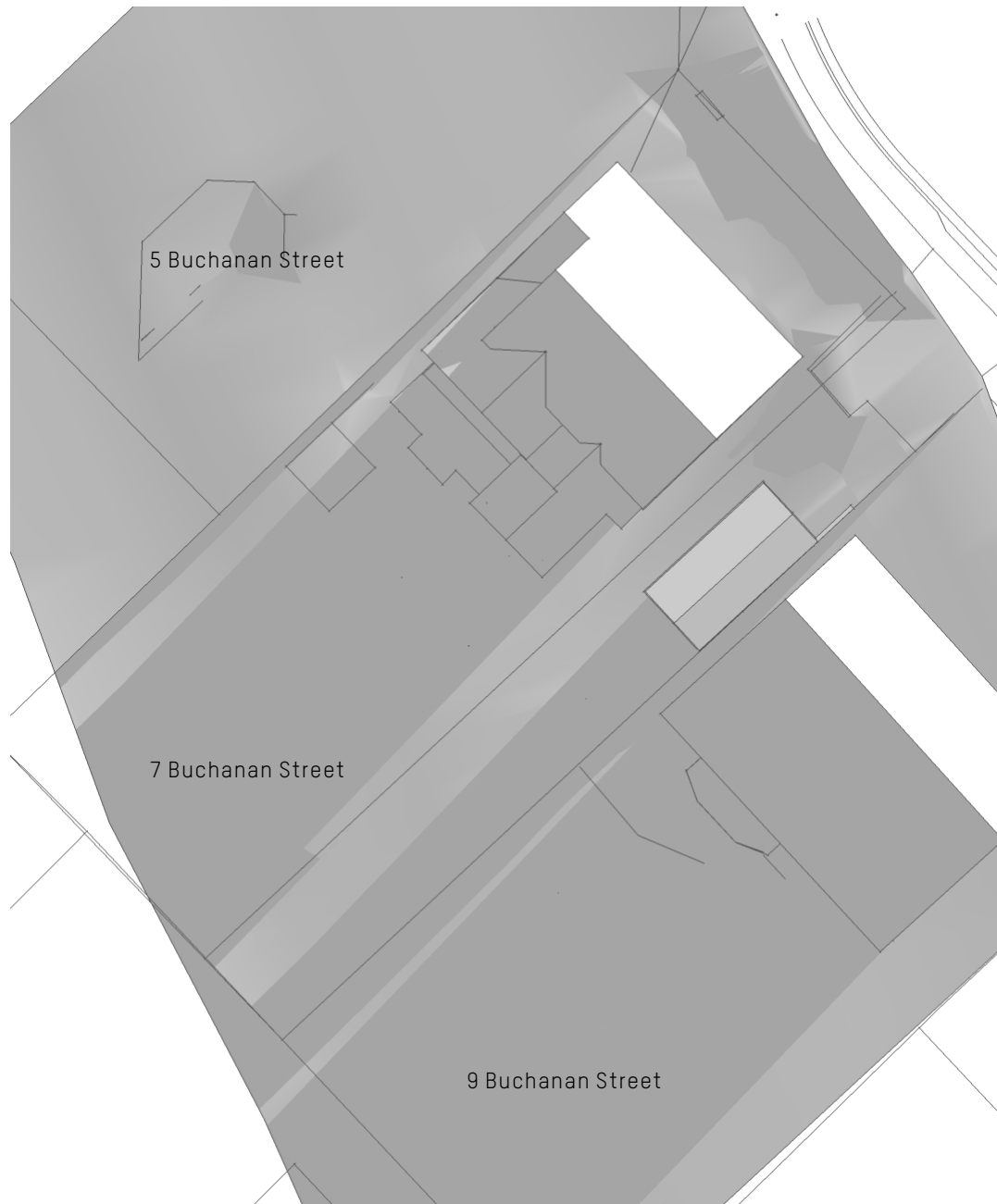
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Project 7 BUCHANAN ST BELLERIVE
Drawing ELEVATIONS
Scale 1:100 @ A3

Revision		PN	DL
A	16/02/21	PN	DL
B	26/08/21 Planning	PN	DL
C	16/12/21 RFI 15 Sept 2021	PN	DL

Project No 20038
Drawing Number A04-01

PRELIMINARY NOT FOR CONSTRUCTION



Existing 9:00am 21st June



Proposed 9:00am 21st June



7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams
December 2021



Existing 12:00pm 21st June



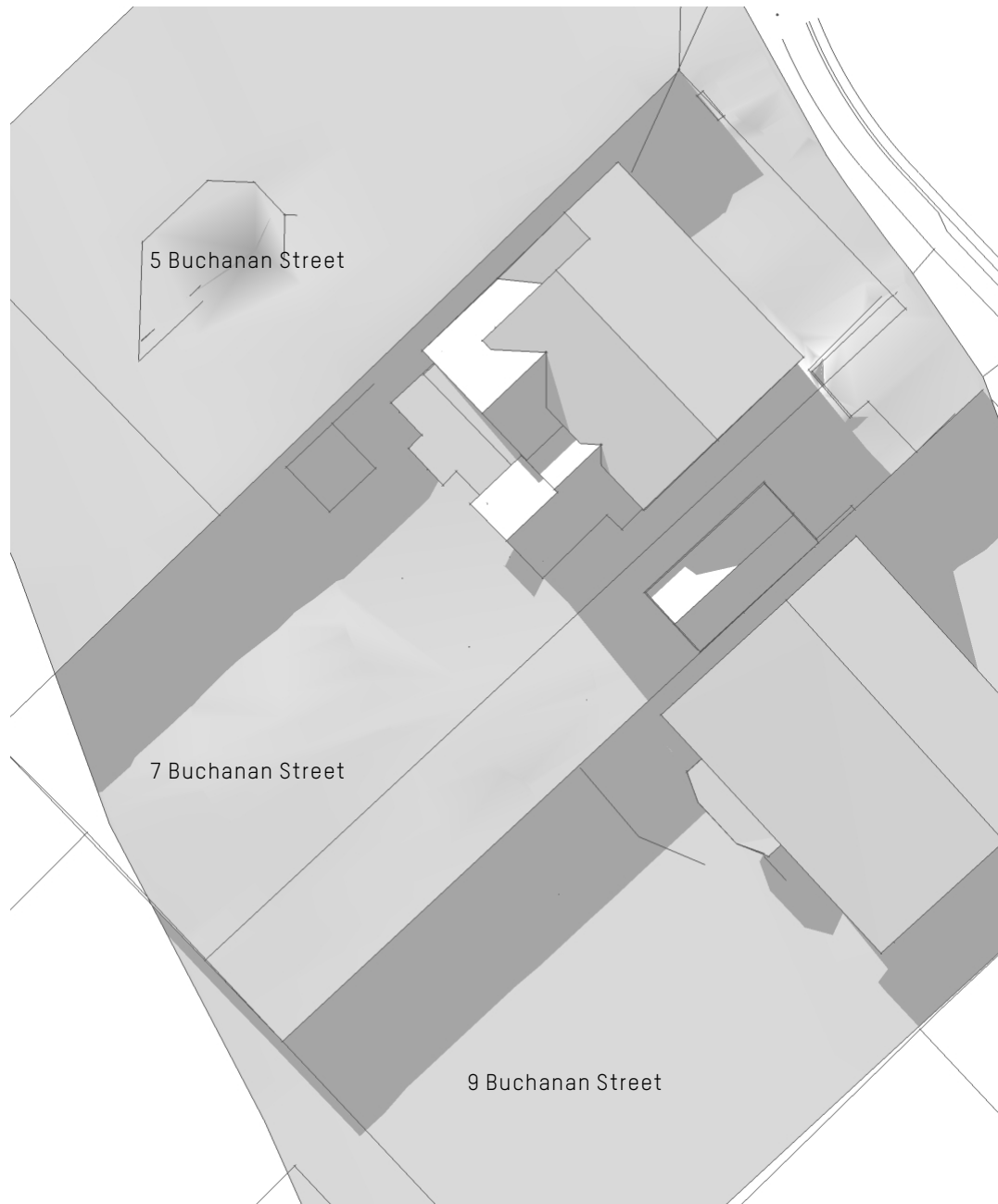
Proposed 12:00pm 21st June



7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams
December 2021



Existing 3:00pm 21st June



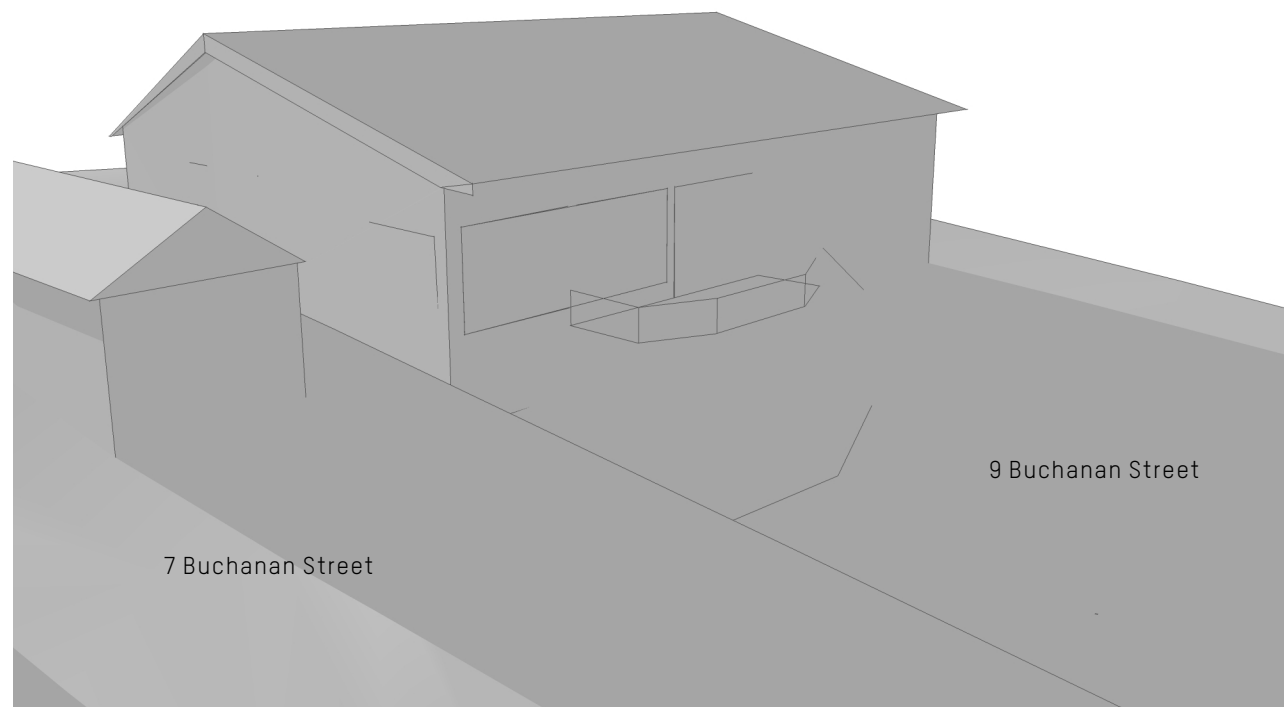
Proposed 3:00pm 21st June



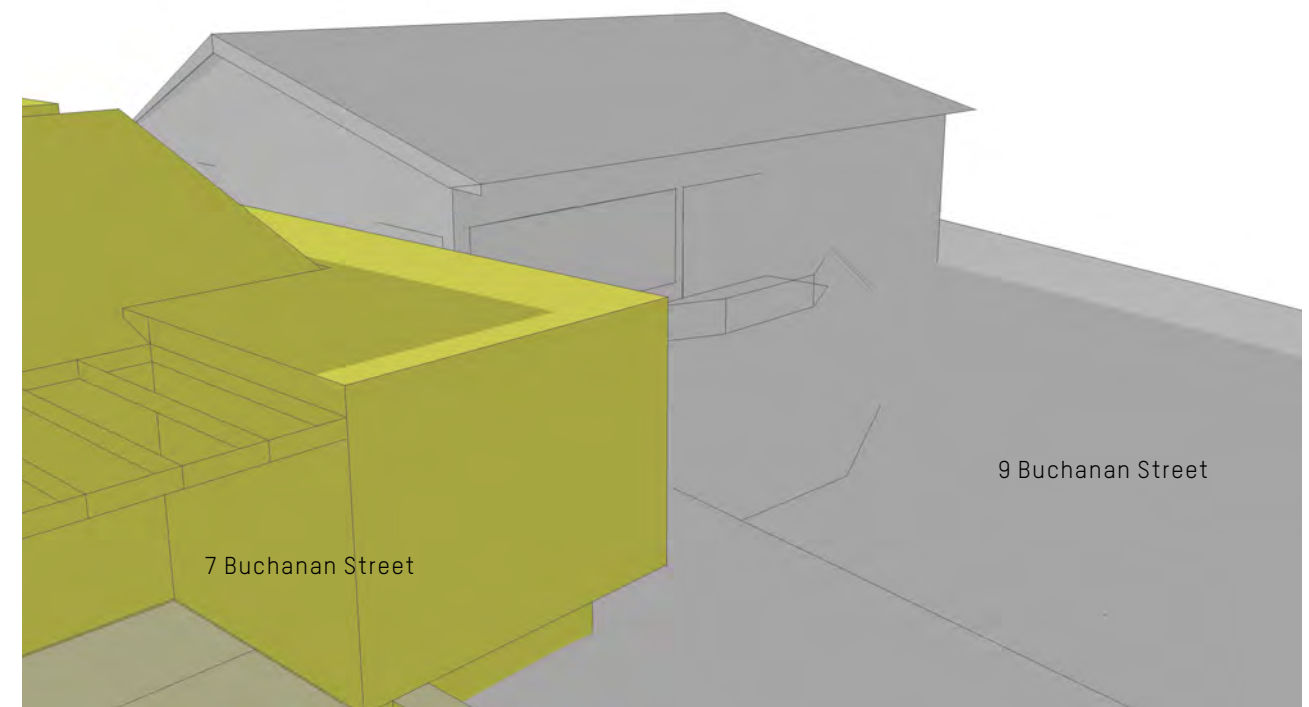
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams
December 2021



Existing 9:00am 21st June



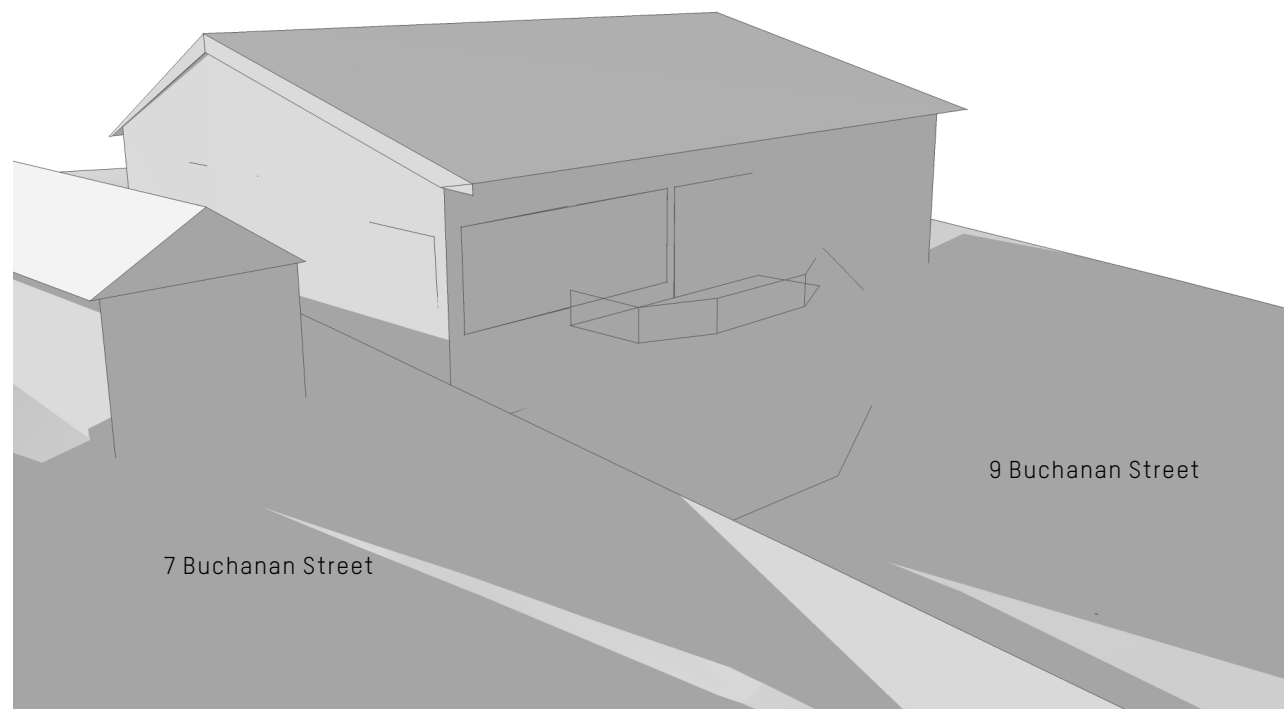
Proposed 9:00am 21st June



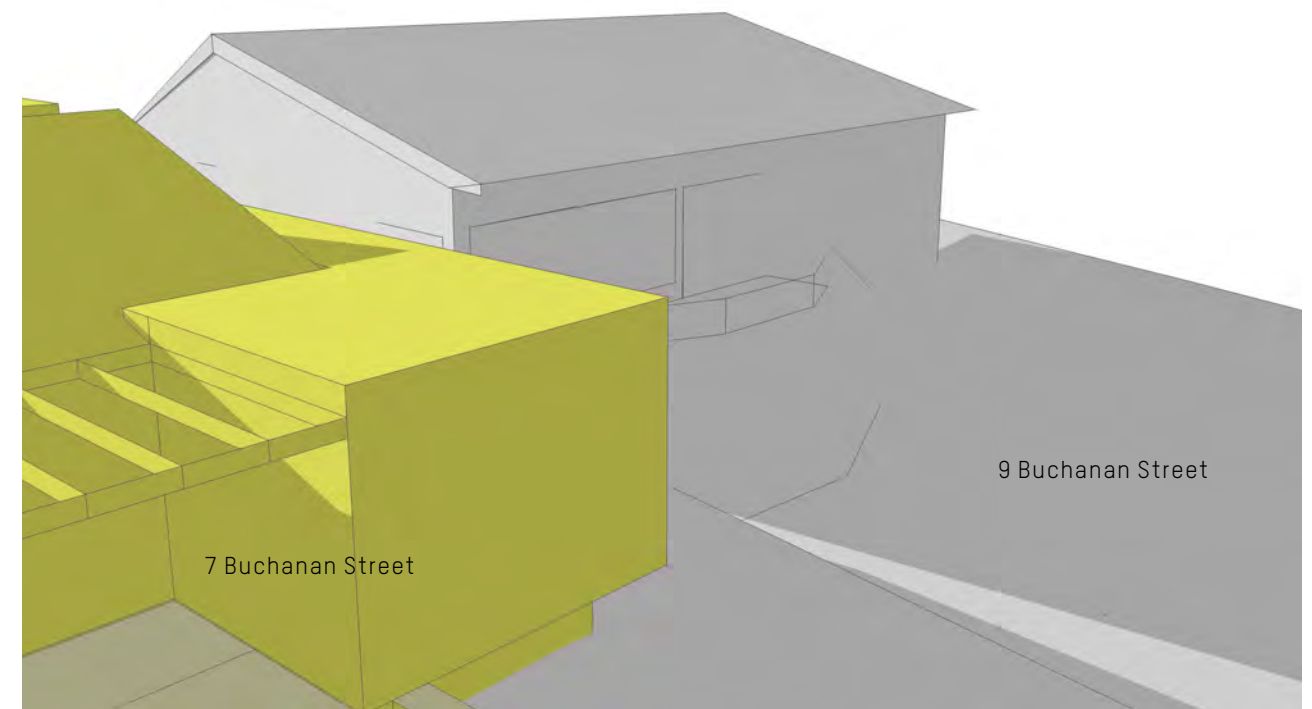
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams
December 2021



Existing 10:00am 21st June



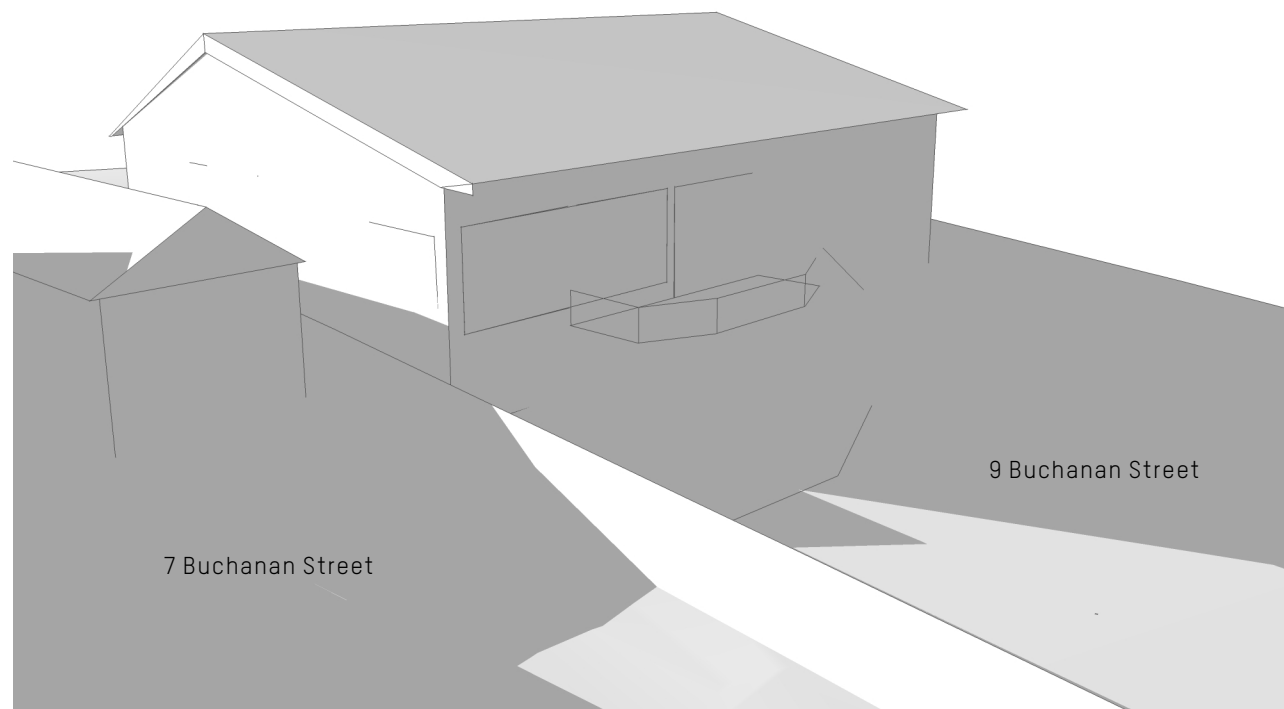
Proposed 10:00am 21st June



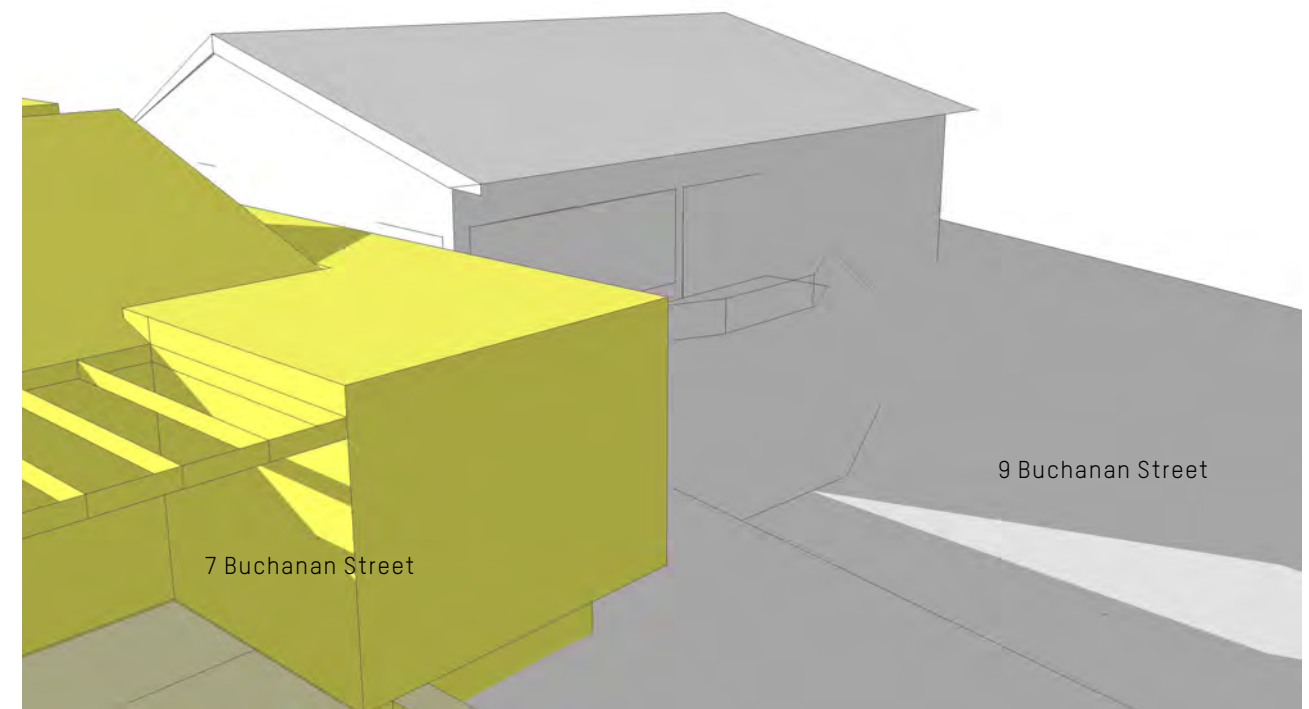
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams
December 2021



Existing 11:00am 21st June



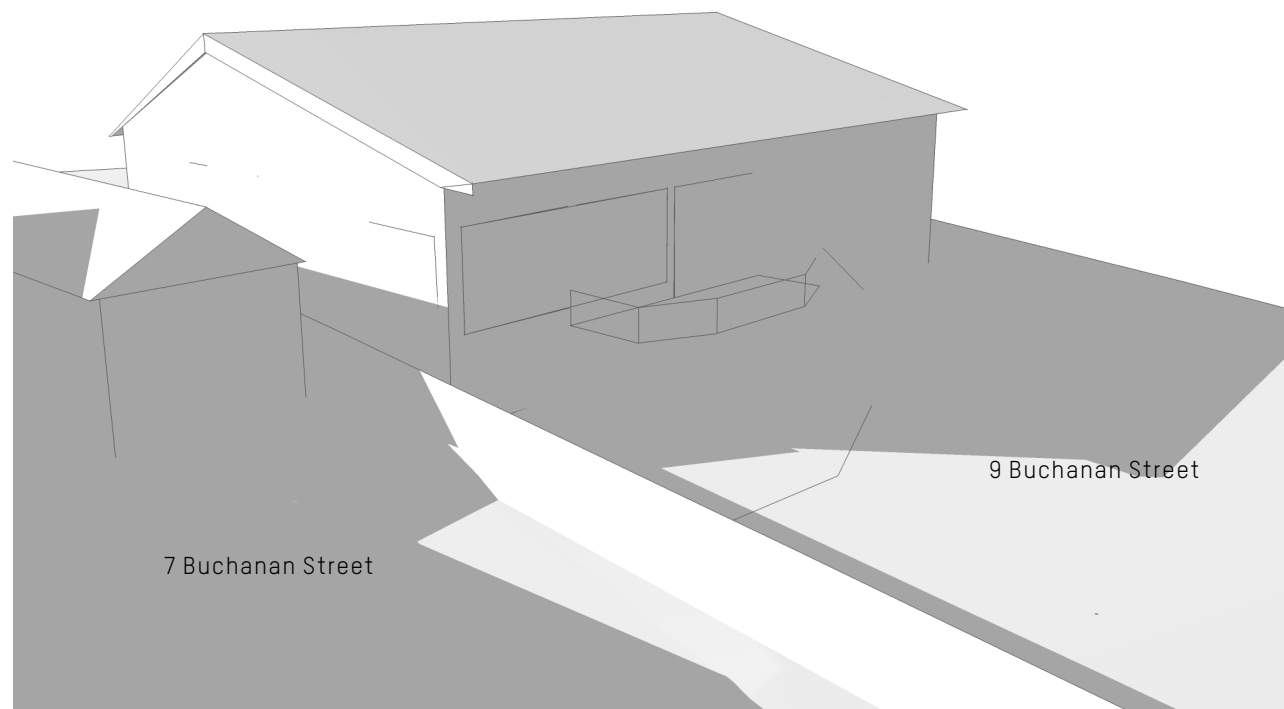
Proposed 11:00am 21st June



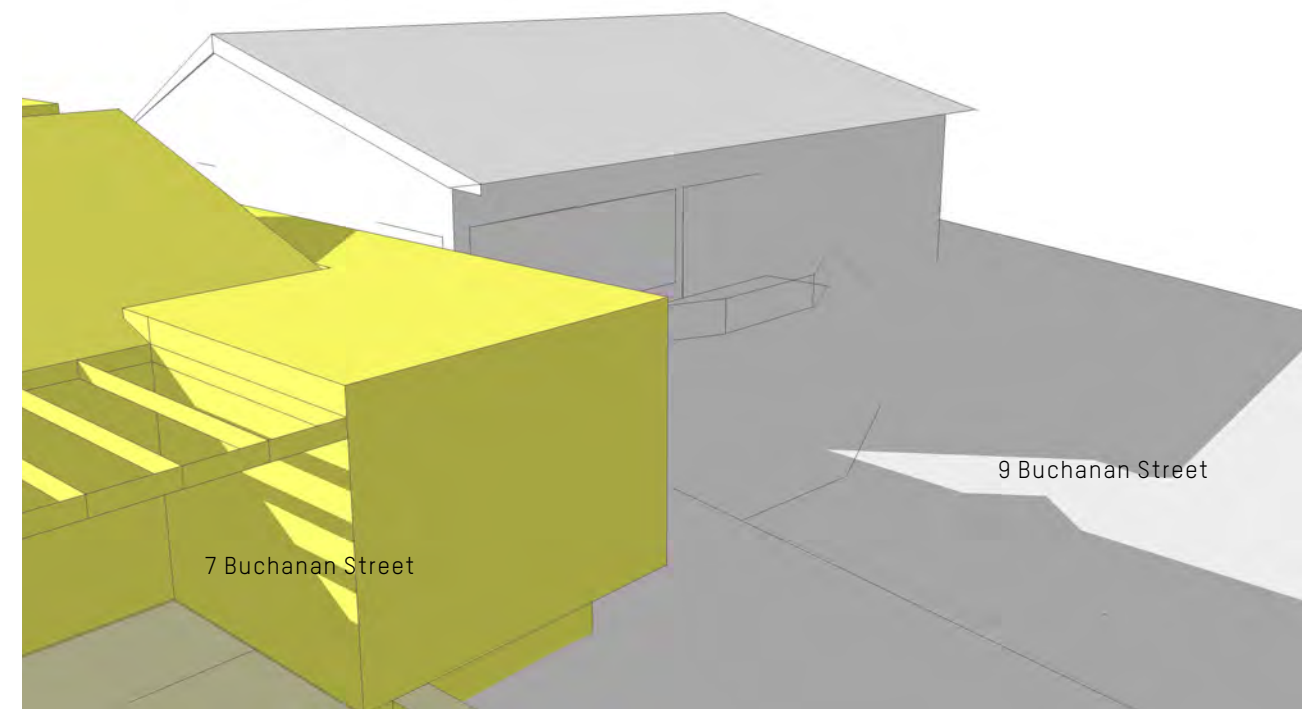
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams
December 2021



Existing 12:00pm 21st June



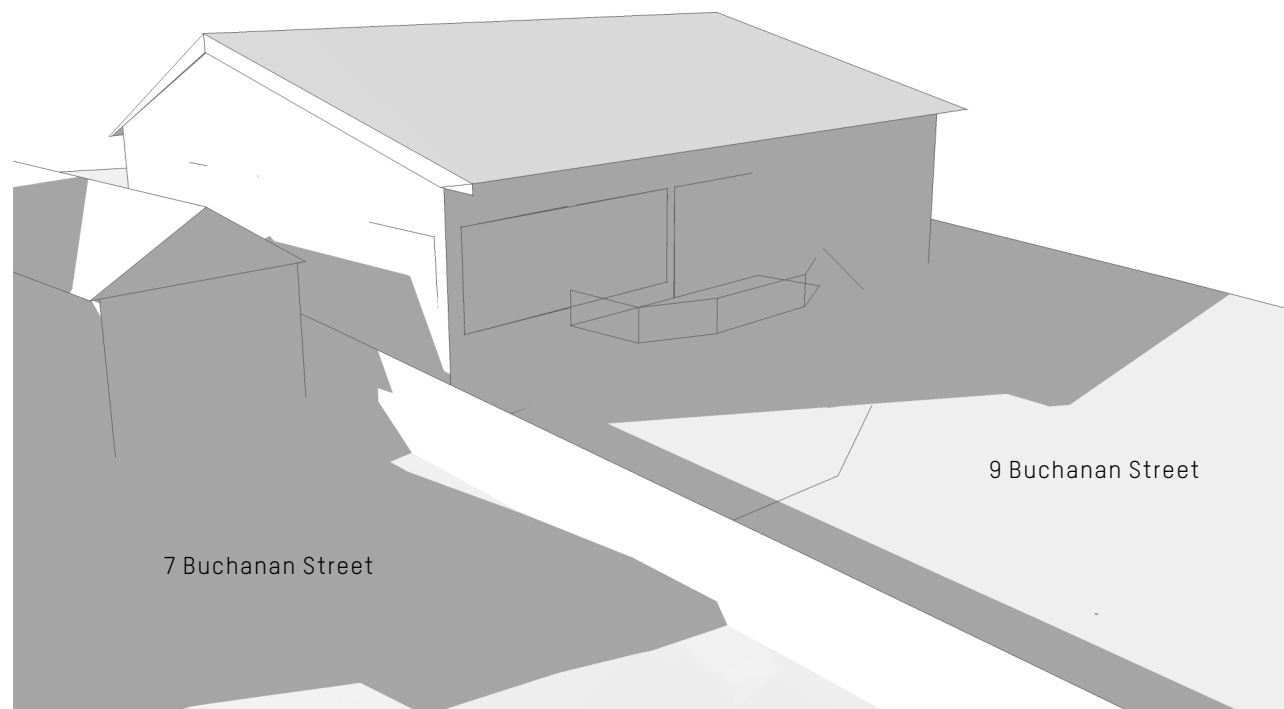
Proposed 12:00pm 21st June



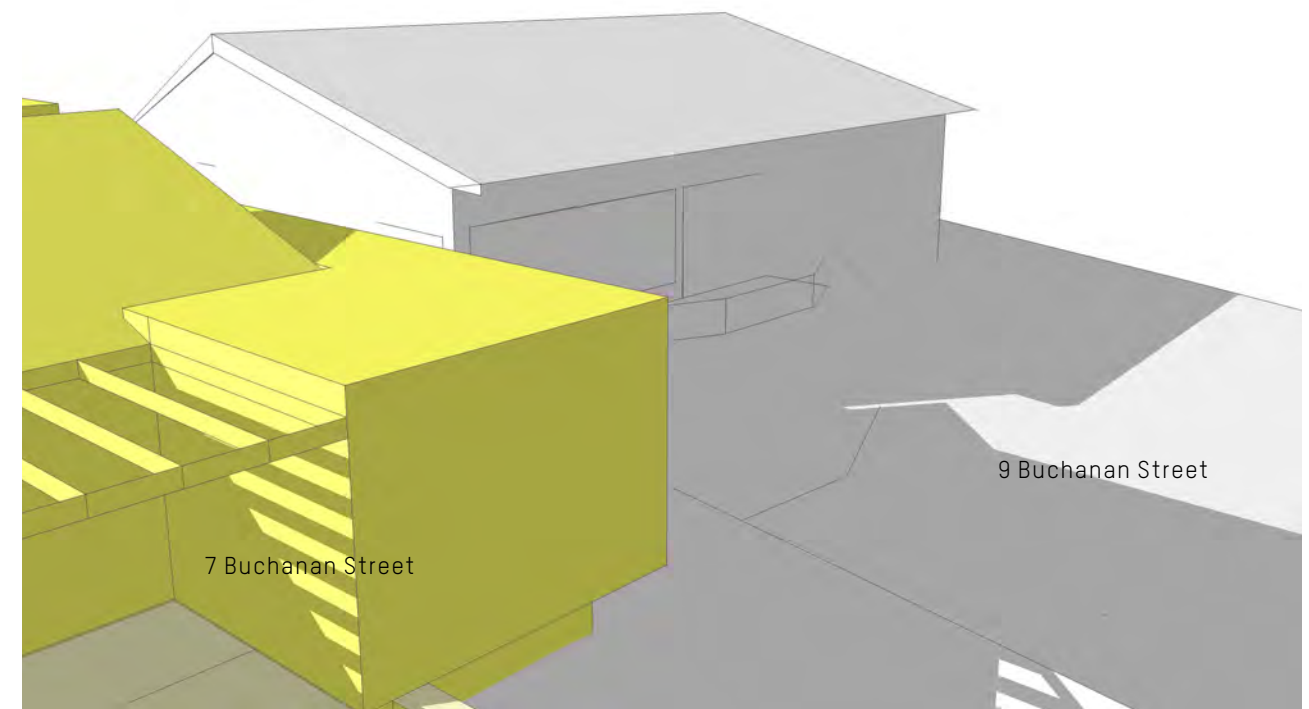
7 BUCHANAN STREET, BELLERIVE

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Shadow Diagrams
December 2021



Existing 1:00pm 21st June



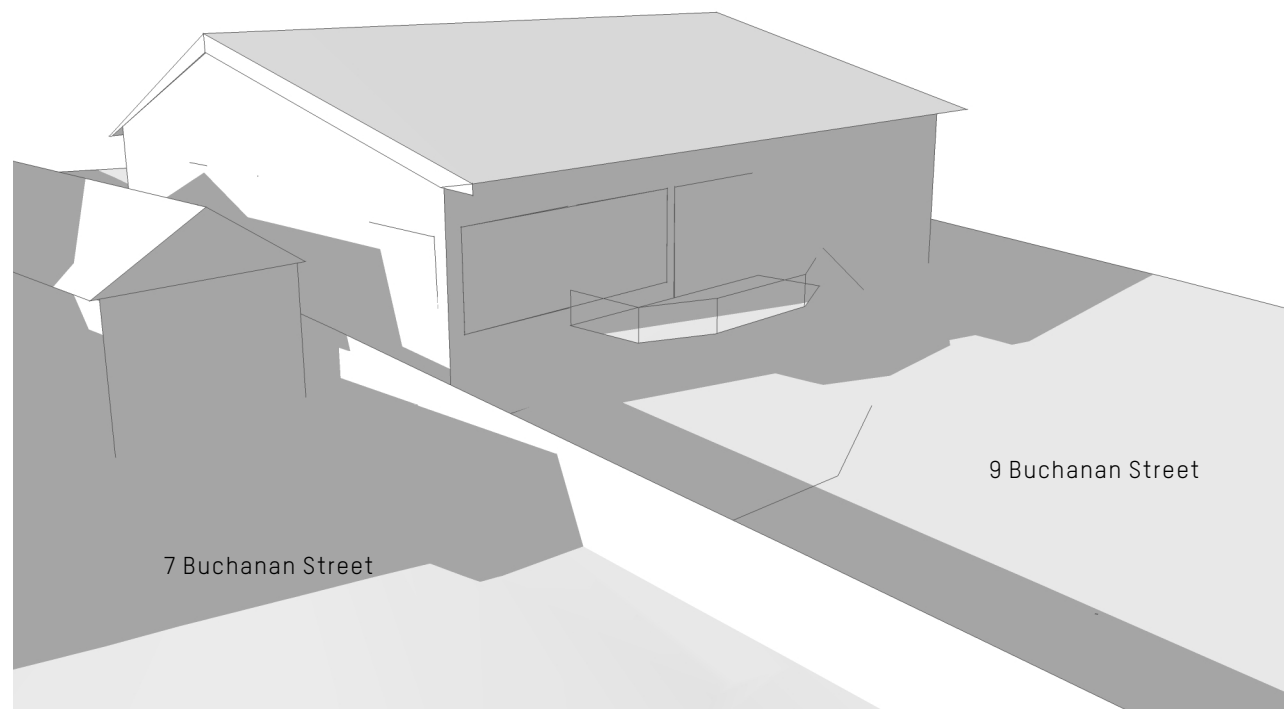
Proposed 1:00pm 21st June



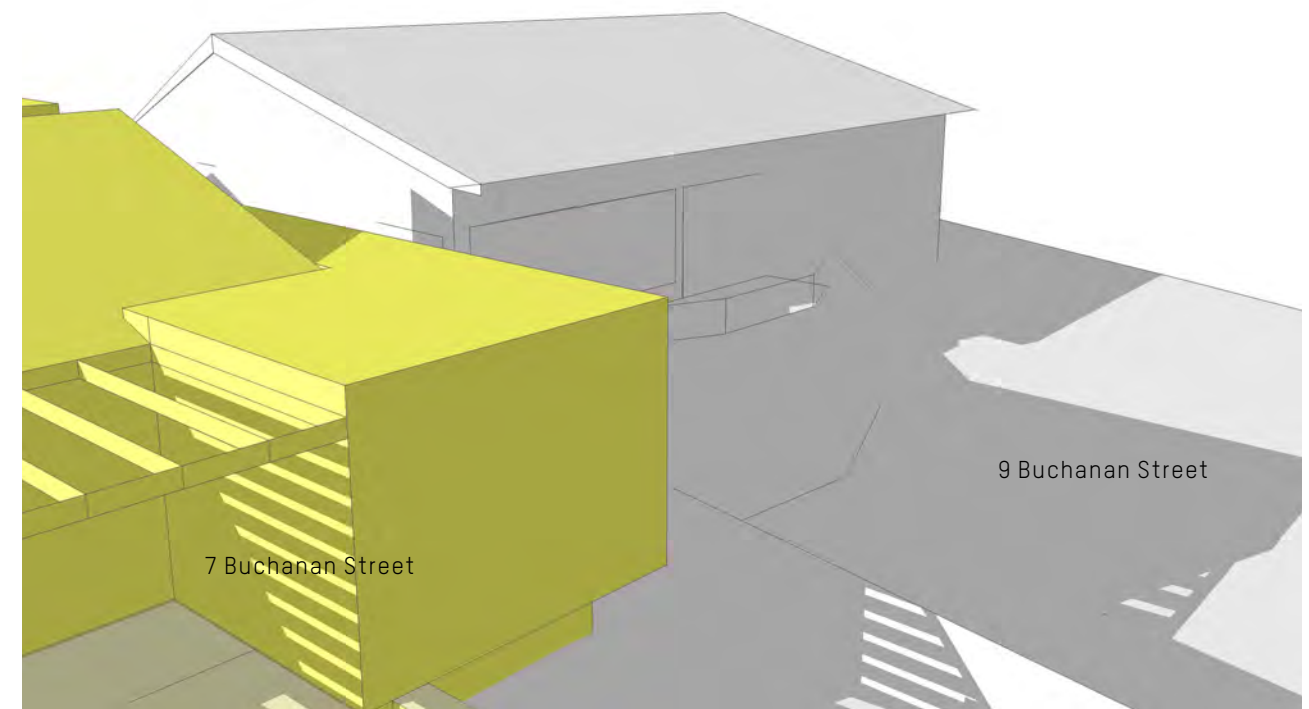
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams
December 2021



Existing 2:00pm 21st June



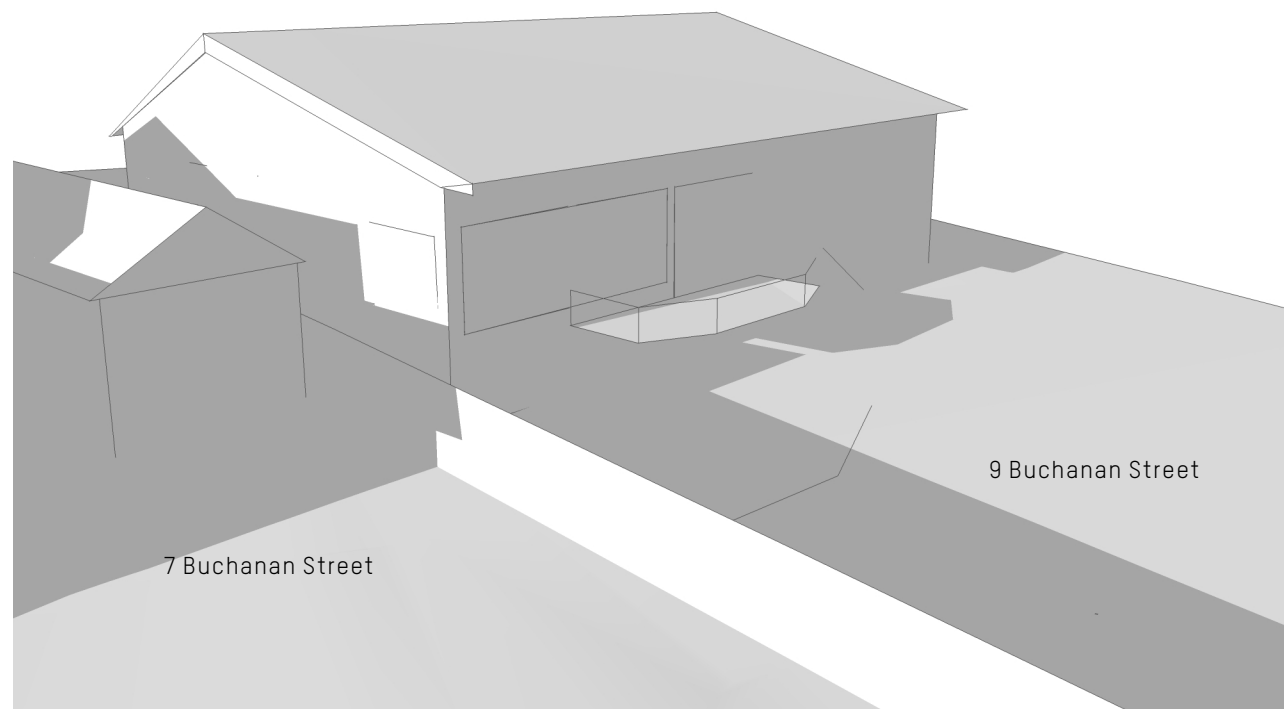
Proposed 2:00pm 21st June



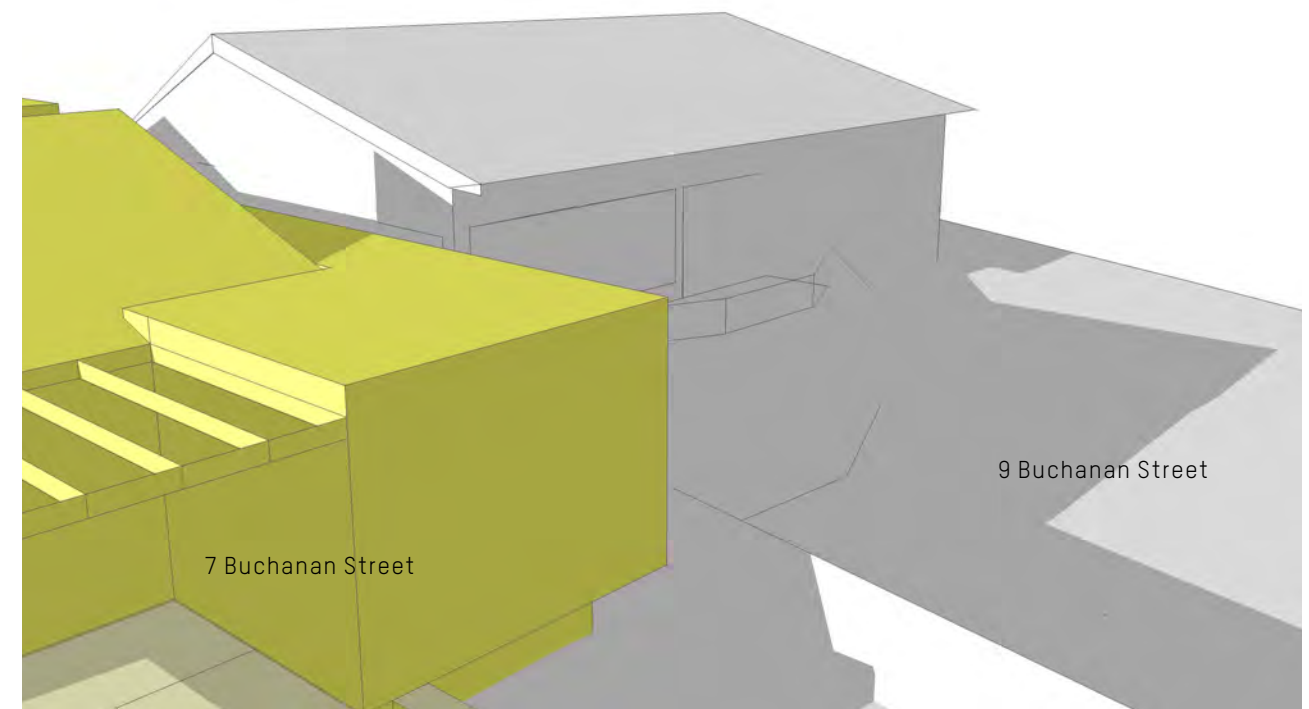
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams
December 2021



Existing 3:00pm 21st June



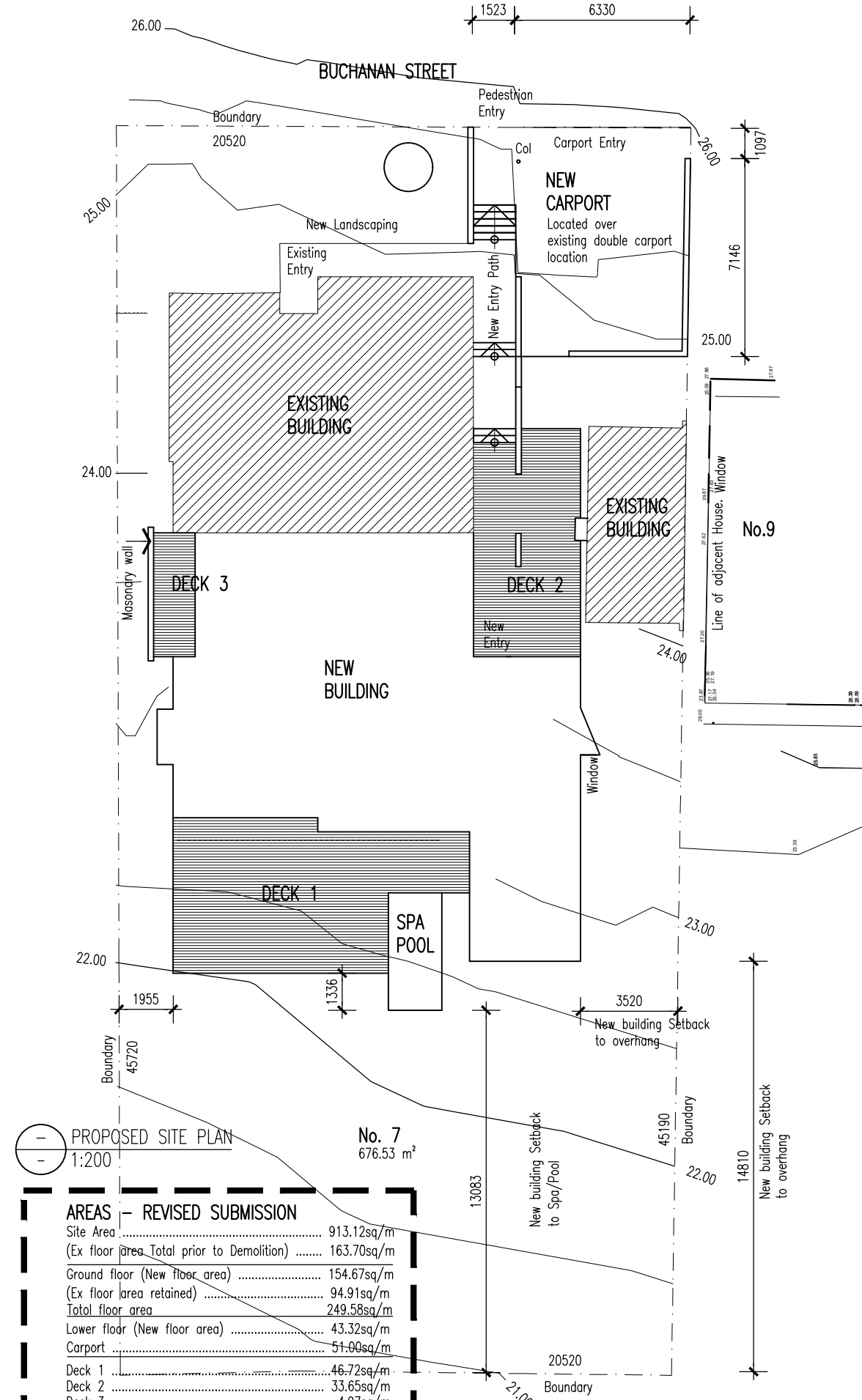
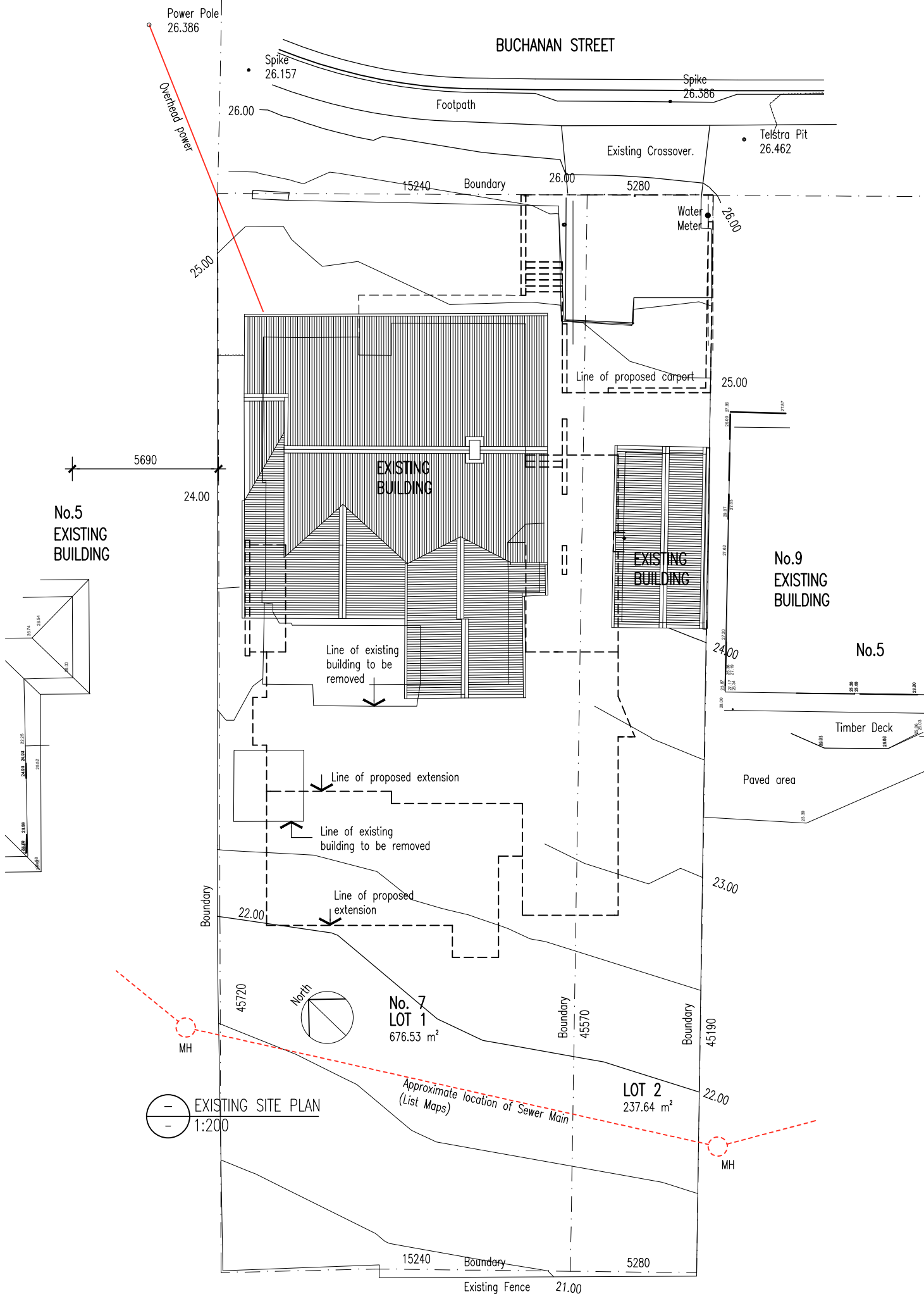
Proposed 3:00pm 21st June



7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams
December 2021



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Project 7 BUCHANAN ST
BELLERIVE

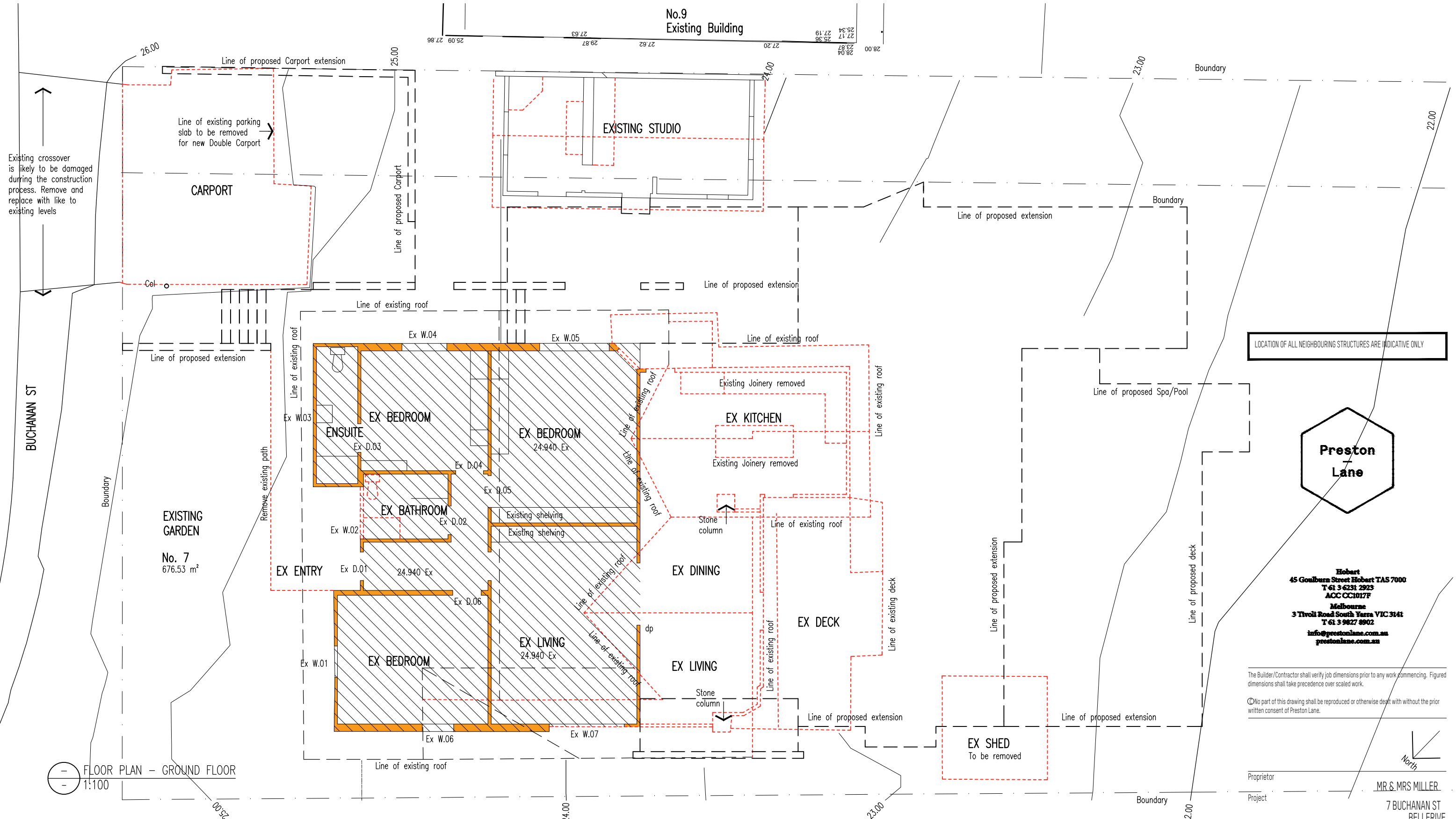
Drawing SITE PLAN

Scale 1:500 @ A3

Revision		PN	DL
A	16/02/21		
B	26/08/21	Planning	PN DL
C	16/12/21	RfI 15 Sept 2021	PN DL
D	28/04/22	Redesign	PN DL
E	13/05/22	Redesign	PN DL
F	10/08/22	Privacy Screens	PN DL

Project No 20038

Drawing Number A00-11 F



FLOOR PLAN – GROUND FLOOR
1:100

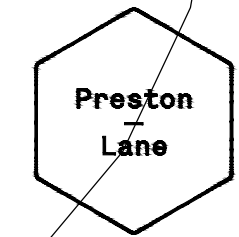
AREAS – REVISED SUBMISSION	
Site Area	913.12sq/m
(Ex floor area Total prior to Demolition)	163.70sq/m
Ground floor (New floor area)	154.67sq/m
(Ex floor area retained)	94.91sq/m
Total floor area	249.58sq/m
Lower floor (New floor area)	43.32sq/m
Carport	51.00sq/m
Deck 1	46.72sq/m
Deck 2	33.65sq/m
Deck 3	4.97sq/m
Total Deck area	85.34sq/m
Existing Studio	24.90sq/m

Existing vegetation to be retained where possible
Builder to remove all demolished and excavated materials from site on day of removal.
Maintain clear access at all times.
All existing pathways, steps and garden walls to be removed and levels adjusted in preparation for new works.
Existing stone in the demolished sections of the building is to be retained for possible reuse in the new works.

All existing services are to be located marked and capped prior to excavation or leveling.
Water and Power authorities are to be advised for guidelines to proceed.
All activities generating excessive noise are to be undertaken during legislated days and time frames.
Where possible neighboring properties are to be notified of these activities a min of 48 hours prior.
All underground services including Sewer, Stormwater, Water, Power and communications are to be located by a suitably qualified company to establish final layouts of neww services etc.

PRELIMINARY NOT FOR CONSTRUCTION

LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY

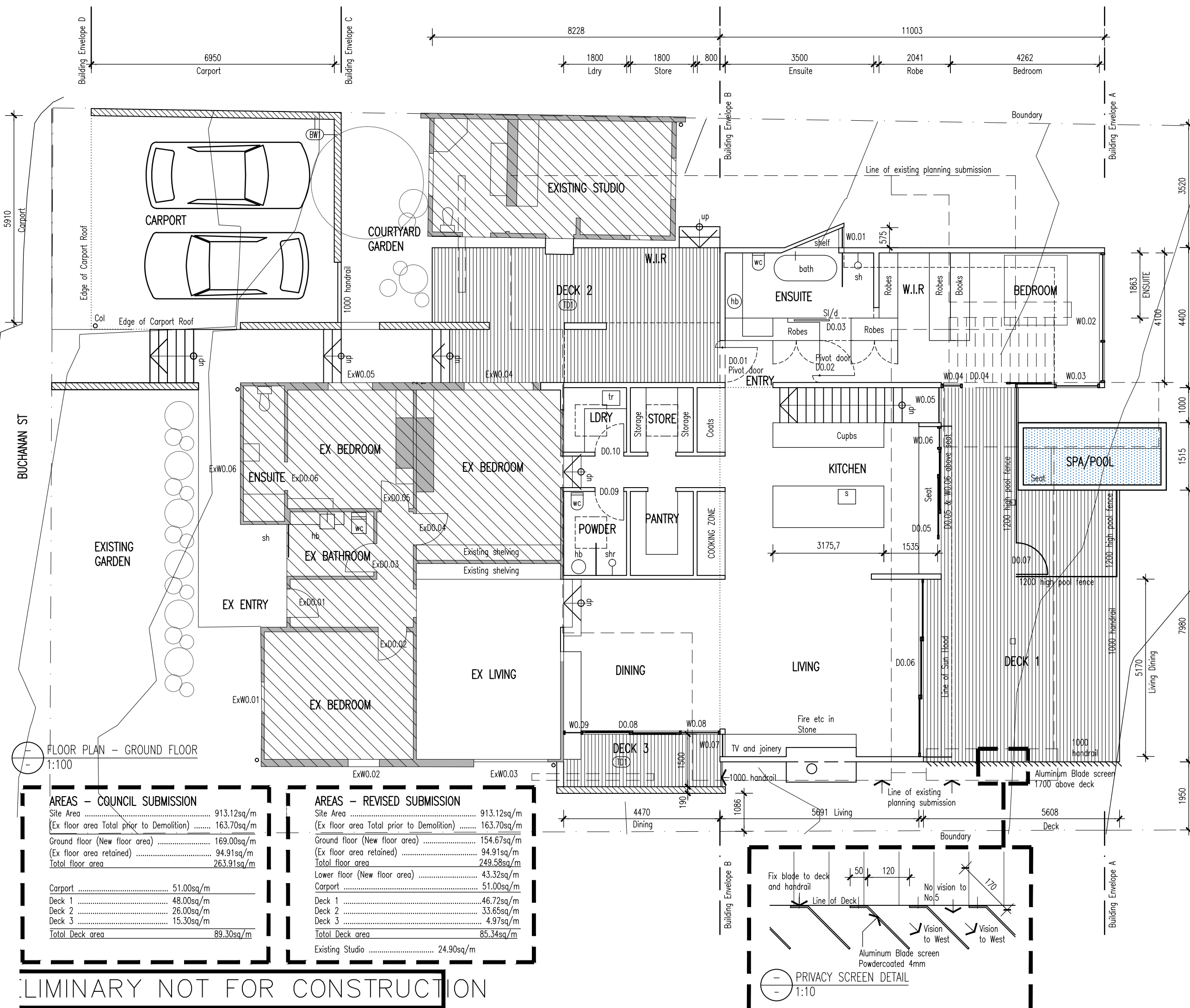


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Proprietor
Project
Drawing
Scale
Revision
Project No
Drawing Number

MR & MRS MILLER
7 BUCHANAN ST
BELLERIVE
DEMOLITION PLAN
1:100 @ A3
PN DL
PN DL
PN DL
PN DL
PN DL
20038
A01-00



- FINISHES**
- (TIM1) Timber vertical shiplot cladding, point finish. Species and point colour to future selection
 - (CR1) Roof sheeting. Shale grey in colour.
 - (CS1) Cement sheet cladding. Point finish.
 - (EX1) Existing roof sheeting. no works.
 - (EX2) Existing brickwork. no works.
 - (EX3) Existing weatherboards. no works.
 - (M1) Powder coated aluminium. colour to future selection.
 - (TD1) Timber decking. species to future selection.
 - (TIM2) Painted Tas Oak timber battens.
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 - (ST1) Stone to match existing. Facing over blockwork

aw Awning window
fg Fixed glazing
sj Silicon joint

Notes
Paint finish to all expressed steel work is to be Dulux Ferreko no.3 MIO epoxy (complete system to Dulux recommendations). Typical to all external steel work.

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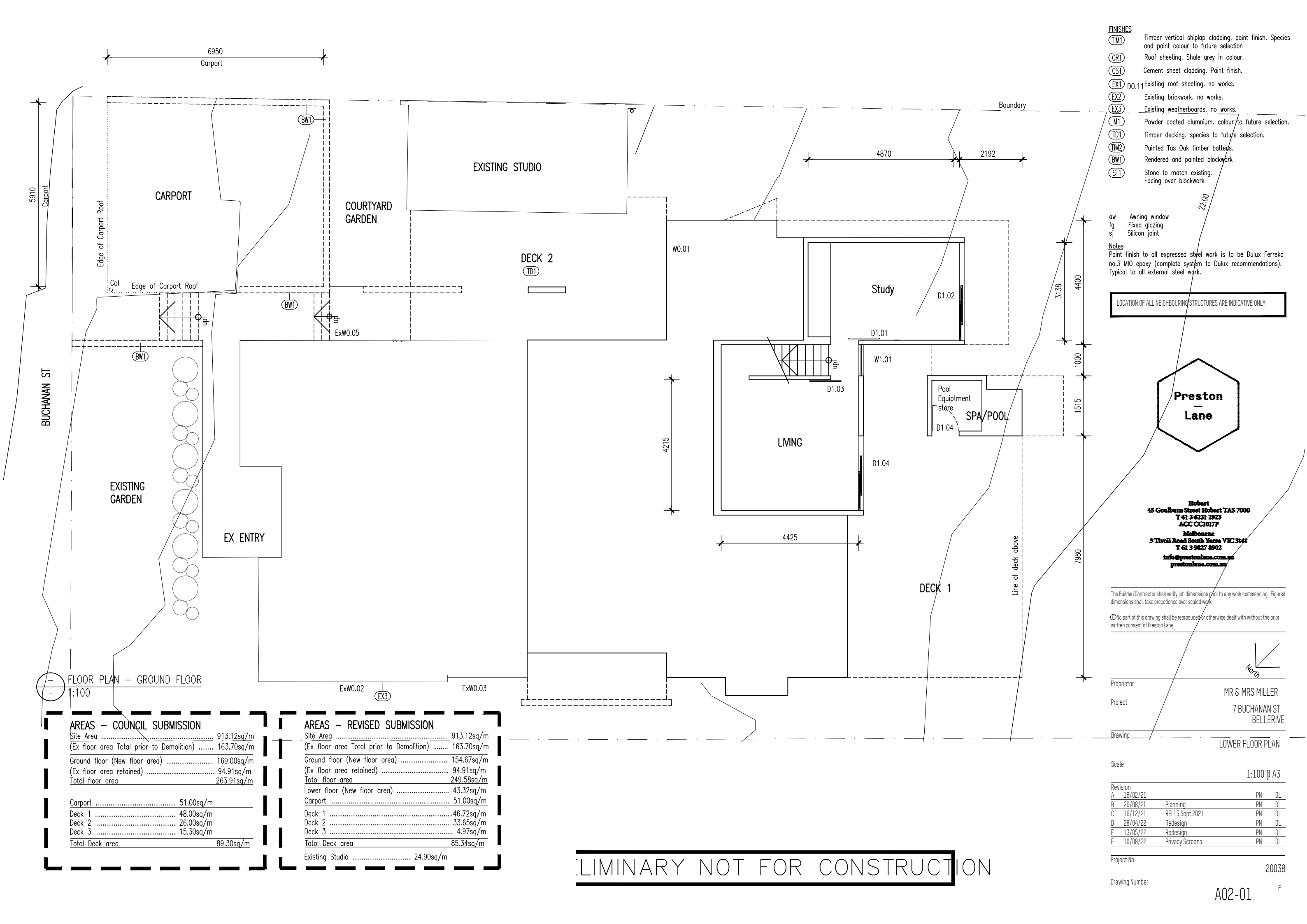
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Proprietor MR & MRS MILLER
Project 7 BUCHANAN ST BELLERIVE
Drawing GROUND FLOOR PLAN

Scale 1:100 @ A3

Revision		PN	DL
A	16/02/21		
B	26/08/21	Planning	PN DL
C	16/12/21	RFI 15 Sept 2021	PN DL
D	28/04/22	Redesign	PN DL
E	13/05/22	Redesign	PN DL
F	10/08/22	Privacy Screens	PN DL

Project No 20038
Drawing Number A02-00

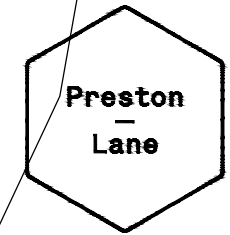


- FINISHES**
- (TIM1) Timber vertical shiplot cladding, paint finish. Species and paint colour to future selection
 - (CR1) Roof sheeting. Shale grey in colour.
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aw Awning window
fg Fixed glazing
sj Silicon joint

Notes
Paint finish to all expressed steel work is to be Dulux Ferreko no.3 MIO epoxy (complete system to Dulux recommendations). Typical to all external steel work.

LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY



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Project **7 BUCHANAN ST
BELLERIVE**
Drawing

LOWER FLOOR PLAN

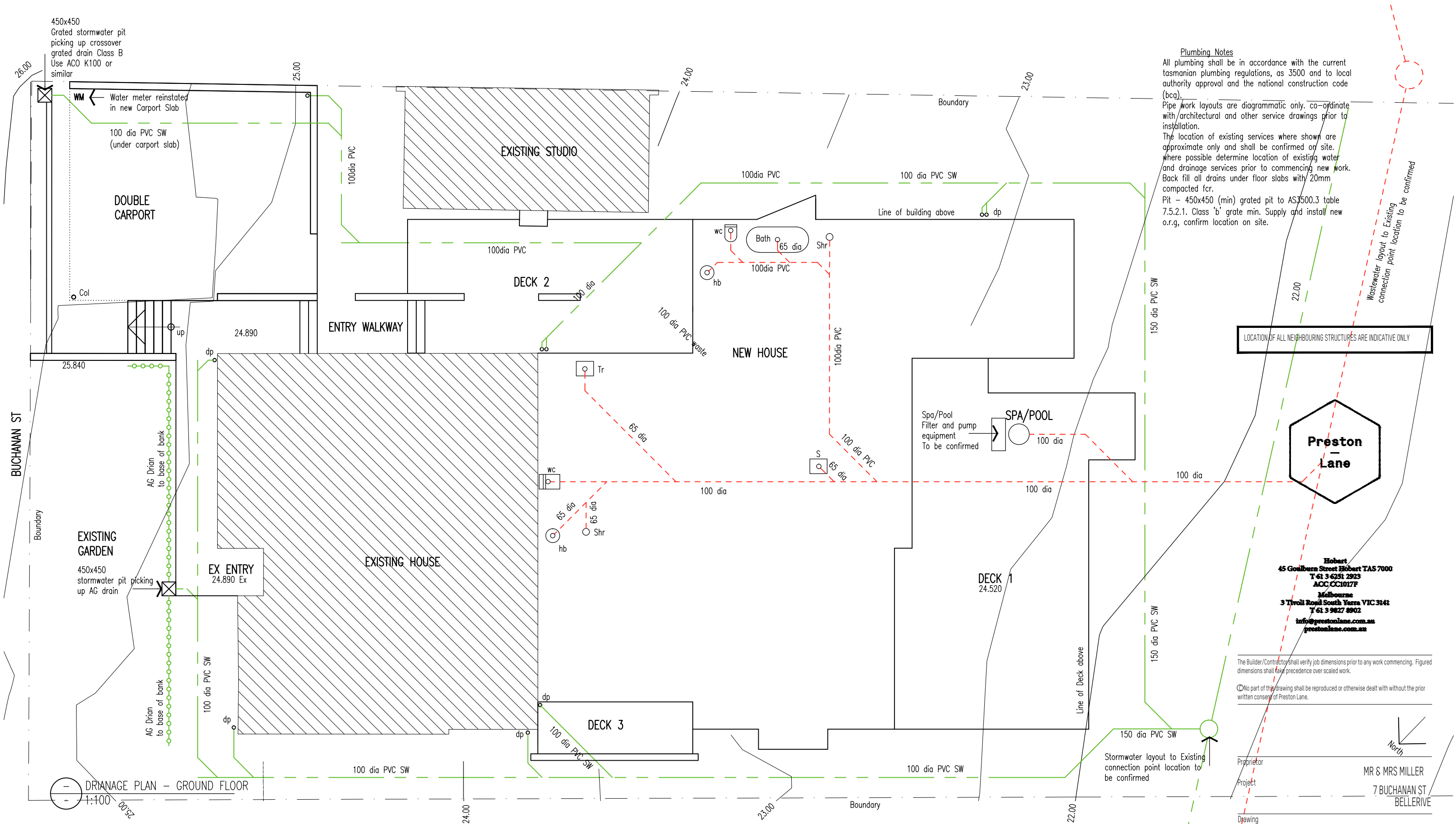
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Revision				
A	16/02/21		PN	DL
B	26/08/21	Planning	PN	DL
C	16/12/21	RFI 15 Sept 2021	PN	DL
D	28/04/22	Redesign	PN	DL
E	13/05/22	Redesign	PN	DL
F	10/08/22	Privacy Screens	PN	DL

Project No **20038**

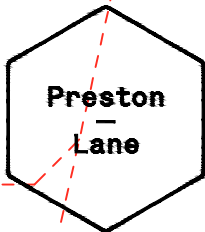
Drawing Number **A02-01**

PRELIMINARY NOT FOR CONSTRUCTION



Plumbing Notes
All plumbing shall be in accordance with the current tasmanian plumbing regulations, as 3500 and to local authority approval and the national construction code (bca).
Pipe work layouts are diagrammatic only. co-ordinate with architectural and other service drawings prior to installation.
The location of existing services where shown are approximate only and shall be confirmed on site.
where possible determine location of existing water and drainage services prior to commencing new work.
Back fill all drains under floor slabs with 20mm compacted fcr.
Pit – 450x450 (min) grated pit to AS3500.3 table 7.5.2.1. Class 'b' grate min. Supply and install new o.r.g, confirm location on site.

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STORMWATER DRAINAGE PLAN

Scale
1:100 @ A3

Revision			PN	DL
A	16/02/21		PN	DL
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C	16/12/21	RFI 15 Sept 2021	PN	DL
D	28/04/22	Redesign	PN	DL
E	13/05/22	Redesign	PN	DL
F	10/08/22	Privacy Screens	PN	DL

Project No
20038

Drawing Number
A02-02

AREAS – REVISED SUBMISSION

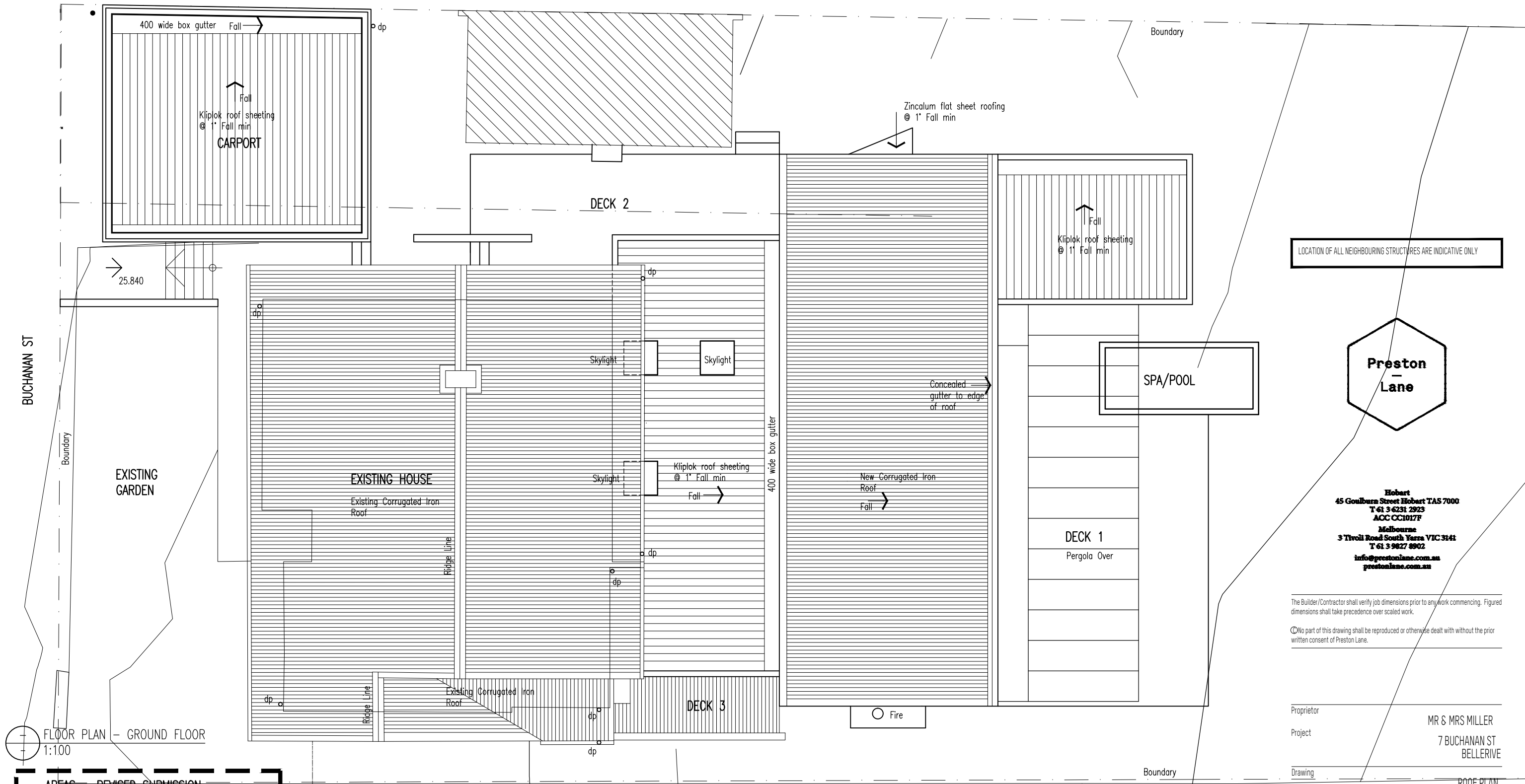
Site Area	913.12sq/m
(Ex floor area Total prior to Demolition)	163.70sq/m
Ground floor (New floor area)	154.67sq/m
(Ex floor area retained)	94.91sq/m
Total floor area	249.58sq/m
Lower floor (New floor area)	43.32sq/m
Carport	51.00sq/m
Deck 1	46.72sq/m
Deck 2	33.65sq/m
Deck 3	4.97sq/m
Total Deck area	85.34sq/m
Existing Studio	24.90sq/m

TasWater Notes

- All works are to be in accordance with the Water Supply Code of Australia WSA 03-2011-3.1 version 3.1 MRWA edition V2.0 and sewerage Code of Australia Melbourne Retail Water Agencies Code WSA 02-2014-3.1 MRWA version 2 / WSA 02-2002 version 2.3 MRWA edition 1.0 and TasWater's supplements to these codes.
- Water meter installed by TasWater at developers cost.
- Water connection to be carried out by TasWater at developers cost.

Stormwater gravity feed to existing connection points.
A full and detailed hydraulics design will be provided as part of the building permit documents.

PRELIMINARY NOT FOR CONSTRUCTION



FLOOR PLAN – GROUND FLOOR
1:100

AREAS – REVISED SUBMISSION

Site Area	913.12sq/m
(Ex floor area Total prior to Demolition)	163.70sq/m
Ground floor (New floor area)	154.67sq/m
(Ex floor area retained)	94.91sq/m
Total floor area	249.58sq/m
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Project	7 BUCHANAN ST BELLERIVE
Drawing	

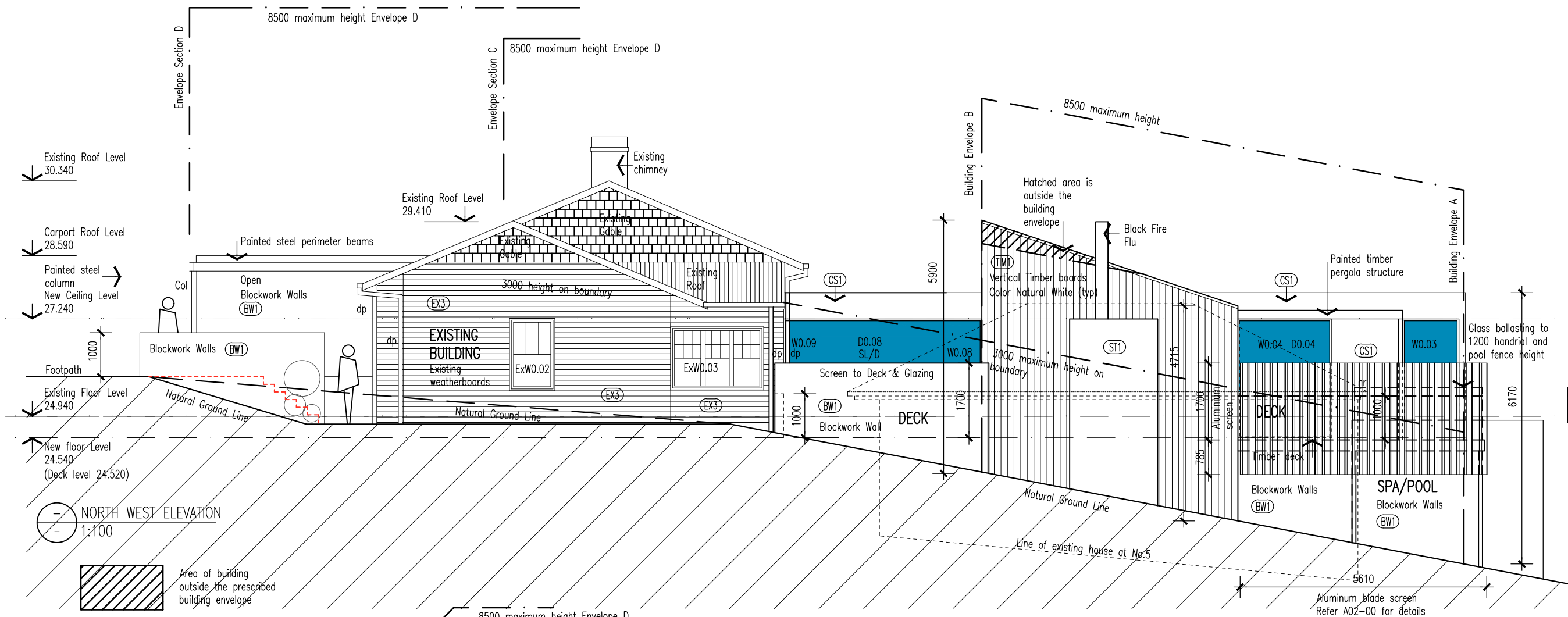
ROOF PLAN

Scale
1:100 @ A3

Revision		PN	DL
A	16/02/21	PN	DL
B	26/08/21 Planning	PN	DL
C	16/12/21 RFI 15 Sept 2021	PN	DL
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E	13/05/22 Redesign	PN	DL
F	10/08/22 Privacy Screens	PN	DL

Project No 20038

Drawing Number A02-03 F



- FINISHES**
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- aw Awning window
fg Fixed glazing
sj Silicon joint
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Project **7 BUCHANAN ST BELLERIVE**
Drawing **ELEVATIONS**
Scale **1:100 @ A3**
Revision

A	16/02/21		PN	DL
B	26/08/21	Planning	PN	DL
C	16/12/21	RFI 15 Sept 2021	PN	DL
D	28/04/22	Redesign	PN	DL
E	13/05/22	Redesign	PN	DL
F	10/08/22	Privacy Screens	PN	DL

Project No

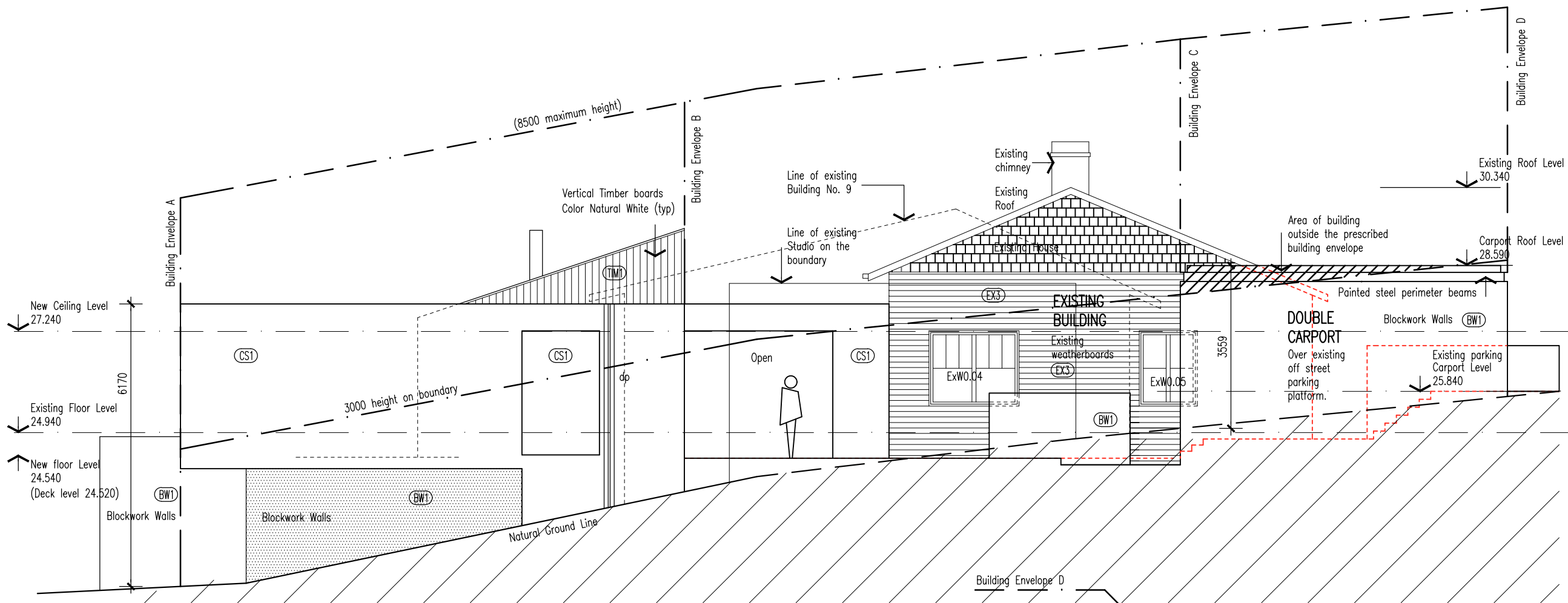
Drawing Number

20038

A04-00

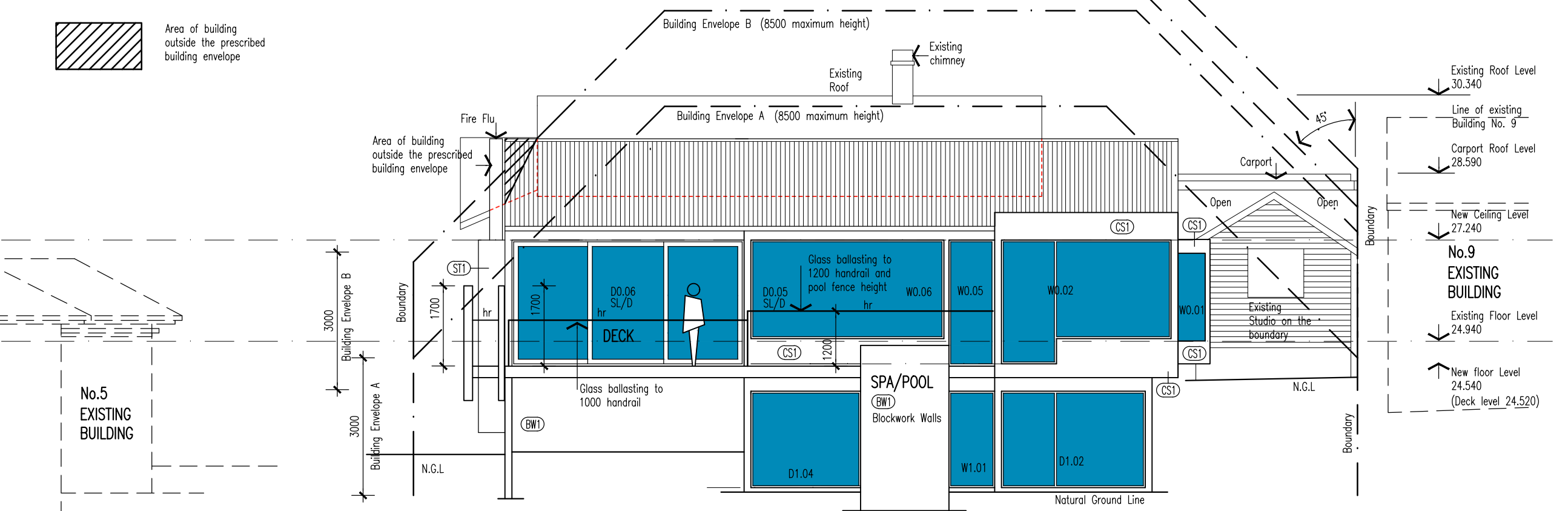
F

PRELIMINARY NOT FOR CONSTRUCTION



SOUTH EAST ELEVATION
1:100

Area of building outside the prescribed building envelope



SOUTH WEST ELEVATION
1:100

FINISHES

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Project 7 BUCHANAN ST
BELLERIVE

Drawing ELEVATIONS

Scale 1:100 @ A3

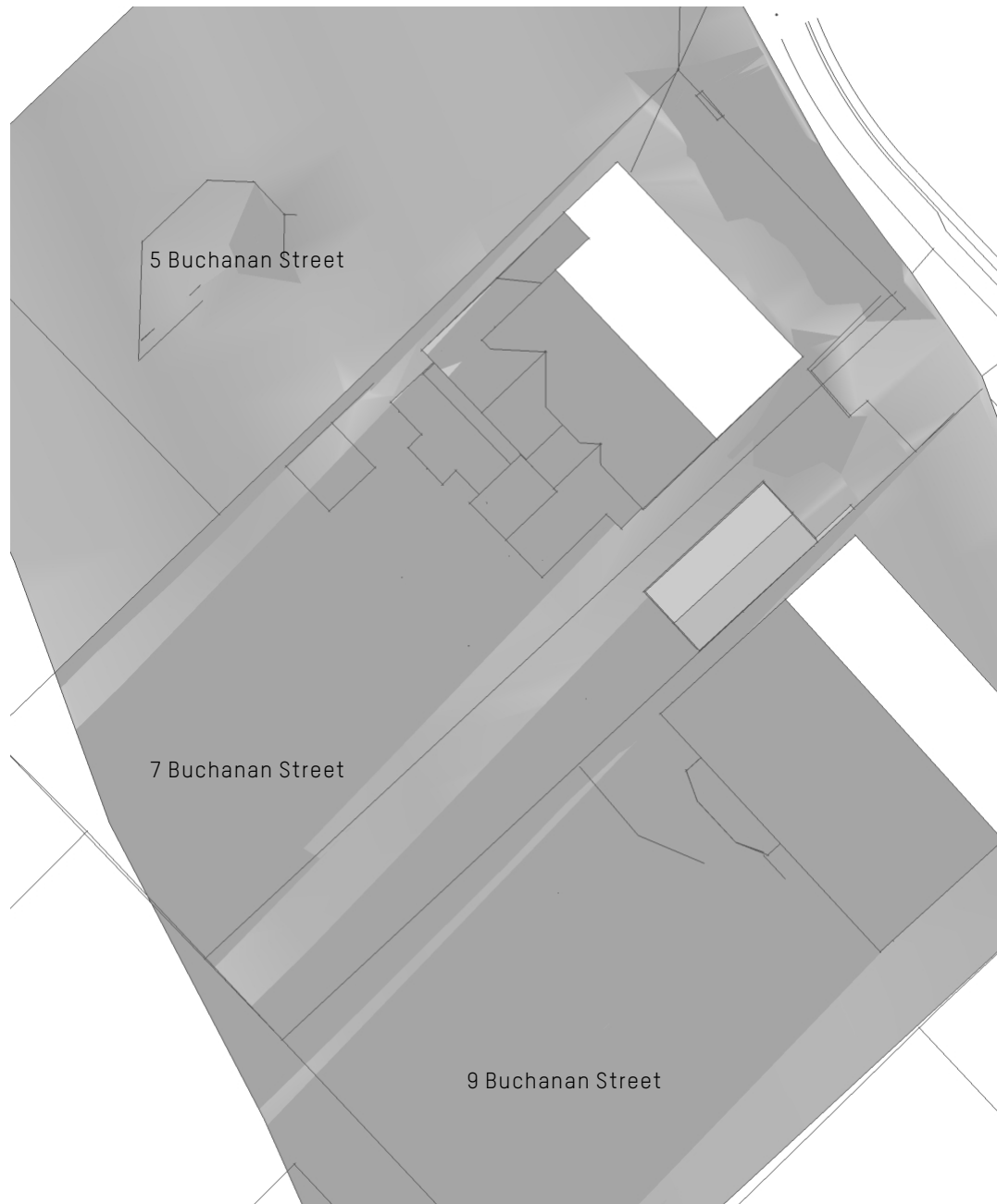
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F	10/08/22 Privacy Screens	PN	DL

Project No 20038
Drawing Number

PRELIMINARY NOT FOR CONSTRUCTION

A04-01

F



Existing 9:00am 21st June



Proposed 9:00am 21st June



7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams v3
August 2022



Existing 12:00pm 21st June



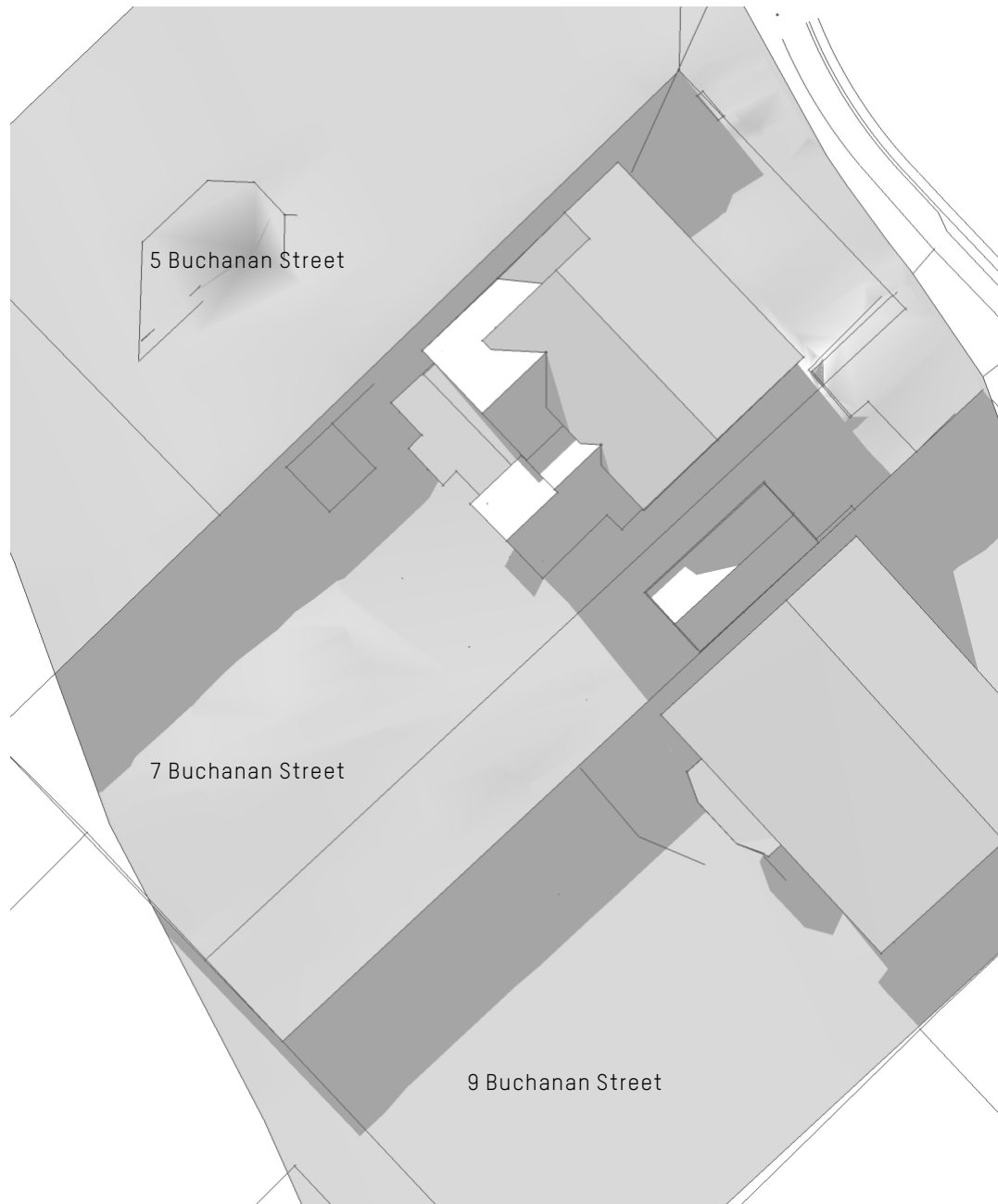
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7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams v3
August 2022



Existing 3:00pm 21st June



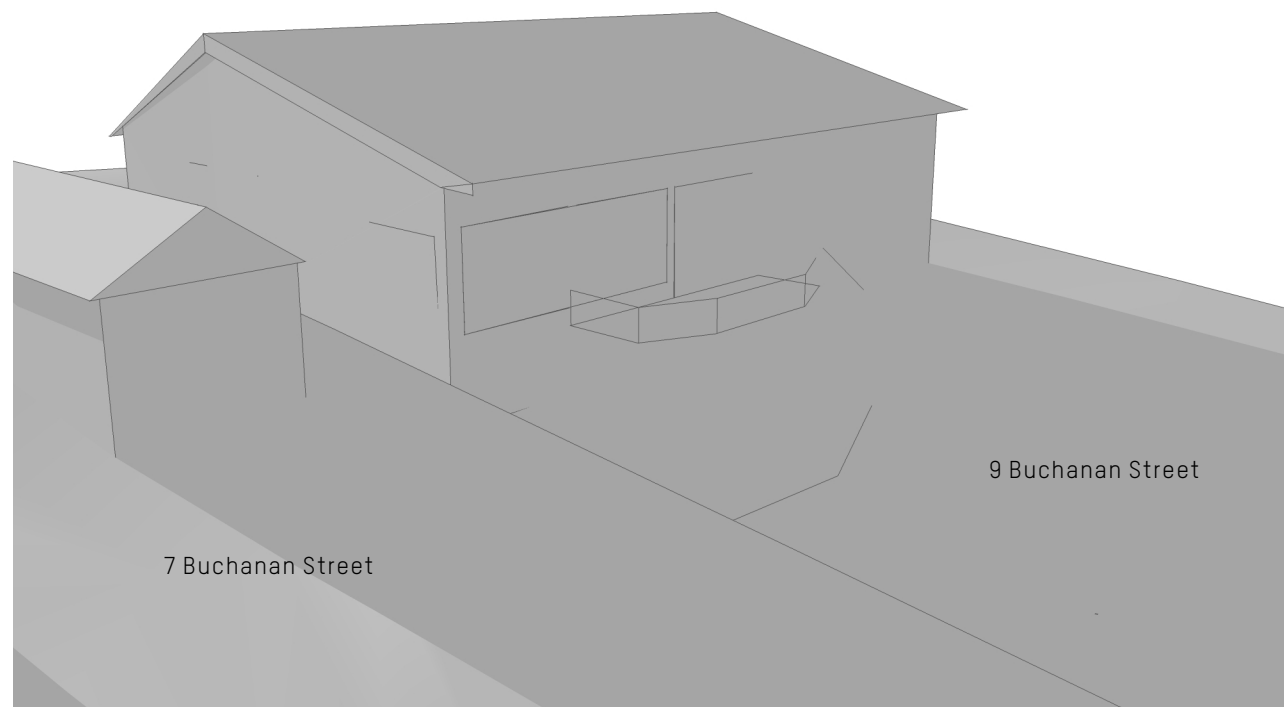
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Existing 9:00am 21st June



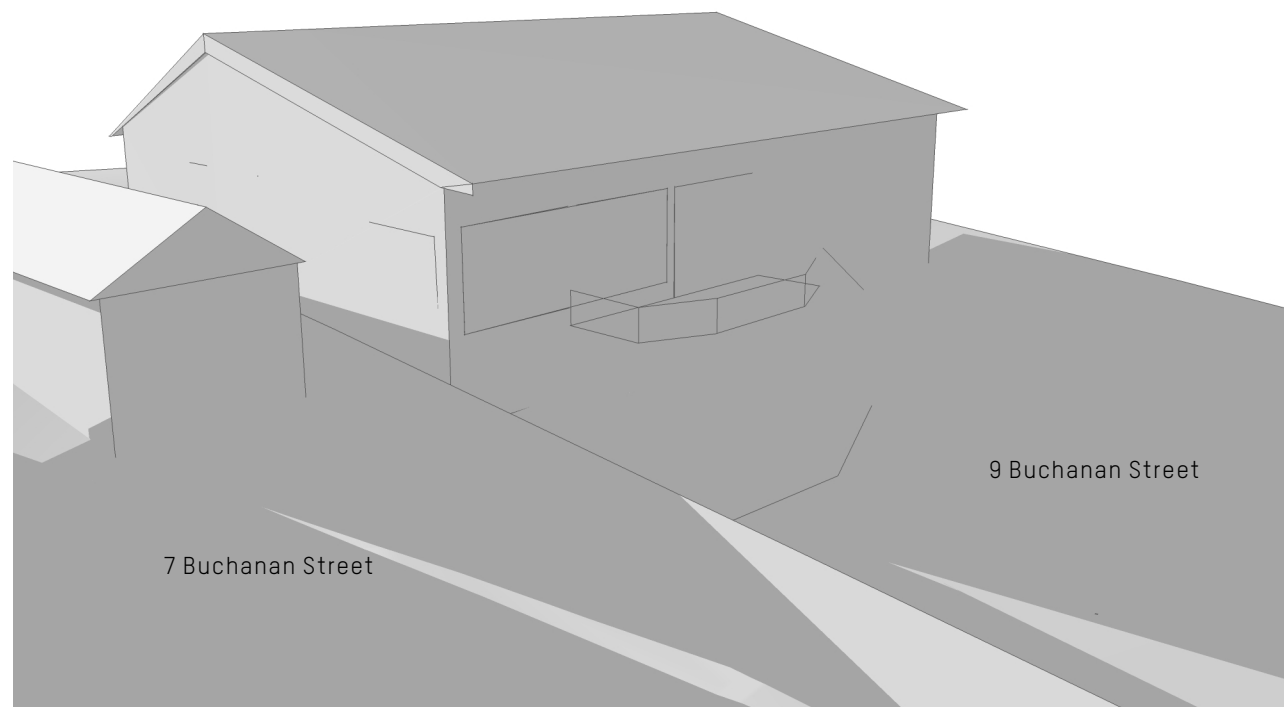
Proposed 9:00am 21st June



7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams v3
August 2022



Existing 10:00am 21st June



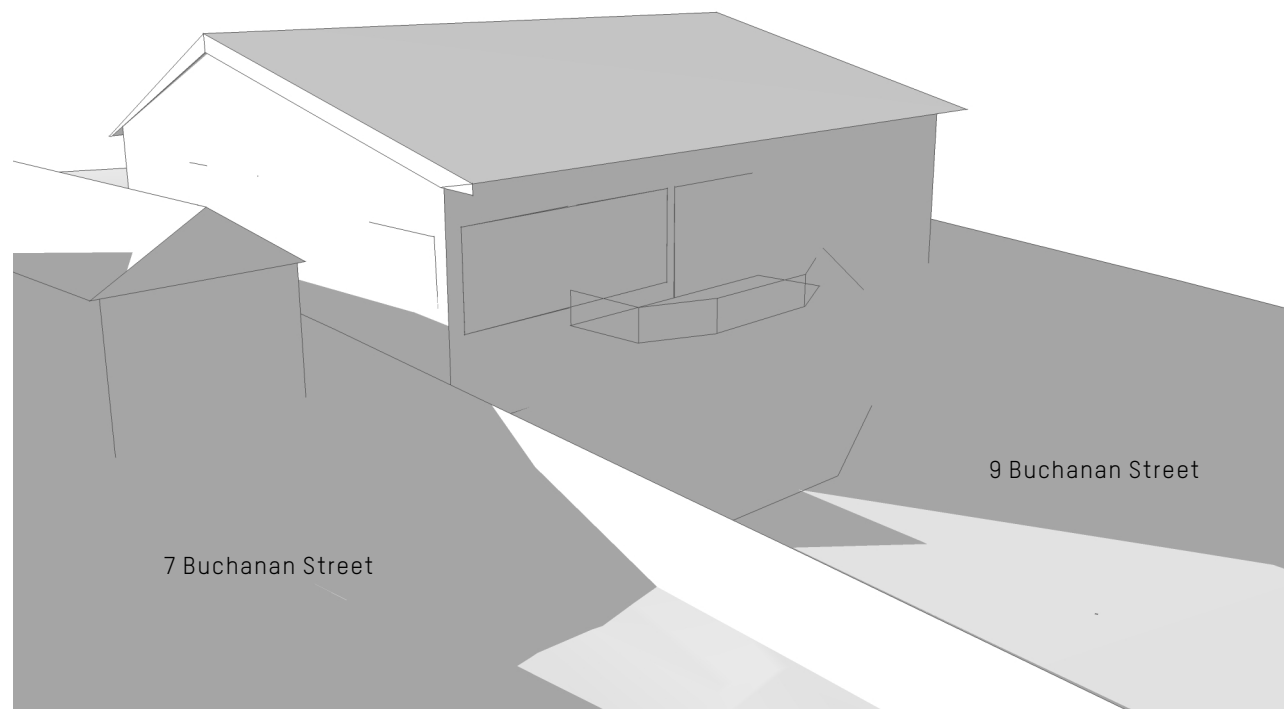
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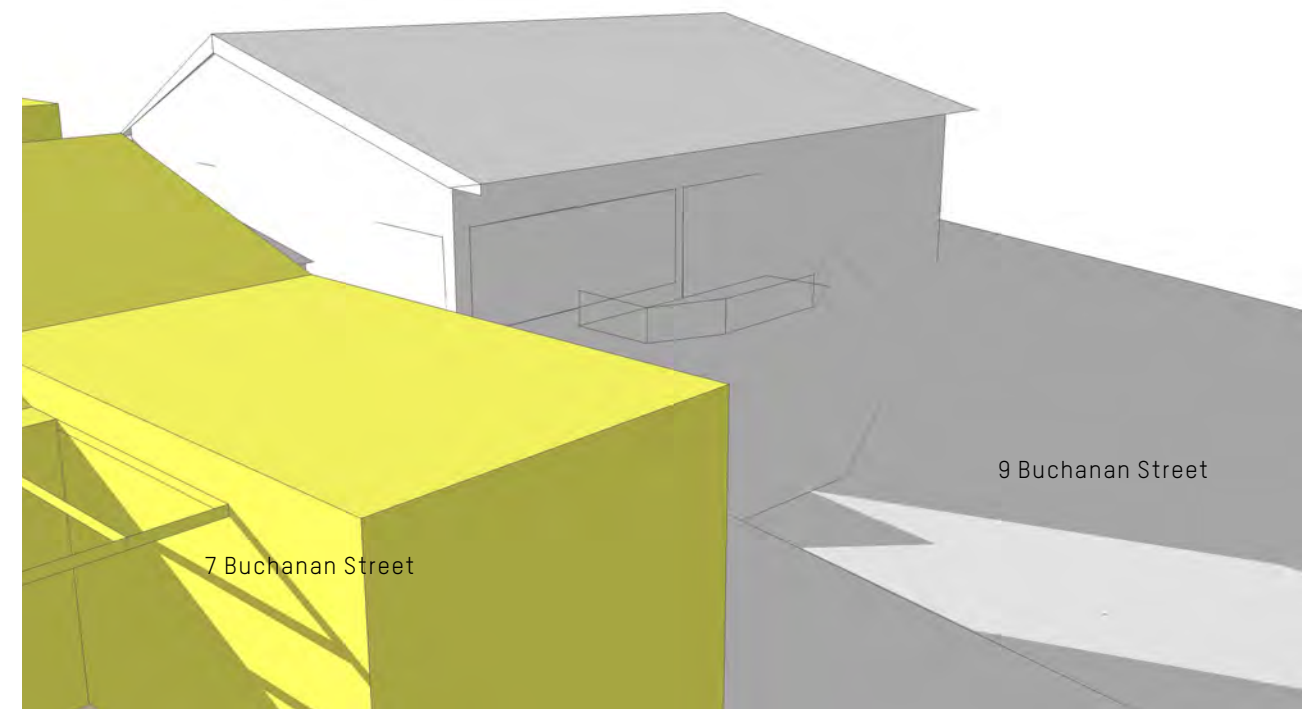
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams v3
August 2022



Existing 11:00am 21st June



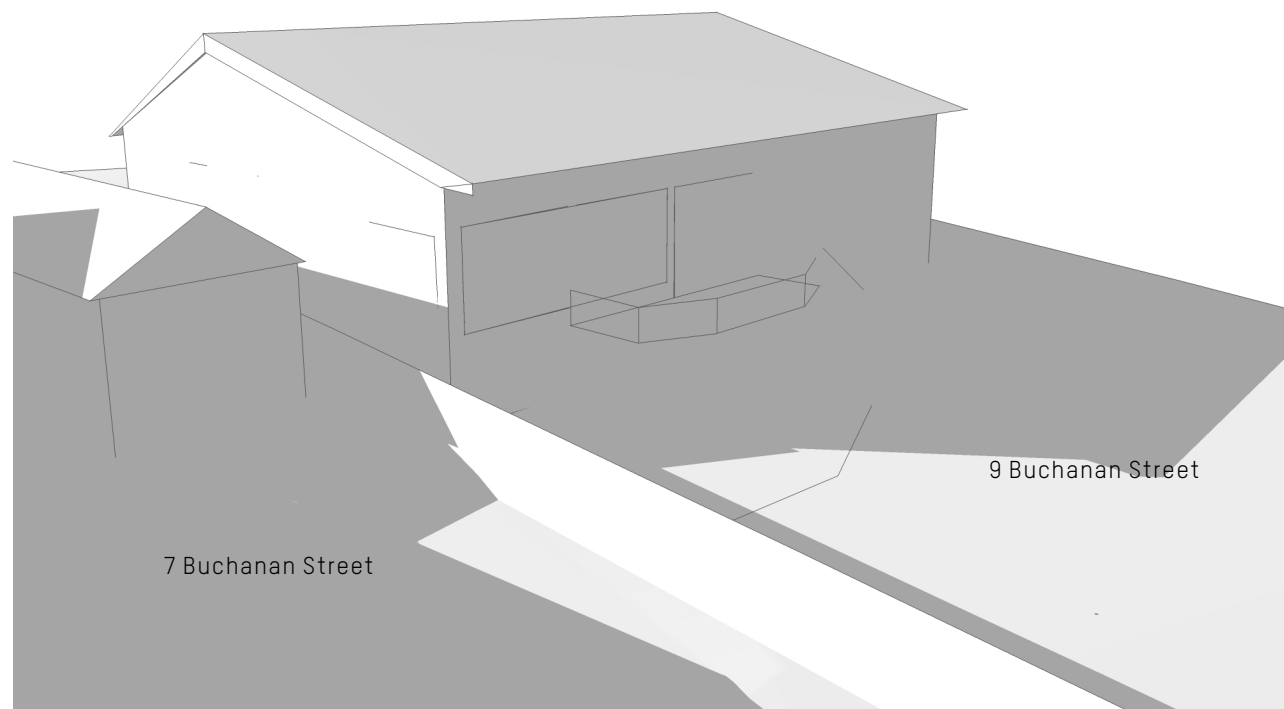
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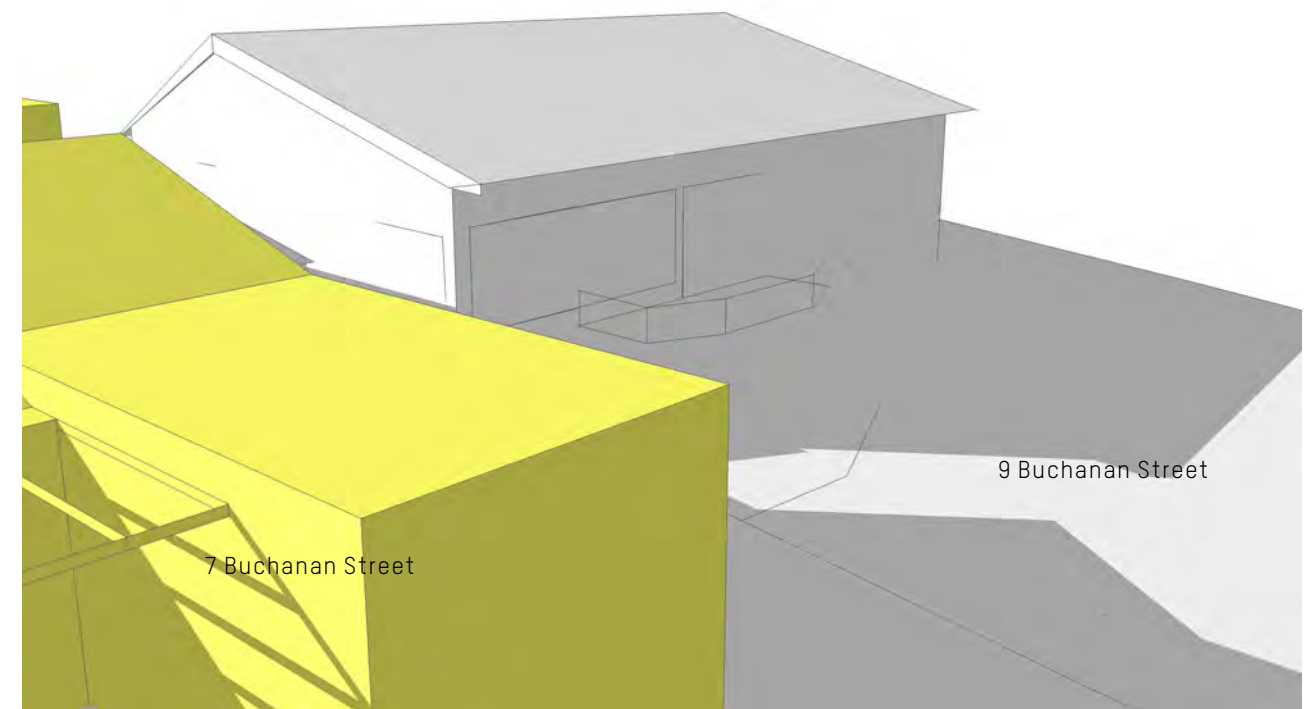
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams v3
August 2022



Existing 12:00pm 21st June



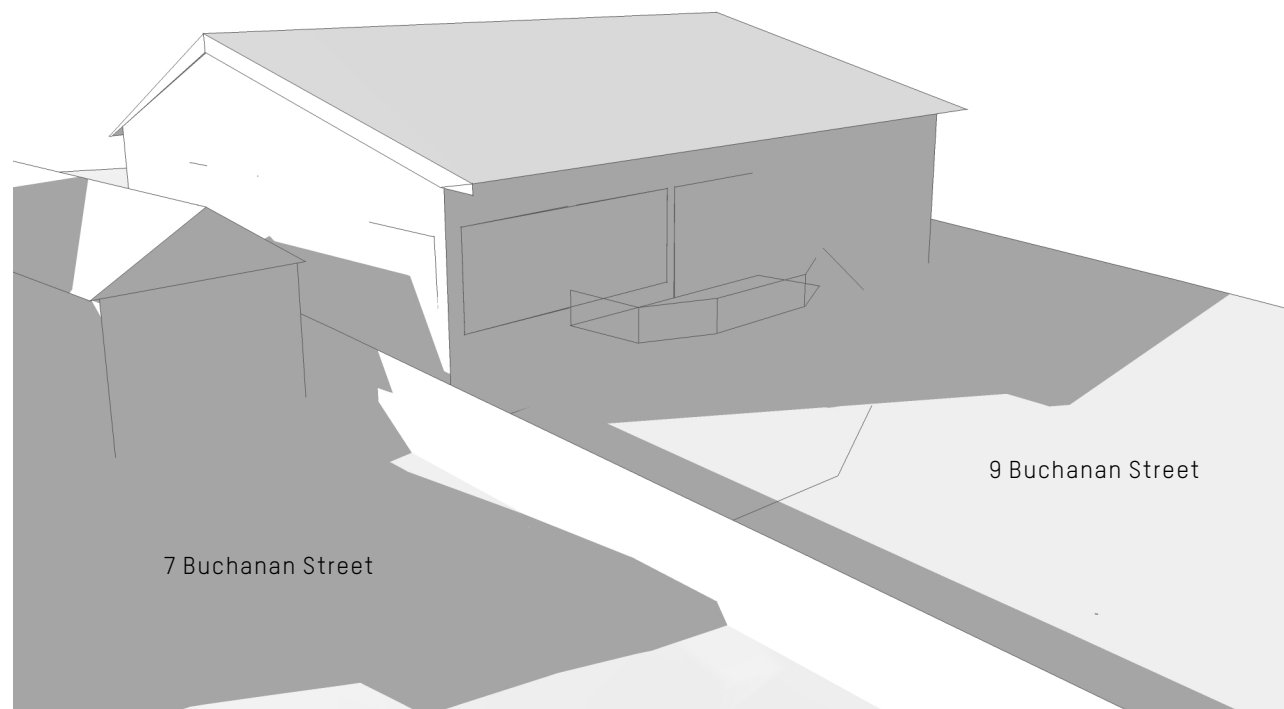
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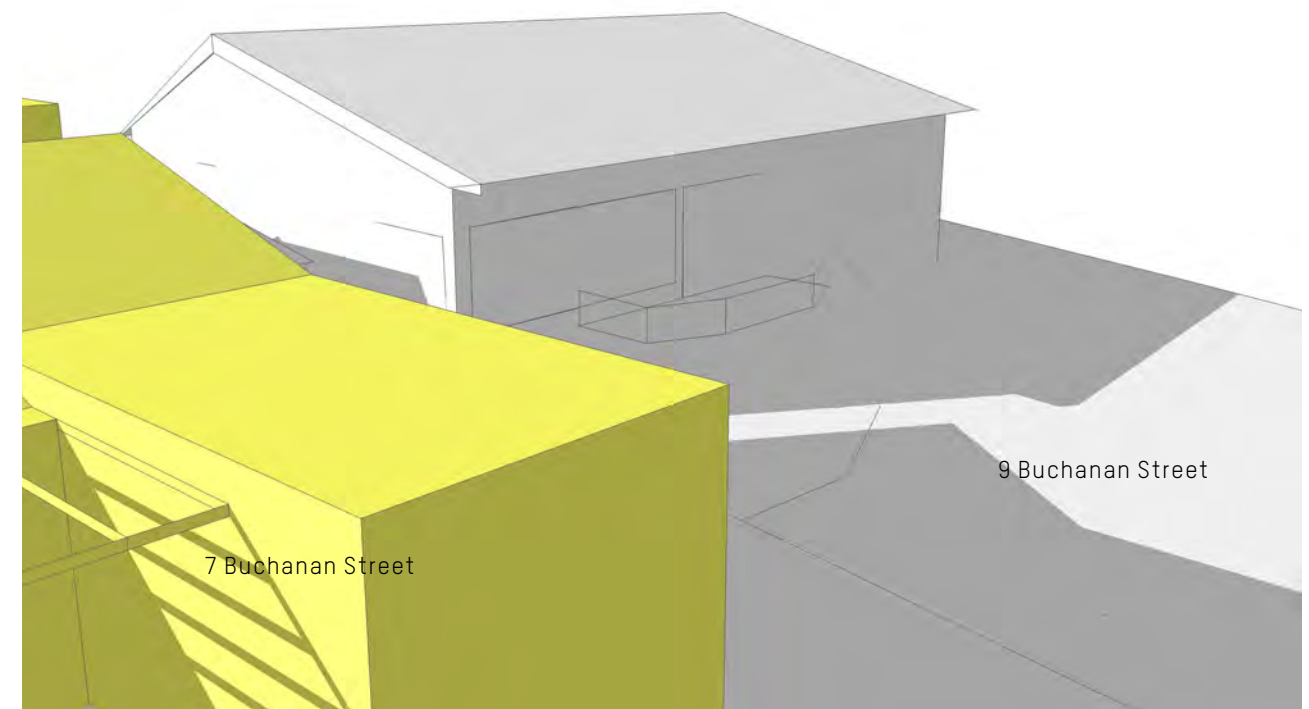
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams v3
August 2022



Existing 1:00pm 21st June



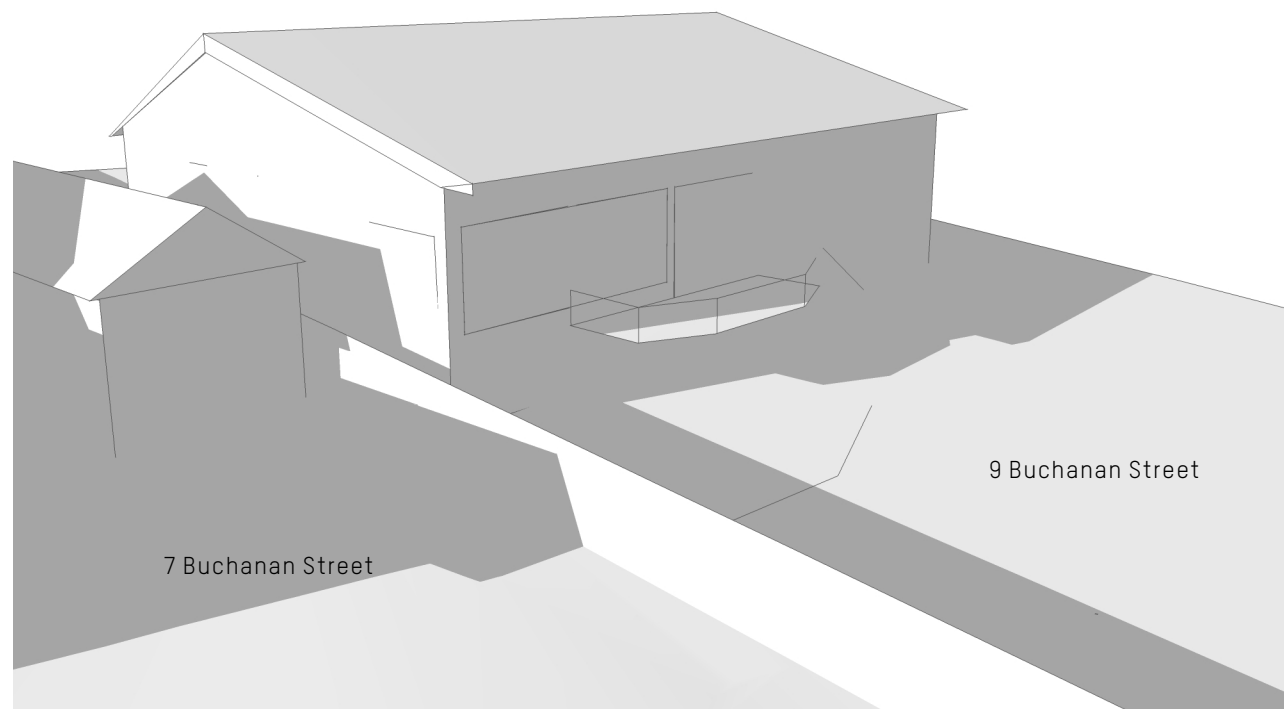
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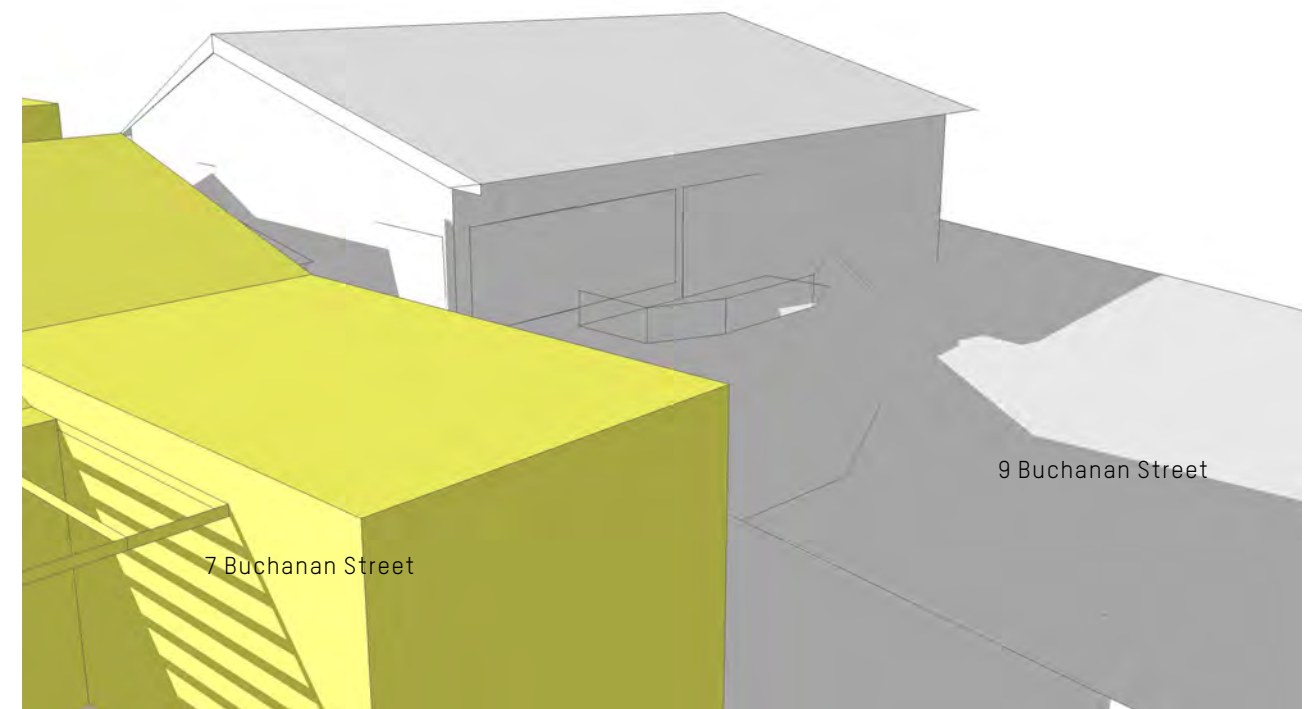
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams v3
August 2022



Existing 2:00pm 21st June



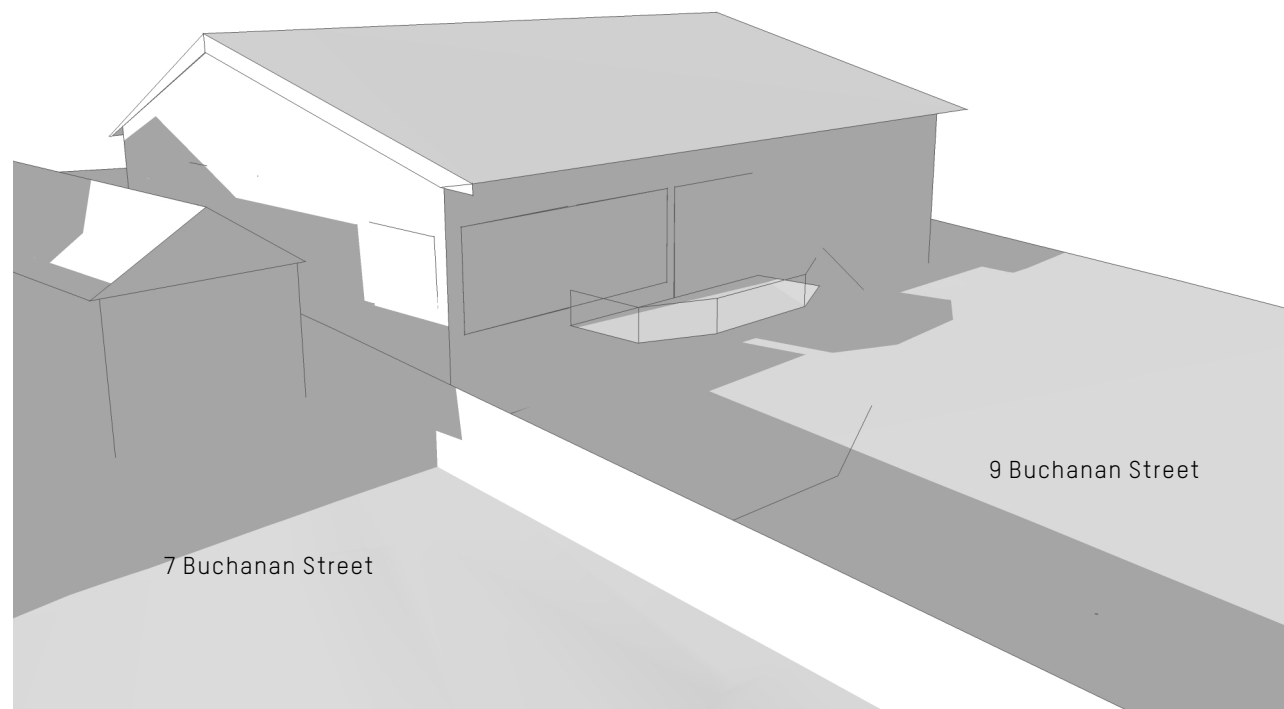
Proposed 2:00pm 21st June



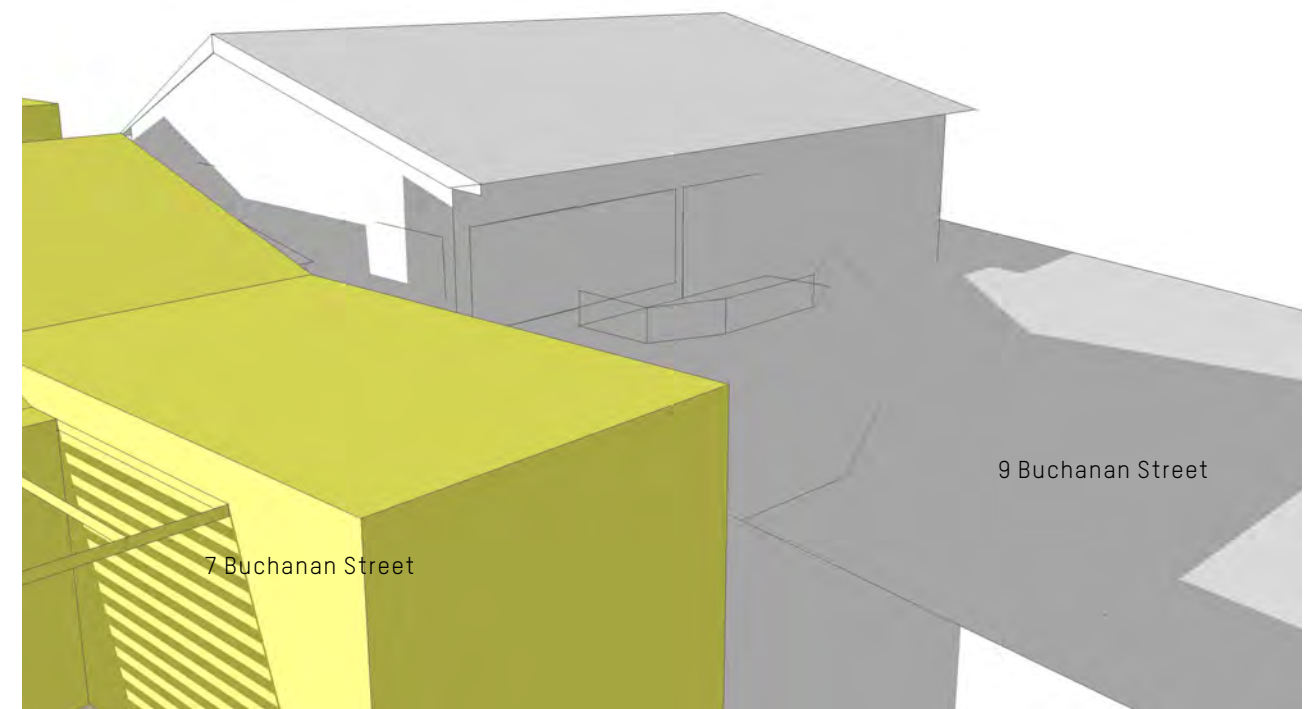
7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams v3
August 2022



Existing 3:00pm 21st June



Proposed 3:00pm 21st June



7 BUCHANAN STREET, BELLERIVE

Mr and Mrs Miller

Shadow Diagrams v3
August 2022

7 BUCHANAN STREET, BELLERIVE



Photo 1: Site viewed from Buchanan Street, looking southwest.



Photo 2: Site viewed from adjacent southwestern boundary, looking northeast.



Photo 3: Site of existing paved parking platform viewed from Buchanan Street, looking south.

**7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2022/026549 – 18
LOWLYNN COURT, GEILSTON BAY - 2 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 18 Lowlynn Court, Geilston Bay.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 28 September 2022, extended in accordance with s57(6A) of the Land Use Planning and Approvals Act 1993.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings at 18 Lowlynn Court, Geilston Bay (C1 Ref PDPLANPMTD-2022/026549) be refused as it is contrary to the provisions of the Tasmanian Planning Scheme - Clarence, with regard to:
1. Not satisfying Performance Criteria P3 of *clause 8.4.2 Setbacks and building envelope for all dwellings* by its southern side boundary setback not being consistent with properties in the area, creating overshadowing and visual bulk impact on the adjoining vacant lot to the south, resulting in unreasonable adverse impact on the adjoining lot's amenity.
 2. Not satisfying Performance Criteria P2 of *clause 8.4.3 Site Coverage and private open space for all dwellings*, as the dwellings' nominated private open spaces are designed and located in such a manner that they are not capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

DEVELOPMENT APPLICATION PDPLANPMTD-2022/026549 – 18 LOWLYNN COURT, GEILSTON BAY - 2 MULTIPLE DWELLINGS /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The lot was created by a 70-lot subdivision of 22 Napier Street, 463 East Derwent Highway and 495 East Derwent Highway, SD-2010/84 approved on 13 May 2019. The subject site, Lot 46 was included in Stage 7, the last stage of the approved subdivision.

Post lodgement of the current application, concerns with the design with respect to the overshadowing of private open space, adjoining land, lack of visitor carpark and proposed privacy design solution were communicated to the applicant, with suggestions provided to bring the proposal into compliance with Scheme provisions.

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 C7.0 – Natural Assets Code;
- Clause C12.0 – Flood-Prone Areas Hazard Code; and
- Clause C.16.0 – Safeguarding of Airports Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is an irregular shaped lot, 764m² in area, with frontage onto the cul-de-sac, and with its rear boundary adjoining a large lot within the Landscape Conservation Zone and within the Bushfire-Prone Area. The development site is subject to a Section 71 Agreement (E65078) under the *Land Use Planning and Approvals Act 1993* (the Act), which requires the private owner of the adjoining land to keep the affected area in a low fuel state, as prescribed in the Bushfire Hazard Management Plan (BHMP).

The development site is located south-east of land that rises to maximum height of 140m. The subject site, slopes from an elevation of 57m in the south-west to an elevation of 48m in the east, resulting in an average gradient of 1 in 4, noting that within 6m of the frontage the lot is very steep with a gradient of 1 in 1.5.

The western section of land is located within the Flood Prone Hazard Area overlay. A 3m wide drainage easement runs along the rear boundary. The subject site is located within a new residential estate, in various stages of development, west of the East Derwent Highway.

3.2. The Proposal

The proposal is to build two multiple dwellings, associated driveway and parking areas. The proposed dwelling units would each be double storey in parts and single storey in others, responding to the slope of the site.

The total floor area is 244m² and each multiple dwelling would have in excess of minimum required 60m² ground level private open space (POS) as per Acceptable Solution A1 of *clause 8.4.3 Site coverage and private open space for all dwellings*.

However, this POS is predominantly located to the south-west for Unit 1 and south and south-west for Unit 2. The development would be setback 1.5m from the northern side boundary, 4.0m from the rear boundary, 1.0m from the southern side boundary, and 4.5m from the frontage. The units protrude beyond the building envelope on both the northern and southern side boundaries.

Unit 1 is provided with two uncovered car parking spaces. Unit 2 is provided with a single lock up garage and one uncovered car parking space. There is no provision for visitor car parking on the site. An area within 4.5m of the frontage is proposed to house the bins for both units.

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 relevant Acceptable Solutions of the General Residential Zone, and Parking and Sustainable Transport, Flood-prone Areas Hazard, Bushfire Prone Areas, Natural Assets and Safeguarding of Airports Codes with the exception of the following.

General Residential Zone

- **Clause 8.4.2 Setback and building envelope for all dwellings** – the proposal does not comply with Acceptable Solution A3, as both units protrude beyond the building envelope, in addition Unit 2 is also setback less than 1.5m for a length of 12.6m along the southern side boundary.

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause 8.4.2 Setback and building envelope for all dwellings as follows.

Clause	Performance Criteria	Assessment
8.4.2 P3	<i>“The siting and scale of a dwelling must:</i> <i>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i> <i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i> <i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i> <i>(iii) overshadowing of an adjoining vacant property; and</i>	The proposed siting and design of Unit 1 and Unit 2: Are considered to cause an unreasonable loss of amenity to the adjoining property to the south, 20 Lowlynn Court, Geilston Bay, having regard to: Are not applicable as there is no dwelling constructed on the adjoining lot; The overshadowing as shown on the submitted diagrams, indicates that the areas likely to be developed with a dwelling on the vacant lot to the south, namely 20 Lowlynn Court, would be unreasonably impacted.

		This conclusion has been reached by reviewing applications for single dwelling developments on 20 Lowlynn Court, which have been determined to be No Permit Required (NPR) developments as shown in Attachment 3. As the adjoining lot lies directly south of the subject site and given its topography, development of the adjoining lot is likely to require cutting into the land, which will place the habitable rooms and POS of any future adjoining dwelling lower than the existing ground level; thereby exacerbating the overshadowing impact by the proposed development on 18 Lowlynn Court. Accordingly, the proposal does not satisfy P3 (iii) as the proposed development is considered to unreasonably overshadow the developable areas, including the habitable room windows of a future dwelling, on the adjoining vacant land to the south.
	<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i>	The elevation plans submitted with the application demonstrate that the design of Unit 1 will result in an expanse of brick wall, within 1.0m of the southern side boundary, largely featureless and with only three small windows associated with the bathroom, WC and bedroom 2. There is no articulation to reduce the visual bulk of Unit 1's southern wall, which would be directly north of the adjoining lot's area likely to be developed.

		Accordingly, the proposal does not satisfy P3 (iv) and is considered likely to result in unreasonable visual impacts when viewed from future development on 20 Lowlynn Court.
	(b) <i>provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</i>	The subject site is located within a new residential estate and in Lowlynn Court, the side boundary setbacks for existing buildings or those under construction range from 0m (1) to 5.7m (1), with the median setbacks being 1.7m (2) and 2.6m (2). It is noted that these are single dwelling developments. Accordingly, the proposal does not satisfy P3 (b), as the proposed 1m setback for Unit 1 from the southern boundary is not providing comparable separation.
	(c) <i>not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i>	Not applicable
	(i) <i>an adjoining property; or</i>	There is no existing adjoining dwelling to the south; and
	(ii) <i>another dwelling on the same site.”</i>	No solar energy installations are proposed for either Units 1 or 2 on the subject site. Based on the above – the proposal is recommended for refusal as it is considered that the applicable Performance Criteria P3 (a) (iii) and (iv) and P3 (b) are not met.

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, as neither unit is provided with a compliant 24m² private open space (POS) area.

The proposed variation must be considered pursuant to the 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	<i>“A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and is:</i> <i>(a) conveniently located in relation to a living area of the dwelling; and</i>	It is considered that the nominated POS for Unit 1 and Unit 2 do not achieve the required functionality. Unit 2 is provided with the nominated POS to its west, while this area receives more than three hours of sunlight to more than 50% of its area on 21 June, it is not conveniently located to the living area of Unit 2; as it is accessed via the rear hallway and is separated from the levelled area to the west and south of Unit 2 by a 1m high retaining wall. The south and east elevations of Unit 2 show the retaining wall. These drawings also show that the slope of the land to the west and north (gradients of 1 in 3). The steepness of this slope is not conducive for dining, relaxation or children’s play. Accordingly, the design and location of the Unit 2 nominated POS does not satisfy Performance Criteria P2 (a).

	<i>(b) orientated to take advantage of sunlight.”</i>	The level area accessible via the rear door of Unit 2 is located directly to the south of the dwelling and does not receive any sunlight on 21 June, the shortest daylight hour day of the year. The nominated POS for Unit 1 while conveniently located and of adequate size and shape, does not receive three hours of sunlight to more than 50% of its area on 21 June. The shadow diagrams provided show that this nominated area receives only one hour of sunlight (between 2 and 3pm) on 21 June and is therefore considered to fail P2 (b). It is noted that the shadow diagrams depiction of Unit 2’s nominated POS does not align with the elevation plans, and that the last Sun Shading image is incorrectly labelled Noon 21 June, when this is the shading for 3pm 21 June. It is noted, that on being advised that the proposal would be recommended for refusal, the applicant advised that there is a 2 bedroom design for Unit 2, that resolves the POS concerns, but that the client wished to proceed with the 3 bedroom design. Based on the above – the proposal is recommended for refusal as it is considered that Performance Criteria P2 (a) and (b) are not met for Unit 2 and Performance Criteria P2 (b) is not met for Unit 1.
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General Residential Zone

- **Clause 8.4.6 Privacy for all dwellings** – the proposal does not comply with Acceptable Solution A3 (b) as the living room window of Unit 2, although opaqued, is less than 1m from the shared driveway.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 8.4.6 Privacy for all dwellings as follows.

Clause	Performance Criteria	Assessment
8.4.6 P3	<i>“A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.”</i>	The proposal seeks to provide reasonable opportunity for privacy by opaquing the large east facing living room window of Unit 2, above the shared driveway. While this treatment is considered to satisfy Performance Criteria P3, it is considered to create a poor amenity outcome, because the proposal also proposes to opaque the north facing living room window to comply with Acceptable Solution A2 (b) (ii) of this clause Therefore, future occupants of Unit 2 will have no outlook from either of the living room windows. There are alternative design solutions that could be used to achieve the clause objective of privacy, including solid external screens with 25% transparency. A permit condition to this effect could be included if a planning permit is granted, so that future occupants are provided with opportunity for some outlook as well as privacy.

General Residential Zone

- **Clause 8.4.8 Waste storage for multiple dwellings** – the proposal does not comply with Acceptable Solution A1 (b) as the proposed common storage area is setback less than 4.5m from the frontage.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 8.4.8 Waste storage for multiple dwellings as follows.

Clause	Performance Criteria	Assessment
8.4.8 P1	<i>“A multiple dwelling must have storage for waste and recycling bins that is:</i> <i>(a) capable of storing the number of bins required for the site;</i> <i>(b) screened from the frontage and any dwellings; and</i> <i>(c) if the storage area is a common storage area, separated from any dwellings to minimise impacts caused by odours and noise.”</i>	The proposal includes a common storage area immediately to the left of the cross over access to the property. The nominated area is indicated as providing storage for four bins, which is insufficient for the three bins provided per dwelling. Namely, waste, recyclables and green waste. There would be sufficient space to enlarge the area and a permit condition could be included to require amended plans, should the application be approved. The submitted plans provide an example of the proposed enclosure, which would provide appropriate screening. The proposed communal storage area is setback 4.3m from Unit 1, which would reduce to 3.1m if space for the additional bins is included in the design.

		There is sufficient space between the dwelling and the frontage to amend the orientation and position of the shared storage area to accommodate the required number of bins and maintain a 4.3m setback. Screening plants between the communal bin area and Unit 1 can also provide a further buffer to reduce impact of odour and noise. A permit condition could be included to require amended plans, to provide a more appropriate design solution, should the application be approved.
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Parking and Sustainable Transport Code

- **Clause C2.5.1 Car parking numbers**– the proposal does not comply with Acceptable Solution A1, as there is no provision for the required visitor car parking space on the site.

The proposed variation must be considered pursuant to the Performance Criteria P1.2 of Clause C2.5.1 Car parking numbers as follows.

Clause	Performance Criteria	Assessment
C2.5.1 P1.2	<i>“The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</i>	The proposed design does not provide a visitor car parking space on-site. The applicant provided a Traffic Impact Statement (TIS), which concludes that there would be sufficient on-street parking within 100m of the subject site for visitors.

	(a) <i>the nature and intensity of the use and car parking required;</i> (b) <i>the size of the dwelling and the number of bedrooms; and</i> (c) <i>the pattern of parking in the surrounding area.”</i>	Council engineers have reviewed the TIS and observed that on-street parking will not be possible in the cul-de-sac but supported the view that the on-street parking demand likely to be generated by the development, could be accommodated within walking distance of the site. Accordingly, it is considered that: The two dwellings would potentially double the visitor car parking requirement when compared to a single dwelling; Each dwelling comprises three bedrooms and it is provided with the mandatory two on-site car parking spaces; and The potential for on street parking immediately adjoining the subject site is constrained by its location within the head of the cul-de-sac. Hence, any on-street parking would occur further away, but still within walking distance of the site. Based on the above, it is considered that the proposal provides the appropriate level of car parking spaces to satisfy the Performance Criteria.
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Flood-Prone Hazard Area Code

- **Clause C12.5.1 Uses within a flood-prone hazard area** – there are no Acceptable Solutions for this clause.

The proposal must be considered pursuant to the Performance Criteria P1.2 of Clause C12.5.1 Uses within a flood-prone hazard area as follows.

Clause	Performance Criteria	Assessment
C12.5.1 P1.2	<i>“A flood hazard report also demonstrates that:</i> <i>(a) any increase in the level of risk from flood does not require any specific hazard reduction or protection measures; or</i> <i>(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.”</i>	A Flood Hazard Report, prepared by Flüssig Engineers, dated 10 August 2022 (the Report), was provided with the application. The report identified that there will be some impact on the proposed development and requires designs with Floor Levels to be in accordance with the Building Code. The development is assessed as being within the hazard Rating H1 – Generally safe for people, vehicles and buildings. Council engineers have reviewed the Report and advise that if the development is built in accordance with the Report recommendations, the Performance Criteria are achieved. A permit condition to develop in accordance with the Report recommendations could be included should a planning permit be granted.

Flood-Prone Hazard Area Code

- **Clause C12.6.1 Buildings and works within a flood-prone hazard area** – there are no Acceptable Solutions for this clause.

The proposal must be considered pursuant to the Performance Criteria P1.1 and P1.2 of Clause C12.6.1 Buildings and works within a flood-prone hazard area.

Clause	Performance Criteria	Assessment
C12.6.1 P1.1	<i>“Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:</i> <i>(a) the type, form, scale and intended duration of the development;</i> <i>(b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;</i> <i>(c) any advice from a State authority, regulated entity or a council; and</i> <i>(d) the advice contained in a flood hazard report.</i>	A Flood Hazard Report, prepared by Flüssig Engineers, dated 10 August 2022 (the Report), was provided with the application. The western section of Unit 2 is located within the overlay area. The report states that although velocities and depths are relatively small, there is still some risk from erosion and debris movement. Council engineers have reviewed the Report and advise that if the development is built in accordance with the Report recommendations on p15, the Performance Criteria are achieved. The Report recommends that all structures undertake a hydrostatic/hydrodynamic analysis to ensure suitability. A permit condition outlining this requirement can be included should a planning permit be granted.
C12.6.1 P1.1	<i>A flood hazard report also demonstrates that the building and works:</i> <i>(a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and</i>	A Flood Hazard Report, prepared by Flüssig Engineers, dated 10 August 2022 (the Report), was provided with the application. The report assesses that there is a minor increase in flood depth of 0.03m at the lot boundary with 16 Lowlynn Court. The depths seem to increase in the post development scenario, but can be contained within an existing open drain, which continues to outfall into Lowlynn Court.

	<i>(b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.”</i>	The post-development scenario only sees minimal increases in depth and speed of flood waters, which have no effect on the hazard rating as the pre-development model is well within the lowest hazard band. The report concluded that the development could achieve a tolerable risk to flooding over its asset life, assuming the recommendations of this report are adhered to. Council engineers have reviewed the Report and advise that if the development is built in accordance with the Report recommendations the Performance Criteria are achieved.
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5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and no representations were received. In a new residential estate, this is not unusual as owners may not yet reside in their properties. Nevertheless, the planning authority is required to assess the impacts on adjacent properties through the applicable performance criteria.

6. EXTERNAL REFERRALS

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

6.2. The proposal was referred to TasNetworks, who have provided advice for inclusion in any planning permit if granted.

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is not consistent with the outcomes of the State Policies, including those of the State Coastal Policy.

- 7.2.** The proposal is not consistent with the objectives of Schedule 1 of LUPAA as it does not provide for a fair, orderly and sustainable use and development of air, land and water; and does not promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

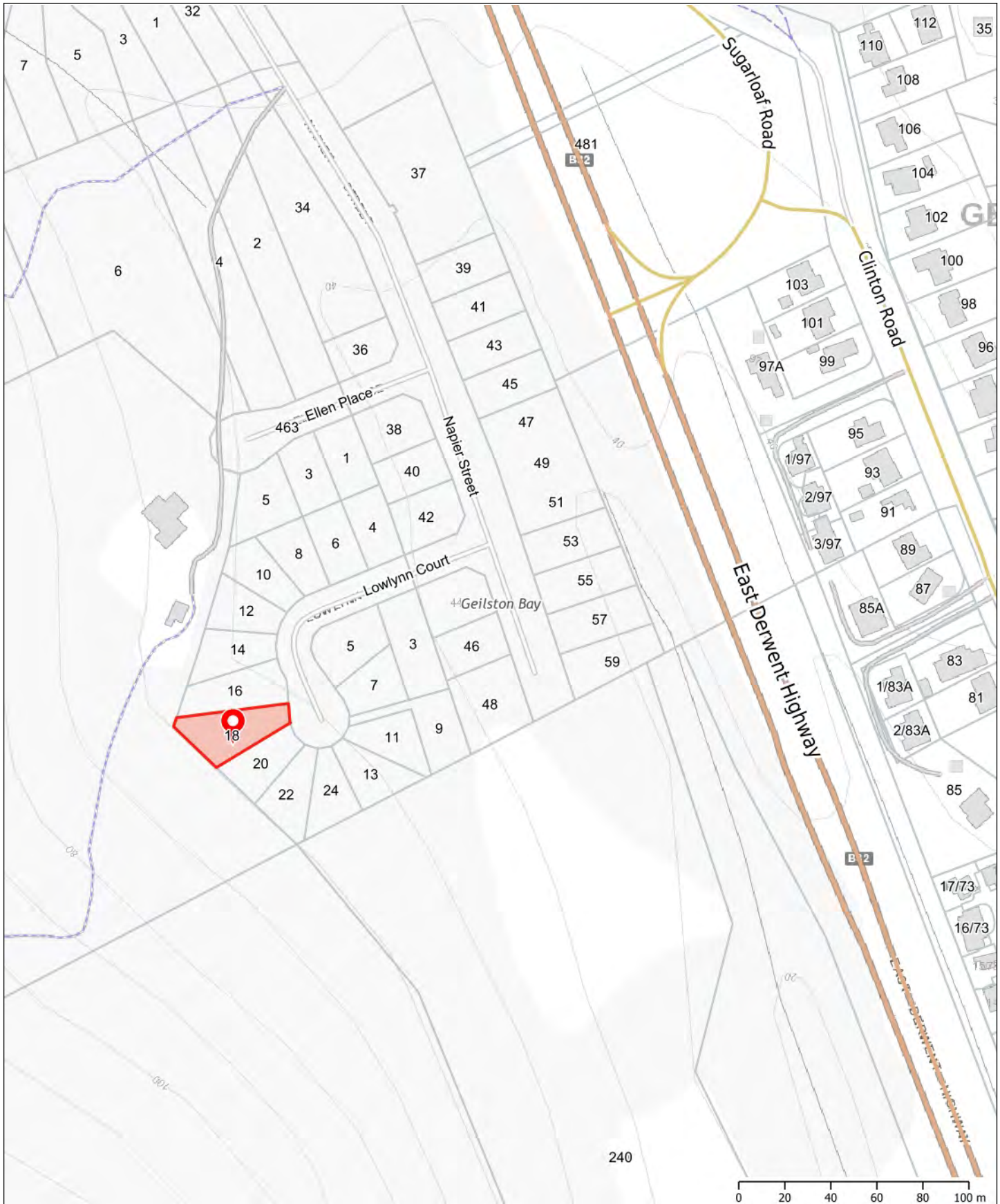
The proposal is recommended for refusal as it is not able to satisfy applicable Performance Criteria. Including Performance Criteria P3 of *clause 8.4.2 Setbacks and building envelope for all dwellings*, as the siting and design of the two units is considered to unreasonably impact on the amenity of the adjoining property to the south through overshadowing and visual impact.

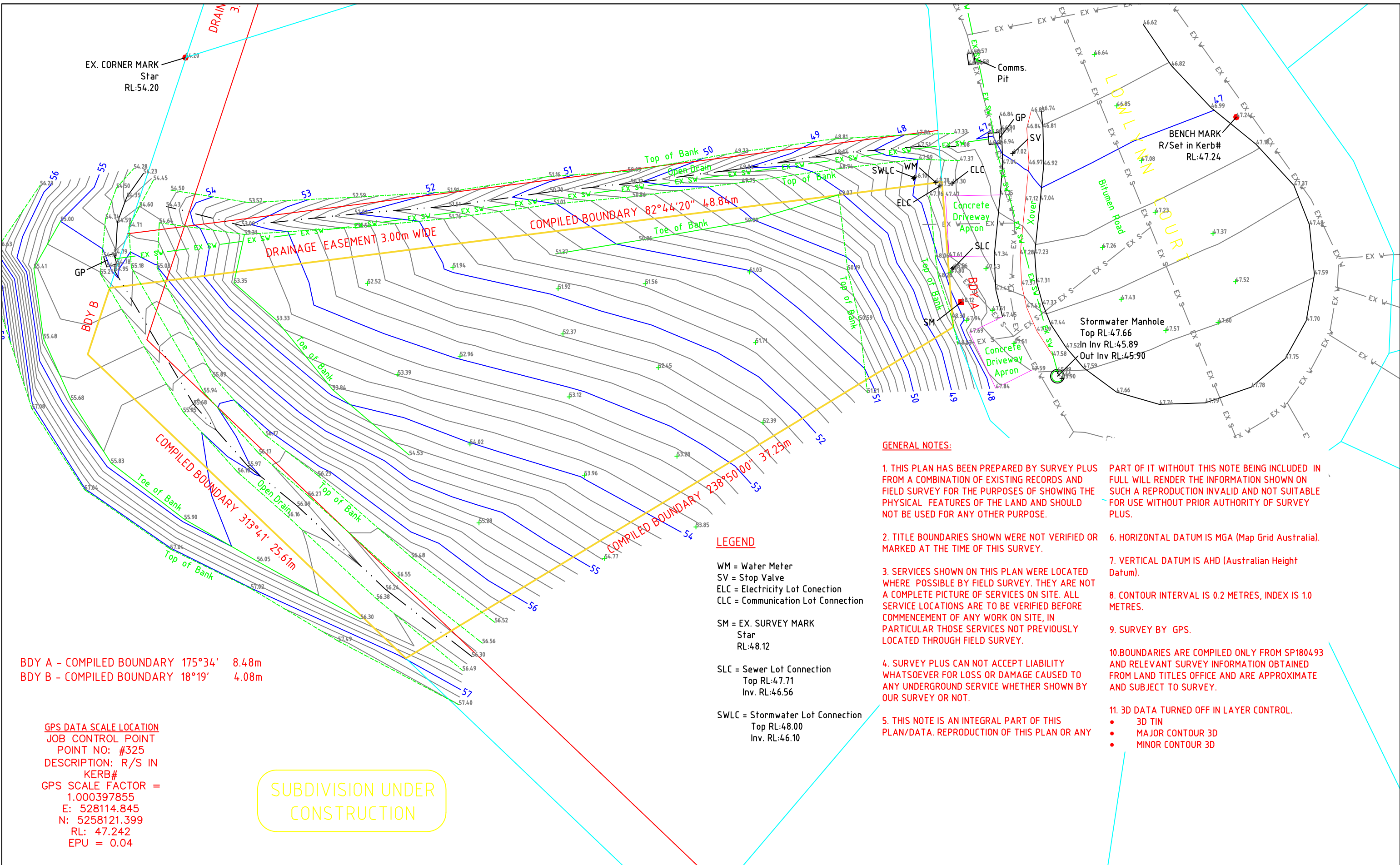
Furthermore, the site and design of the two multiple dwellings does not provide for suitable private open space on the site, to meet the reasonable needs of future residents. As the nominated private open space areas do not receive at least three hours of sunlight on 21 June and in the case of Unit 2 are not conveniently located to the living areas of the dwelling, the proposal does not satisfy Performance Criteria P2 of *clause 8.4.3 Site Coverage and private open space for all dwellings*.

Suggestions to resolve these issues, including relocating the driveway to the southern boundary and modifying the internal layout of Unit 2 were provided to the applicant during the Request for Further Information process. However, the plans submitted for final assessment did not incorporate such changes.

- Attachments:
1. Location Plan (1)
 2. Proposal Plan (8)
 3. Likely No Permit Required development on 20 Lowlynn Court, in relation to proposed development on 18 Lowlynn Court (4)
 4. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING





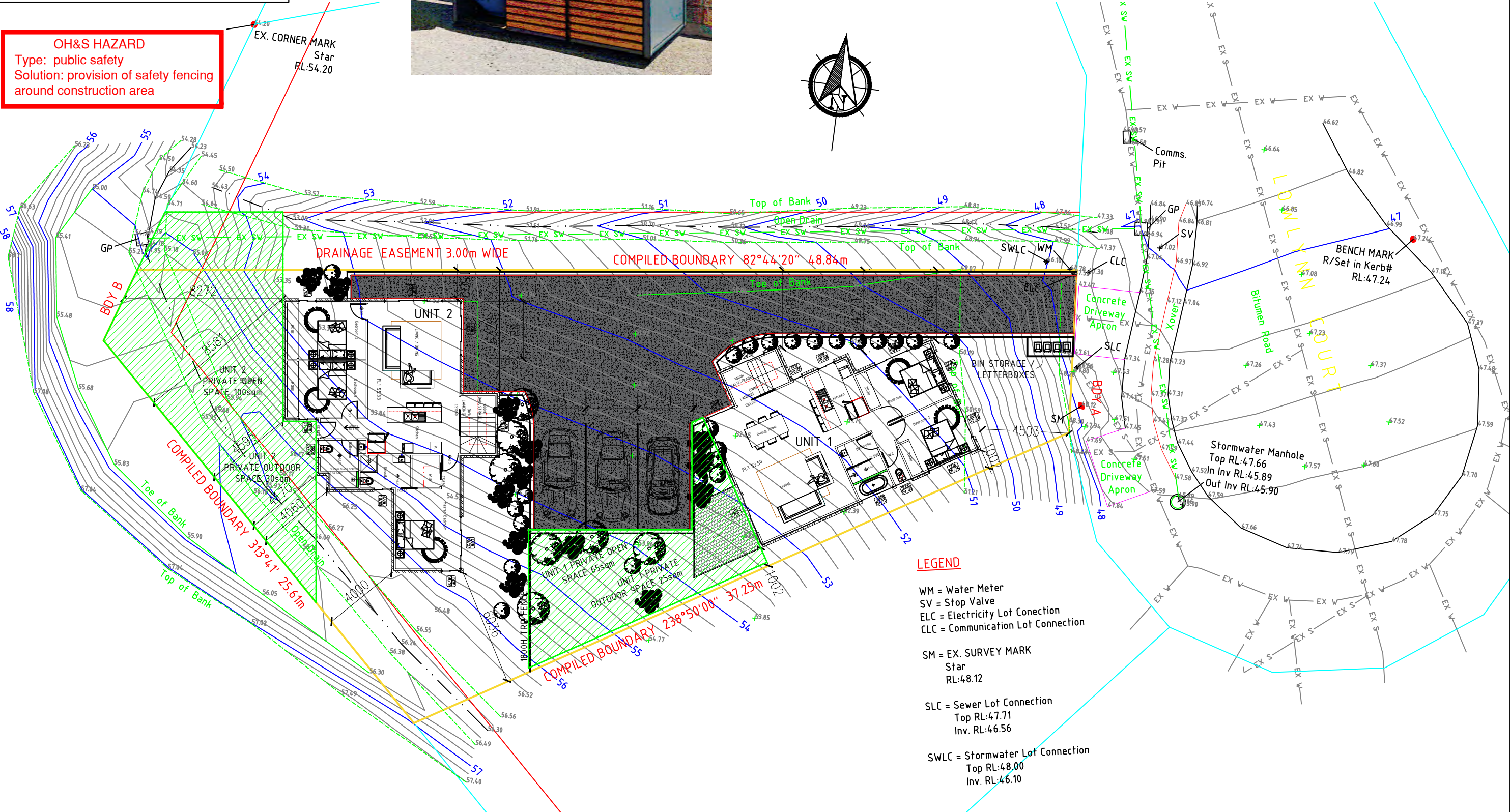
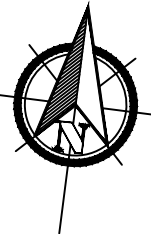
Date	Rev.	Description	Drawn By	SITE DESCRIPTION		ARCHIBIM ARCHITECTURAL BUILDING INVENTORY MODELLING ABN: 34 625 657 785 Unit 23, 15 Stanton Place, Cambridge TAS 7170 Email: damon@archibim.com.au	ARCHIBIM	Client: L. Booth & T. Fazackerley		
03/02/2022	A	Issued for Planning Approval	D. Jackson	WIND CLASS - AS4055 SOIL CLASS - AS2870 CLIMATE ZONE - 26 ENERGY RATING - refer report TITLE 180483 - Lot 46	Project: 18 Lowlynn Court, Geilston Bay TAS 7020					
02/05/2022	B	Issued for RFI	D. Jackson		Title: Survey Plan					
12/08/2022	C	Issued for RFI	D. Jackson		Scale: 1:200					
Document Set ID: 4870365						Drawn : D. Jackson		Date : 01/11/2021	Checked by: R.JACKSON CC340Y	
Version: 1, Version Date: 12/08/2022						Designed : D. Jackson		Date: 17/11/2021		
						JOB NUMBER: 21119		Drawing : A01		
								REVISION: C		

Contractor to verify the location of all current underground services shown on the plans including but not limited to electricity, telecom, gas, sewer, stormwater, NBN etc. prior to excavation.
(DBYD www.1100.com.au)

ALL DIMENSIONS & LEVELS TO BE CONFIRMED BY BUILDER ON SITE PRIOR TO COMMENCEMENT. DISCREPANCIES TO BE REFERRED TO THIS OFFICE IMMEDIATELY



WASTE STORAGE EXAMPLE



Date	Rev.	Description	Drawn By	SITE DESCRIPTION	ARCHIBIM ARCHITECTURAL BUILDING INVENTORY MODELLING ABN: 34 625 657 785 Unit 23, 15 Stanton Place, Cambridge TAS 7170 Email: damon@archibim.com.au	^ ARCHIBIM ◇	Client: L. Booth & T. Fazackerley		
03/02/2022	A	Issued for Planning Approval	D. Jackson	WIND CLASS - AS4055 SOIL CLASS - AS2870 CLIMATE ZONE - 26 ENERGY RATING - refer report TITLE 180483 - Lot 46			Project: 18 Lowlynn Court, Geilston Bay TAS 7020		
02/05/2022	B	Issued for RFI	D. Jackson				Title: Proposed Site Plan		
12/08/2022	C	Issued for RFI	D. Jackson				Scale: 1:200		
							Drawn : D. Jackson	Date : 01/11/2021	Checked by: R.JACKSON CC340Y
							Designed : D. Jackson	Date: 17/11/2021	
Document Set ID: 4870365							JOB NUMBER: 21119	Drawing : A02	REVISION: C
Version: 1, Version Date: 12/08/2022									

Door & window Tag interpretation
(examples only - refer to floor plan for actual)

- Denotes Safety Glass Window (1000h x 900w)
- Denotes Single Glazed Window (1000h x 1800w)
- Denotes Double Glazed Window (1000h x 1800w)
- Denotes Single Glazed Sliding Doors (2100h x 1800w)
- Denotes Double Glazed Sliding Doors (2100h x 1800w)
- Denotes Fixed Glass Window (1000h x 900w)
- Denotes Safety Glass Obscure Window (1000h x 900w)
- Denotes mech. light & ventilation to AS1668.2
- Denotes wired-in smoke detector to AS 3786

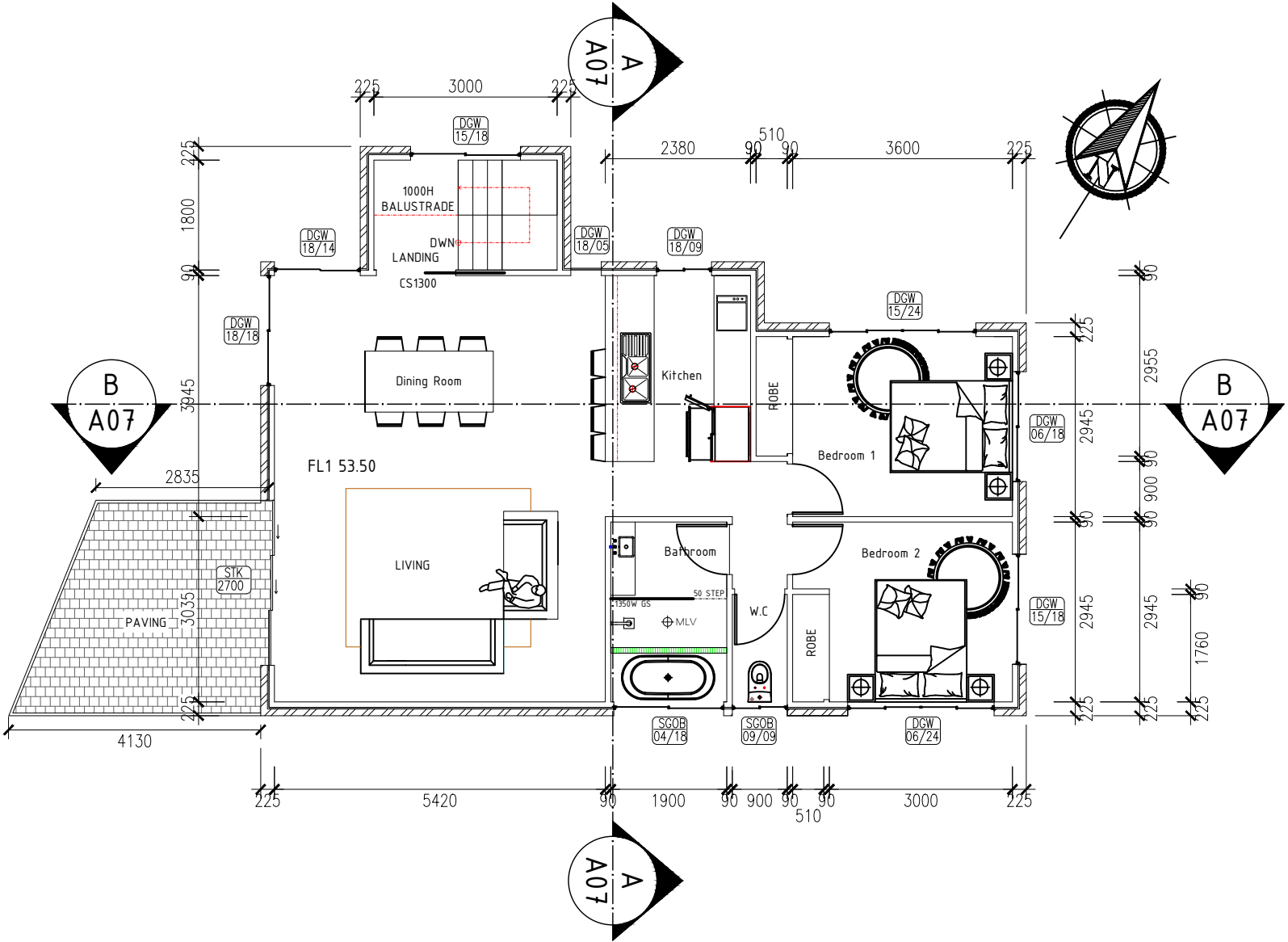
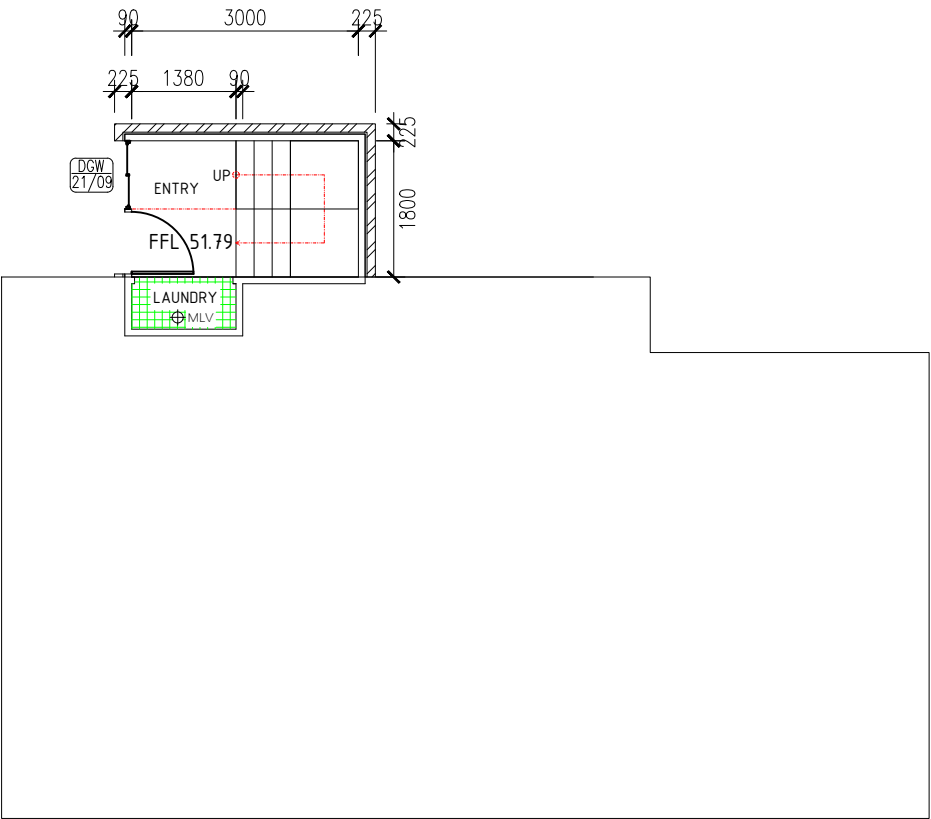
NOTE: All to be interconnected to operate simultaneously

NOTES:-

1. Kitchen to be provided with rangehood vented externally.
2. All MLV's to be vented externally (can interconnect in roof space) and to be provided with time delay switches.
3. All cupboards adjacent to external walls to be provided with air vents
4. ARTIFICIAL LIGHTING -
max. 5 watts/m² for living areas
max. 4 watts/m² for balconies, verandahs
max. 3 watts/m² for Class 10a buildings (assoc. with Class 1a)
5. All windows are to be positioned centrally within walls UNO
6. Provide 12mm ply blocking between studs at positions of handrails etc in WC's and bathrooms etc.
7. All doors UNO to be 2040x820
8. WC door to either inward swing with removable hinges, outward swing, slide, or inward swing with 1200mm min. between doorway and pan

Floor Levels

- Lower Level - 8.20m²
- Upper Level - 95.40m²
- TOTAL - 103.6m²
- Paving - 12.00m²
- Outdoor Space Total - 25.00m²



WINDOW/DOOR FRAMING TO BE **ALUMINIUM**

Sliding Windows
DOW-001-01 A Dowell Uval 6.38 SHGC 0.75
Glass 3Clr
Frame DOW-001 Al Sliding Window SG
Sliding Doors
DOW-006-04 A Dowell Uval 6.17 SHGC 0.72
Glass 4Clr
Frame DOW-006 Al Sliding Door SG

Window manufacturer to ensure that all bedroom windows where there is a >2m fall externally and the sill of the opening part is less than 1700mm from the floor - with no climbable elements (eg sill) within 150-760mm from floor - be restricted to max. opening width of 125mm. Permanent / removable screens etc permissible subject to compliance with conditions specified in the BCA. This note is for information only. Manufacturer to liaise with builder / owner accordingly.

All doors unless noted otherwise to be 2040x820
WC door alternatives - inward swing with removable hinges, outward swing, slide, inward swing with 1200 min. between doorway and pan

ALL DIMENSIONS & LEVELS TO BE CONFIRMED BY BUILDER ON SITE
PRIOR TO COMMENCEMENT. DISCREPANCIES TO BE REFERRED TO
THIS OFFICE IMMEDIATELY

Date	Rev.	Description	Drawn By	SITE DESCRIPTION
03/02/2022	A	Issued for Planning Approval	D. Jackson	WIND CLASS - AS4055 SOIL CLASS - AS2870 CLIMATE ZONE - 26 ENERGY RATING - refer report TITLE 180483 - Lot 46
02/05/2022	B	Issued for RFI	D. Jackson	
12/08/2022	C	Issued for RFI	D. Jackson	
Document Set ID:	4870365			

Version: 1, Version Date: 12/08/2022

ARCHIBIM

ARCHITECTURAL BUILDING INVENTORY MODELLING

ABN: 34 625 657 785
Unit 23, 15 Stanton Place, Cambridge TAS 7170
Email: damon@archibim.com.au



Client: L. Booth & T. Fazackerley
Project: 18 Lowlynn Court, Geilston Bay TAS 7020
Title: Proposed Floor Plans - Unit 1
Scale: 1:100

Drawn : D. Jackson	Date : 01/11/2021	Checked by: R.JACKSON CC340Y
Designed : D. Jackson	Date : 17/11/2021	
JOB NUMBER: 21119	Drawing : A03	REVISION: C

Door & window Tag interpretation
(examples only - refer to floor plan for actual)

- Denotes Safety Glass Window (1000h x 900w)
- Denotes Single Glazed Window (1000h x 1800w)
- Denotes Double Glazed Window (1000h x 1800w)
- Denotes Single Glazed Sliding Doors (2100h x 1800w)
- Denotes Double Glazed Sliding Doors (2100h x 1800w)
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- Denotes wired-in smoke detector to AS 3786
NOTE: All to be interconnected to operate simultaneously

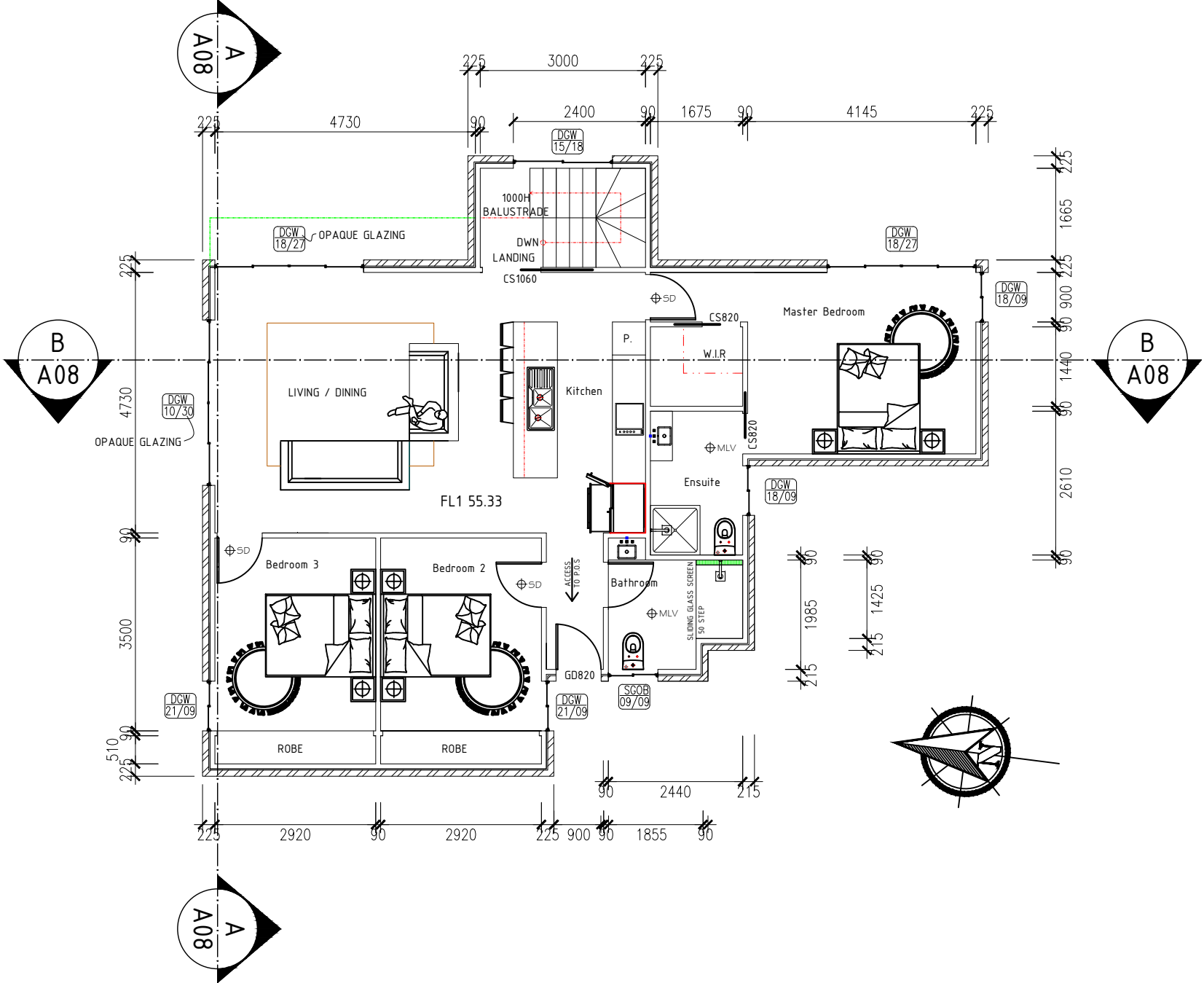
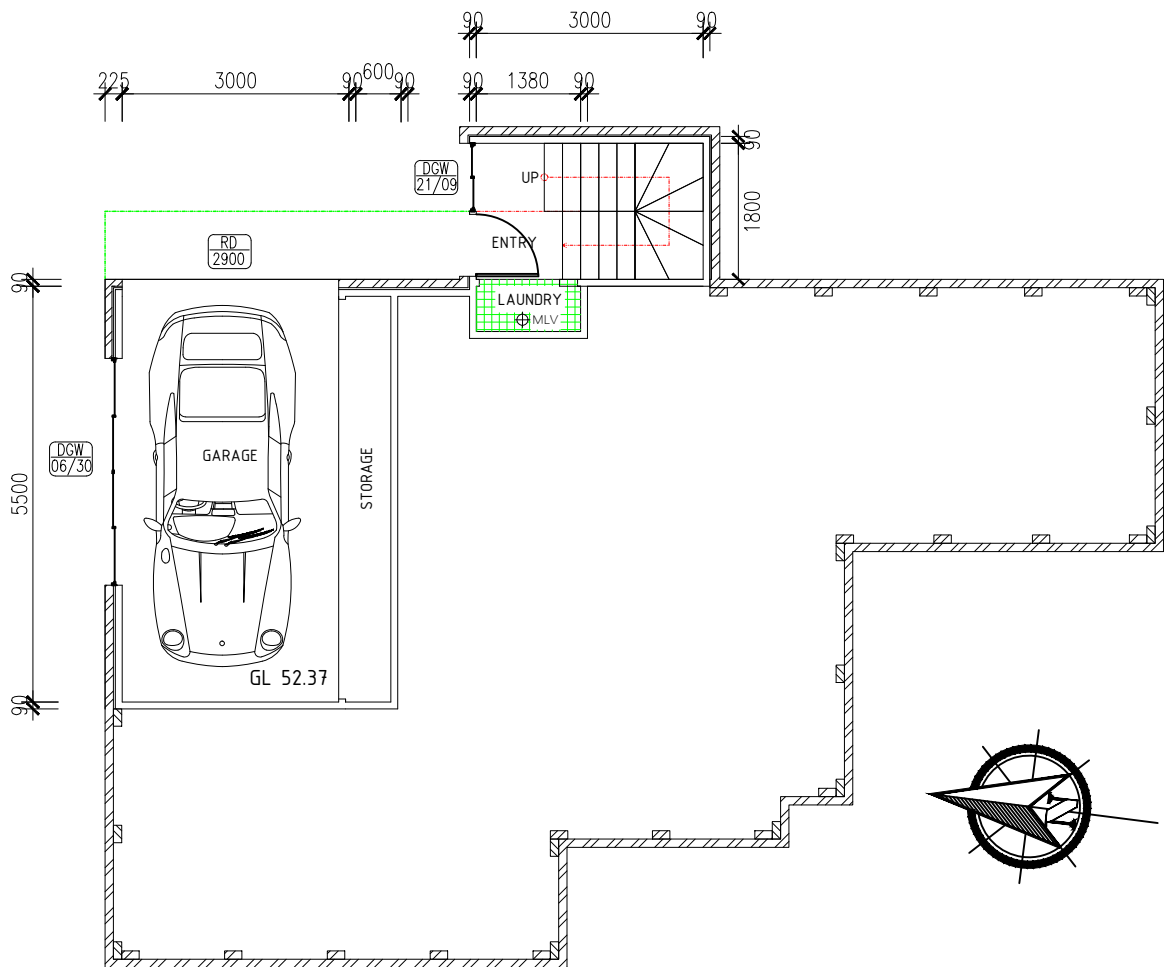
NOTES:-

1. Kitchen to be provided with rangehood vented externally.
2. All MLV's to be vented externally (can interconnect in roof space) and to be provided with time delay switches.
3. All cupboards adjacent to external walls to be provided with air vents
4. ARTIFICIAL LIGHTING -
max. 5 watts/m² for living areas
max. 4 watts/m² for balconies, verandahs
max. 3 watts/m² for Class 10a buildings (assoc. with Class 1a)
5. All windows are to be positioned centrally within walls UNO
6. Provide 12mm ply blocking between studs at positions of handrails etc in WC's and bathrooms etc.
7. All doors UNO to be 2040x820
8. WC door to either inward swing with removable hinges, outward swing, slide, or inward swing with 1200mm min. between doorway and pan

Floor Levels

Lower Level - 30.40m²
Upper Level - 109.60m²
TOTAL - 140.00m²

Outdoor Space - 25.00m²



WINDOW/DOOR FRAMING TO BE **ALUMINIUM**

Sliding Windows
DOW-001-01 A Dowell Uval 6.38 SHGC 0.75
Glass 3Clr
Frame DOW-001 Al Sliding Window SG
Sliding Doors
DOW-006-04 A Dowell Uval 6.17 SHGC 0.72
Glass 4Clr
Frame DOW-006 Al Sliding Door SG

Window manufacturer to ensure that all bedroom windows where there is a >2m fall externally and the sill of the opening part is less than 1700mm from the floor - with no climable elements (eg sill) within 150-760mm from floor - be restricted to max. opening width of 125mm. Permanent / removable screens etc permissible subject to compliance with conditions specified in the BCA. This note is for information only. Manufacturer to liaise with builder / owner accordingly.

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WC door alternatives - inward swing with removable hinges, outward swing, slide, inward swing with 1200 min. between doorway and pan

ALL DIMENSIONS & LEVELS TO BE CONFIRMED BY BUILDER ON SITE
PRIOR TO COMMENCEMENT. DISCREPANCIES TO BE REFERRED TO
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02/05/2022	B	Issued for RFI	D. Jackson	
12/08/2022	C	Issued for RFI	D. Jackson	
Document Set ID:	4870365			

Version: 1, Version Date: 12/08/2022

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ARCHITECTURAL BUILDING INVENTORY MODELLING

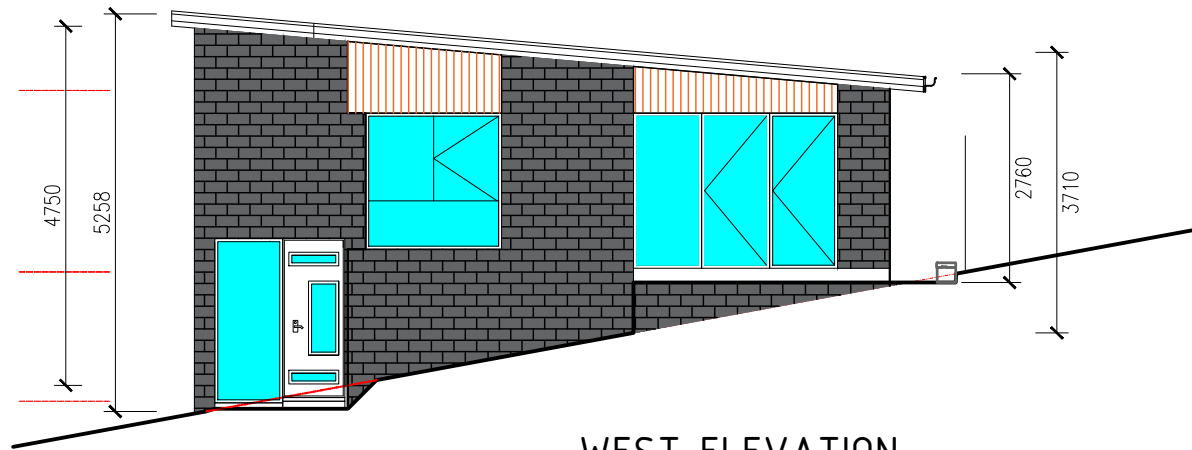
ABN: 34 625 657 785
Unit 23, 15 Stanton Place, Cambridge TAS 7170
Email: damon@archibim.com.au



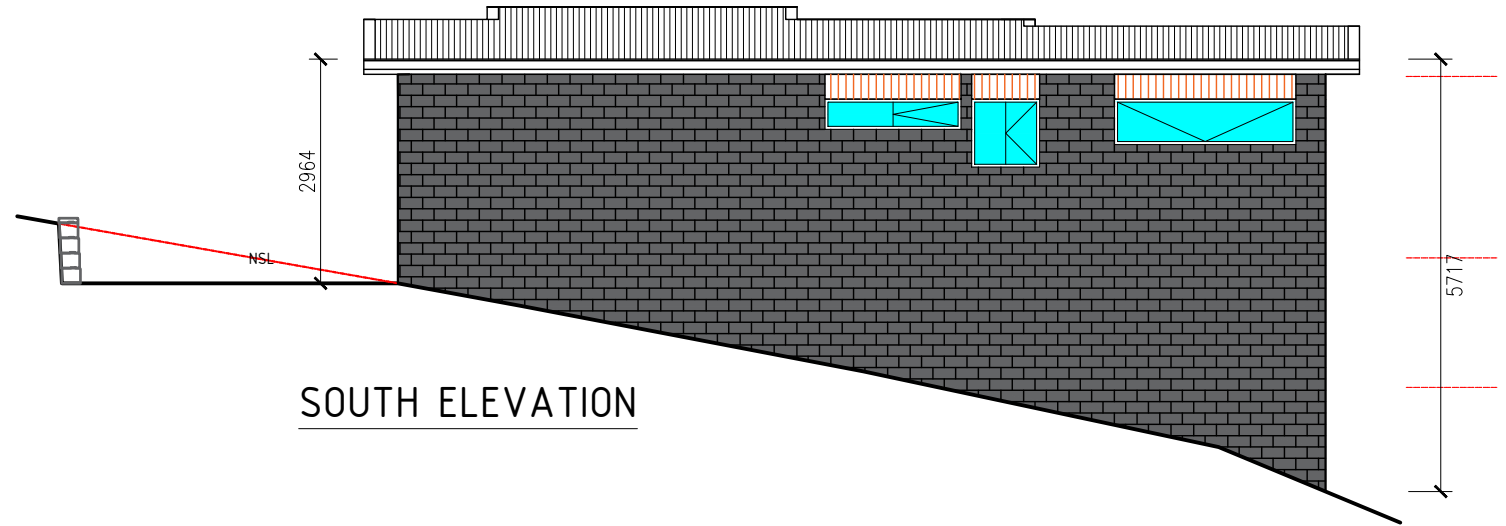
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Project: 18 Lowlynn Court, Geilston Bay TAS 7020
Title: Proposed Floor Plans - Unit 2
Scale: 1:100

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Designed : D. Jackson	Date : 17/11/2021	
JOB NUMBER: 21119	Drawing : A04	REVISION: C

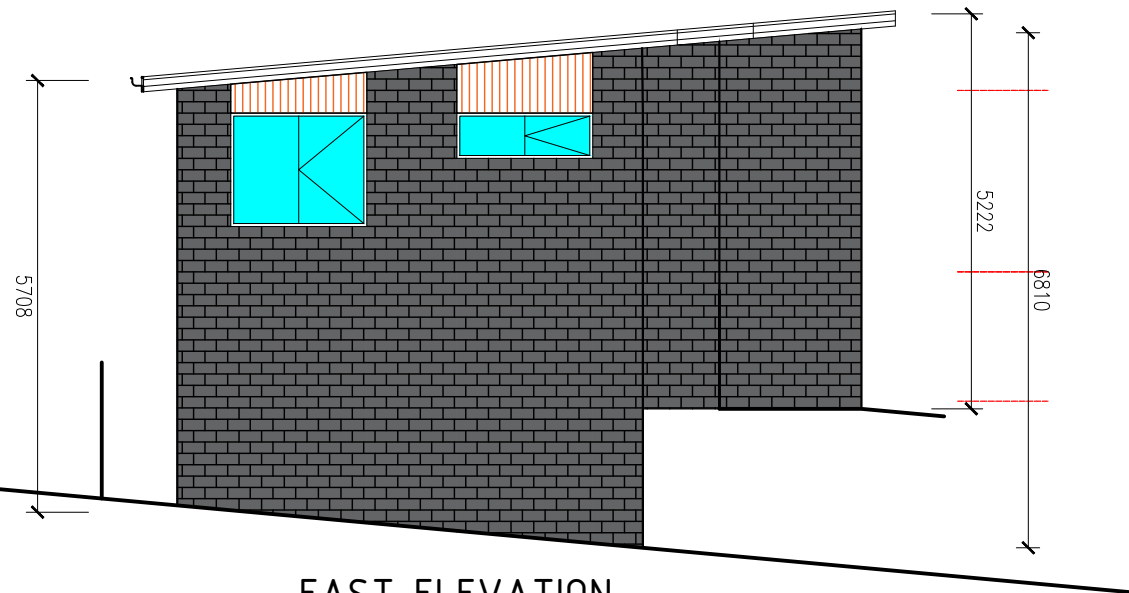
- ABBREVIATIONS
- NSL - natural surface level
 - ESL - existing surface level
 - FSL - final surface level
 - EFL - existing floor level
 - FFL - finished floor level
 - FCL - finished ceiling level
 - U/S - underside
 - JH - joinery height



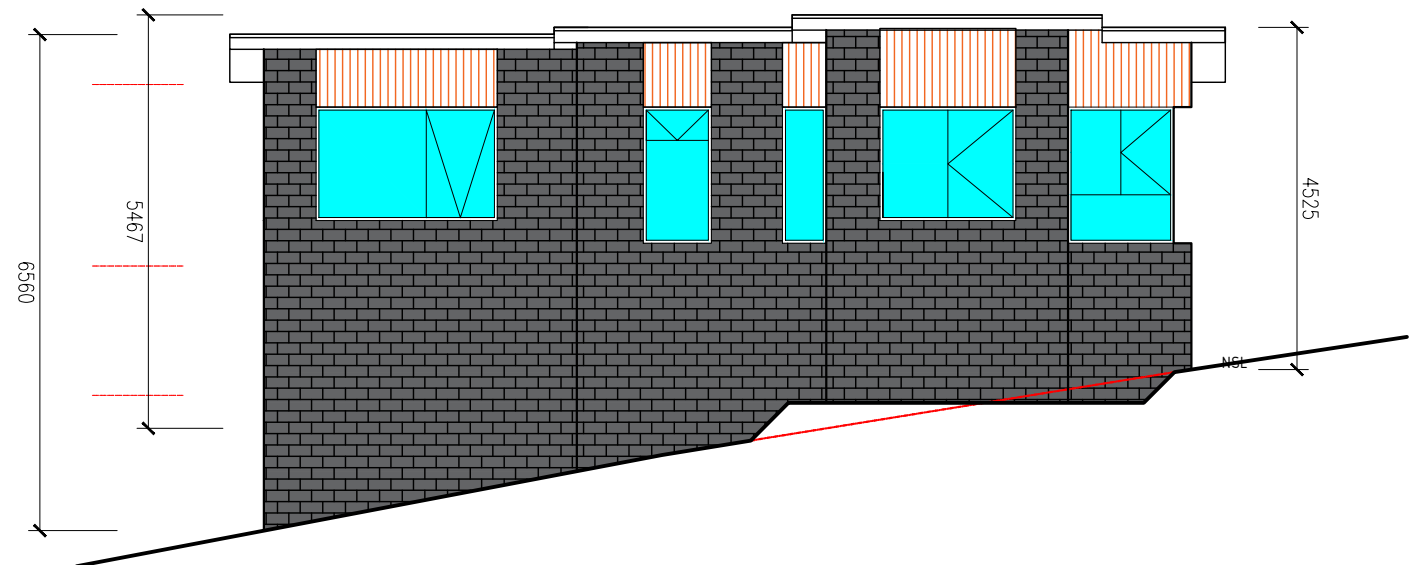
WEST ELEVATION



SOUTH ELEVATION

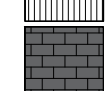


EAST ELEVATION



NORTH ELEVATION

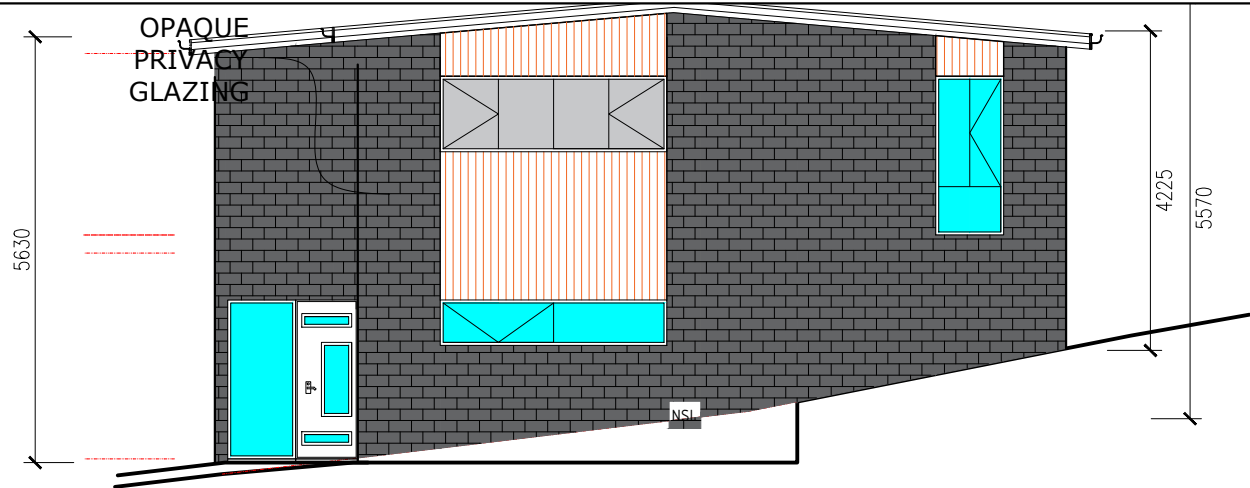
Schedule

-  - Windows / doors - Monument
-  - James Hardie AXON 133 Cladding - Cedar Stain
-  - Colorbond Custom Orb Cladding - Monument
-  - Adbri 110 faced Brickwork - Grey

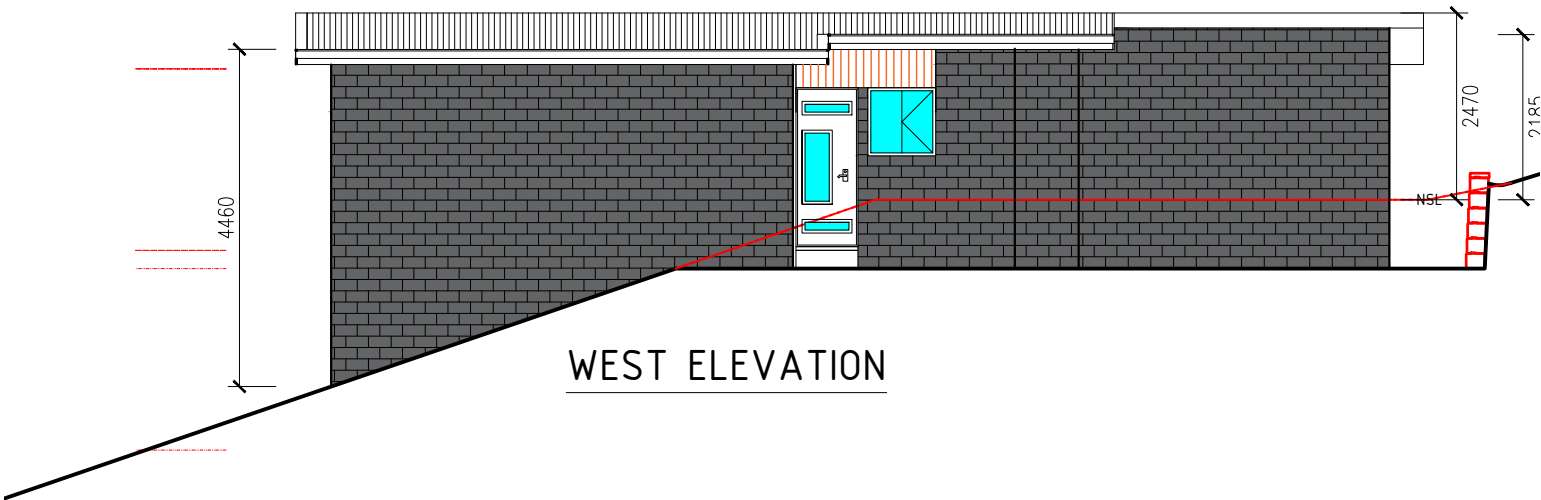
NOTES :

- * Subfloor vents in accordance with Tas. attachment
- * Articulation joints (AJ) indicative only and to be in accordance with details as per Sh BC1
- * All external cladding to be provided with timber battening (eg- 42x19 treated pine) fixed to studs over wall sarking.

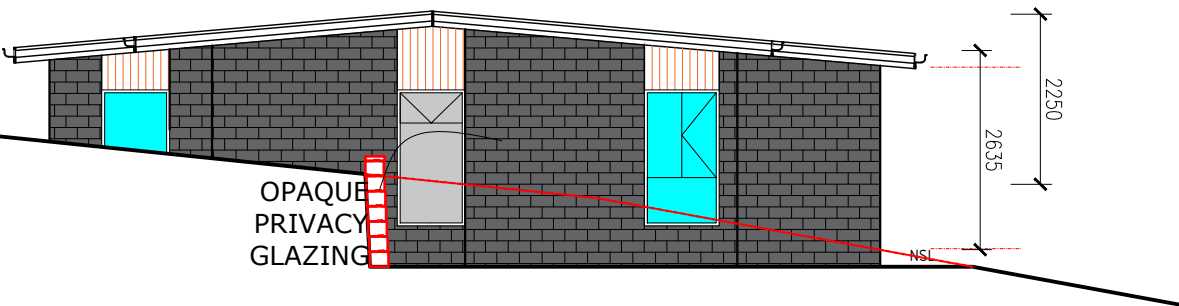
Date	Rev.	Description	Drawn By	SITE DESCRIPTION		ARCHIBIM ARCHITECTURAL BUILDING INVENTORY MODELLING ABN: 34 625 657 785 Unit 23, 15 Stanton Place, Cambridge TAS 7170 Email: damon@archibim.com.au	ARCHIBIM	Client: L. Booth & T. Fazackerley Project: 18 Lowlynn Court, Geilston Bay TAS 7020 Title: Elevations - Unit 1 Scale: 1:100			
03/02/2022	A	Issued for Planning Approval	D. Jackson	WIND CLASS - AS4055	Drawn : D. Jackson			Date : 01/11/2021	Checked by: R.JACKSON CC340Y		
02/05/2022	B	Issued for RFI	D. Jackson	SOIL CLASS - AS2870	Designed : D. Jackson			Date: 17/11/2021			
12/08/2022	C	Issued for RFI	D. Jackson	CLIMATE ZONE - 26	JOB NUMBER: 21119			Drawing : A05			
				ENERGY RATING - refer report							
				TITLE 180483 - Lot 46							
Document Set ID: 4870365											
Version: 1, Version Date: 12/08/2022											



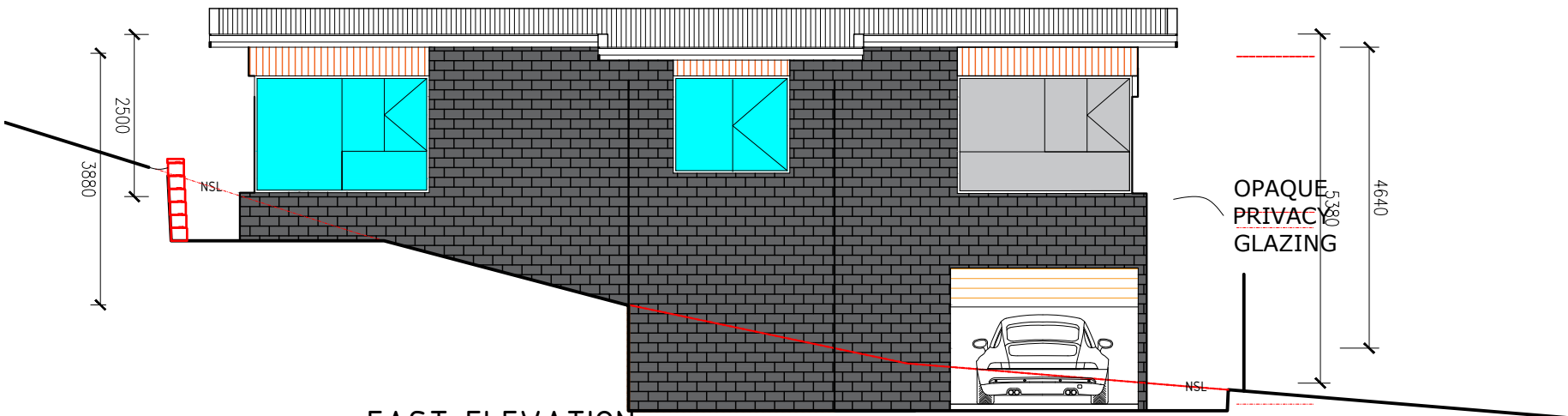
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

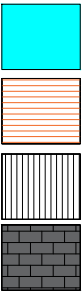


EAST ELEVATION

NOTES :

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- * All external cladding to be provided with timber battening (eg- 42x19 treated pine) fixed to studs over wall sarking.

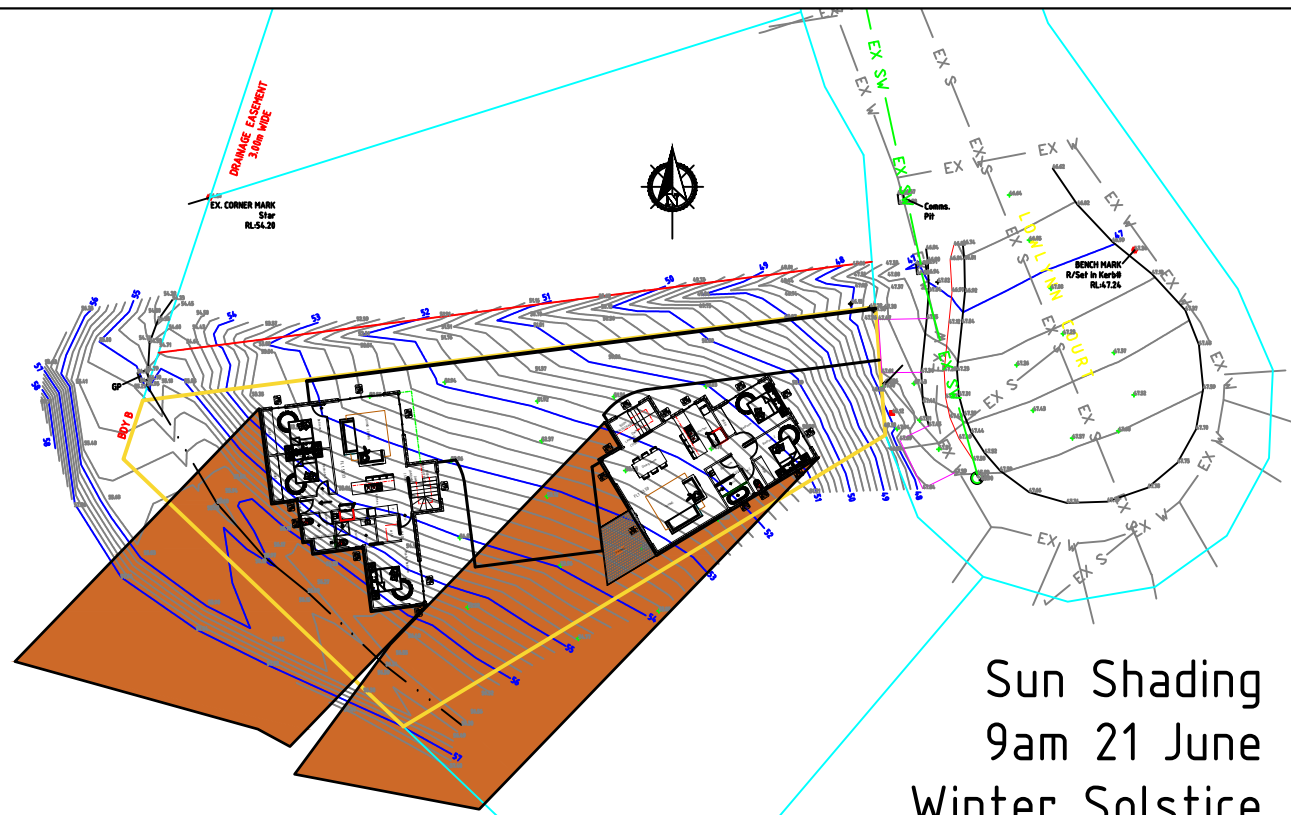
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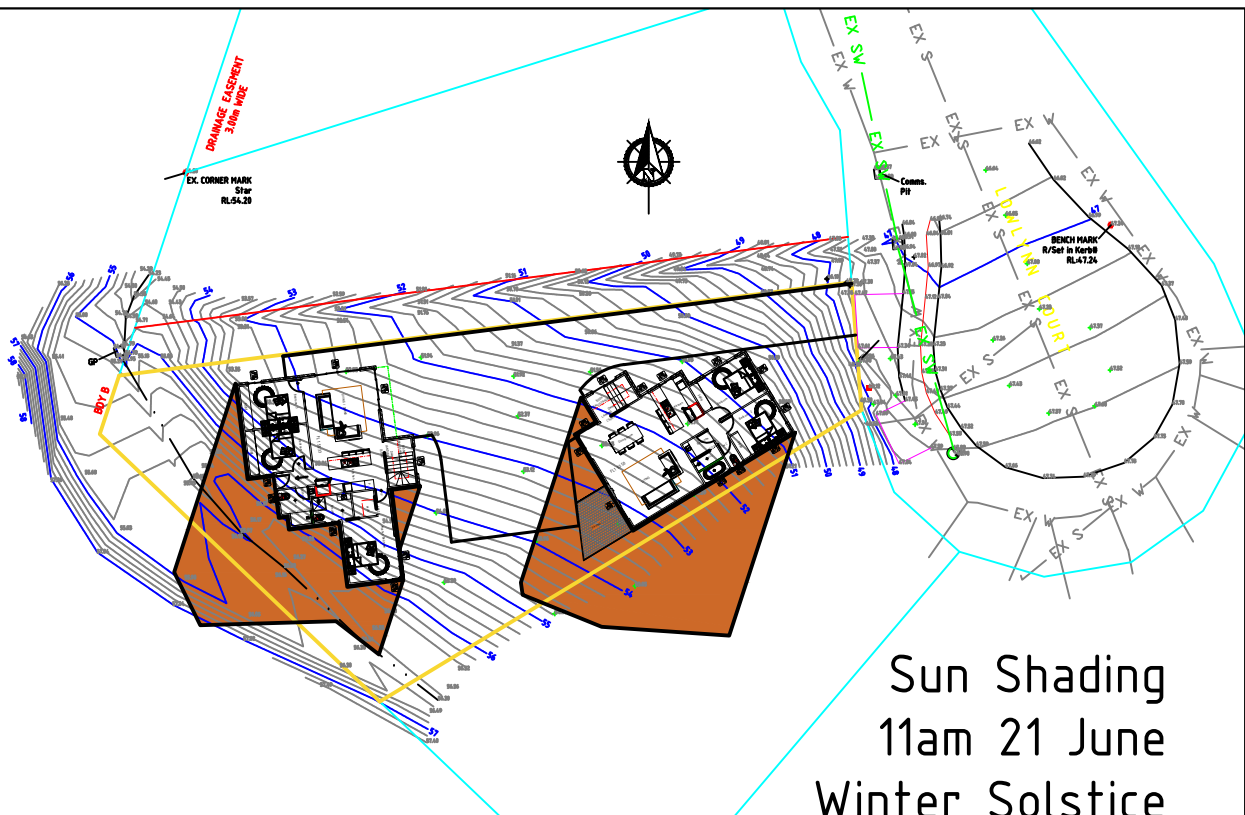
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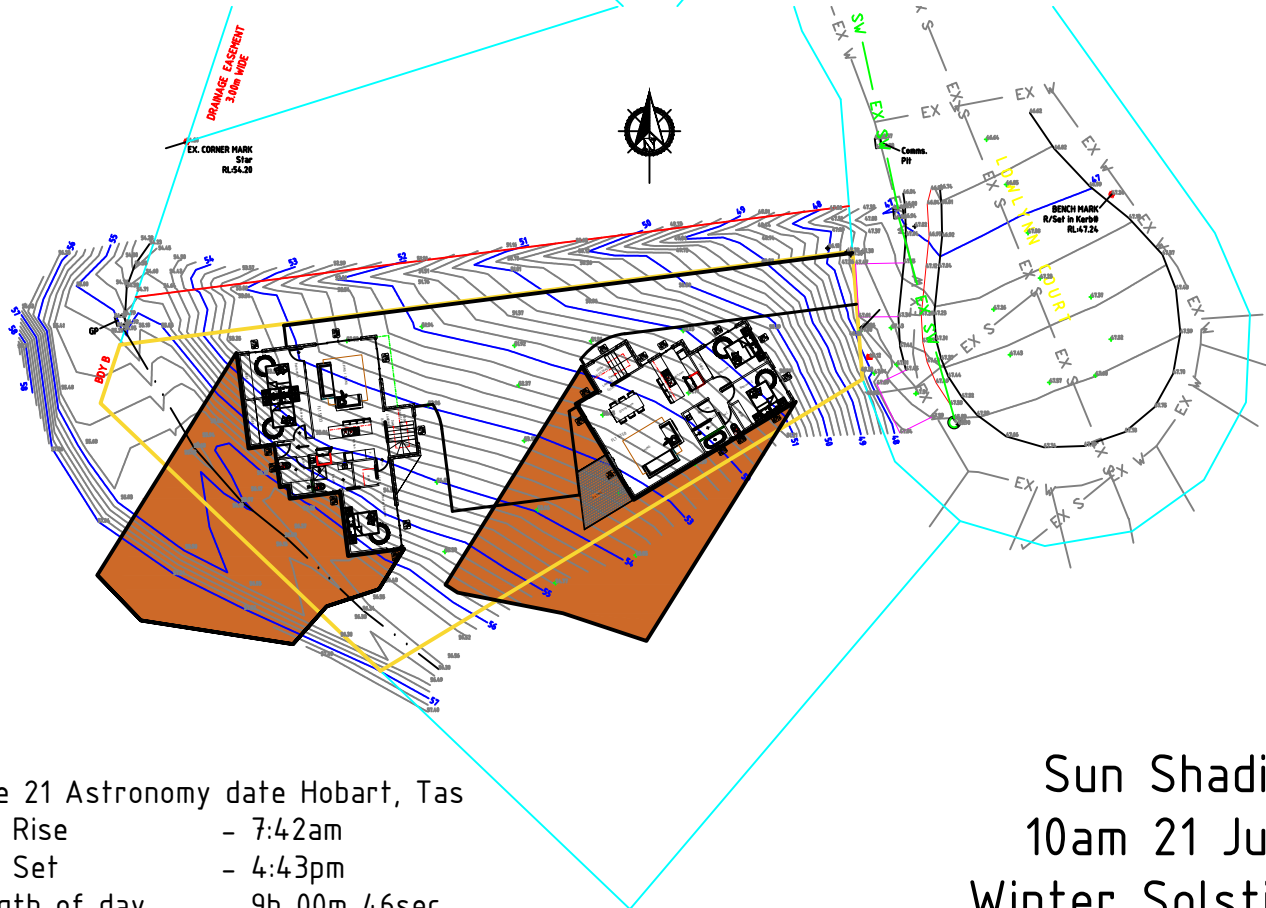
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03/02/2022	A	Issued for Planning Approval	D. Jackson	WIND CLASS - AS4055 SOIL CLASS - AS2870 CLIMATE ZONE - 26 ENERGY RATING - refer report TITLE 180483 - Lot 46			Project: 18 Lowlynn Court, Geilston Bay TAS 7020		
02/05/2022	B	Issued for RFI	D. Jackson				Title: Elevations - Unit 2		
12/08/2022	C	Issued for RFI	D. Jackson				Scale: 1:100		
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							Designed : D. Jackson	Date: 17/11/2021	
Document Set ID: 4870365					JOB NUMBER: 21119	Drawing : A06	REVISION: C		



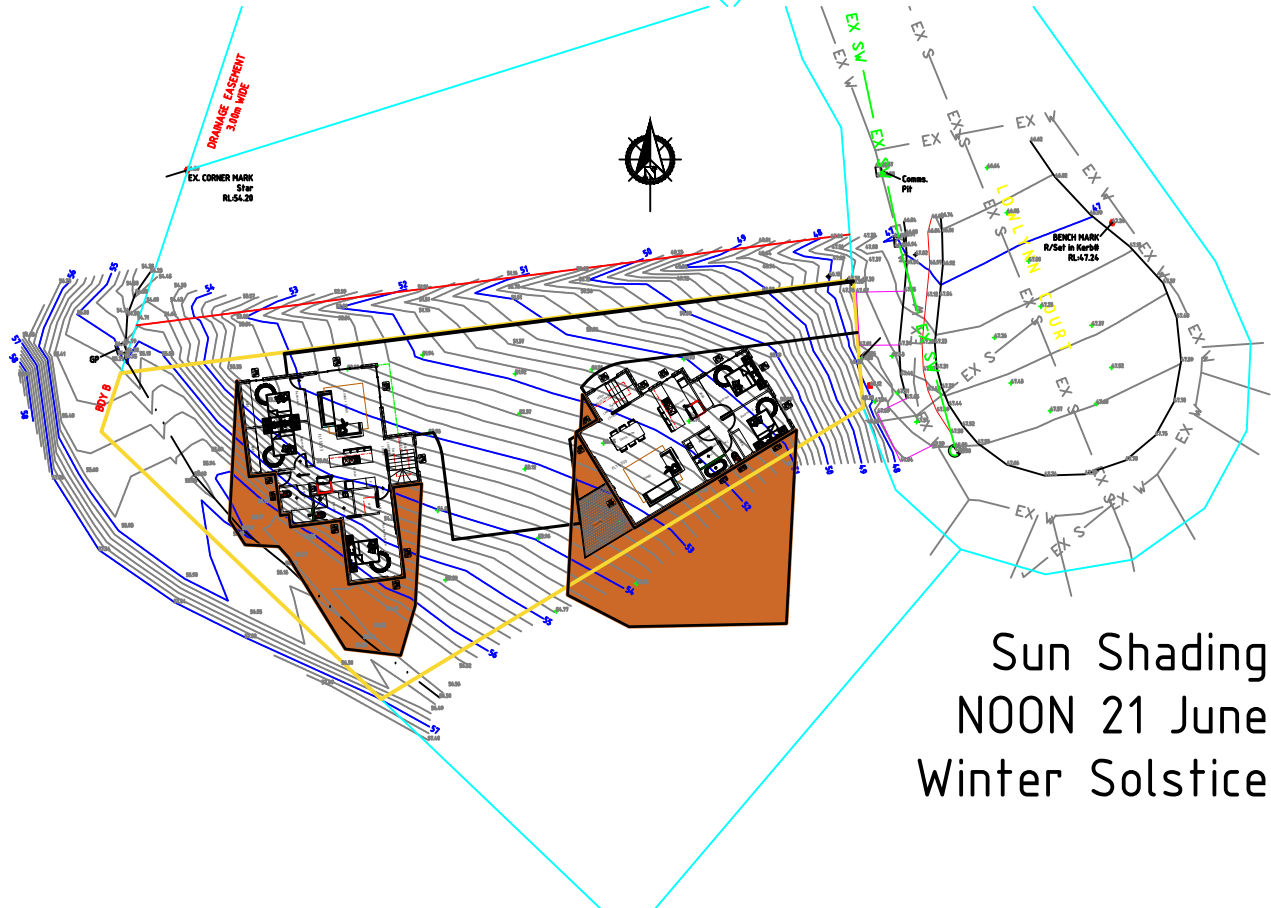
Sun Shading
9am 21 June
Winter Solstice



Sun Shading
11am 21 June
Winter Solstice



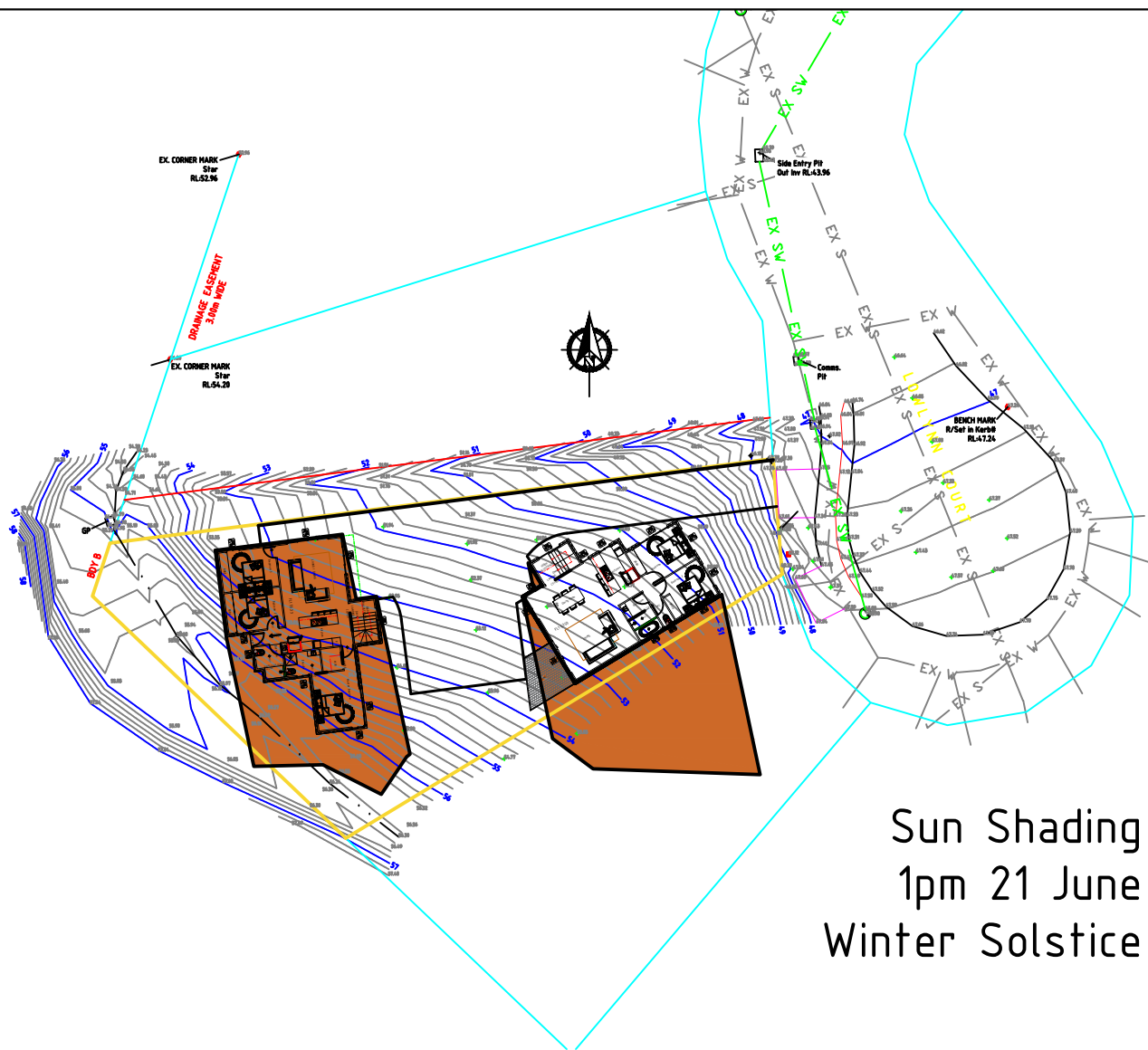
Sun Shading
10am 21 June
Winter Solstice



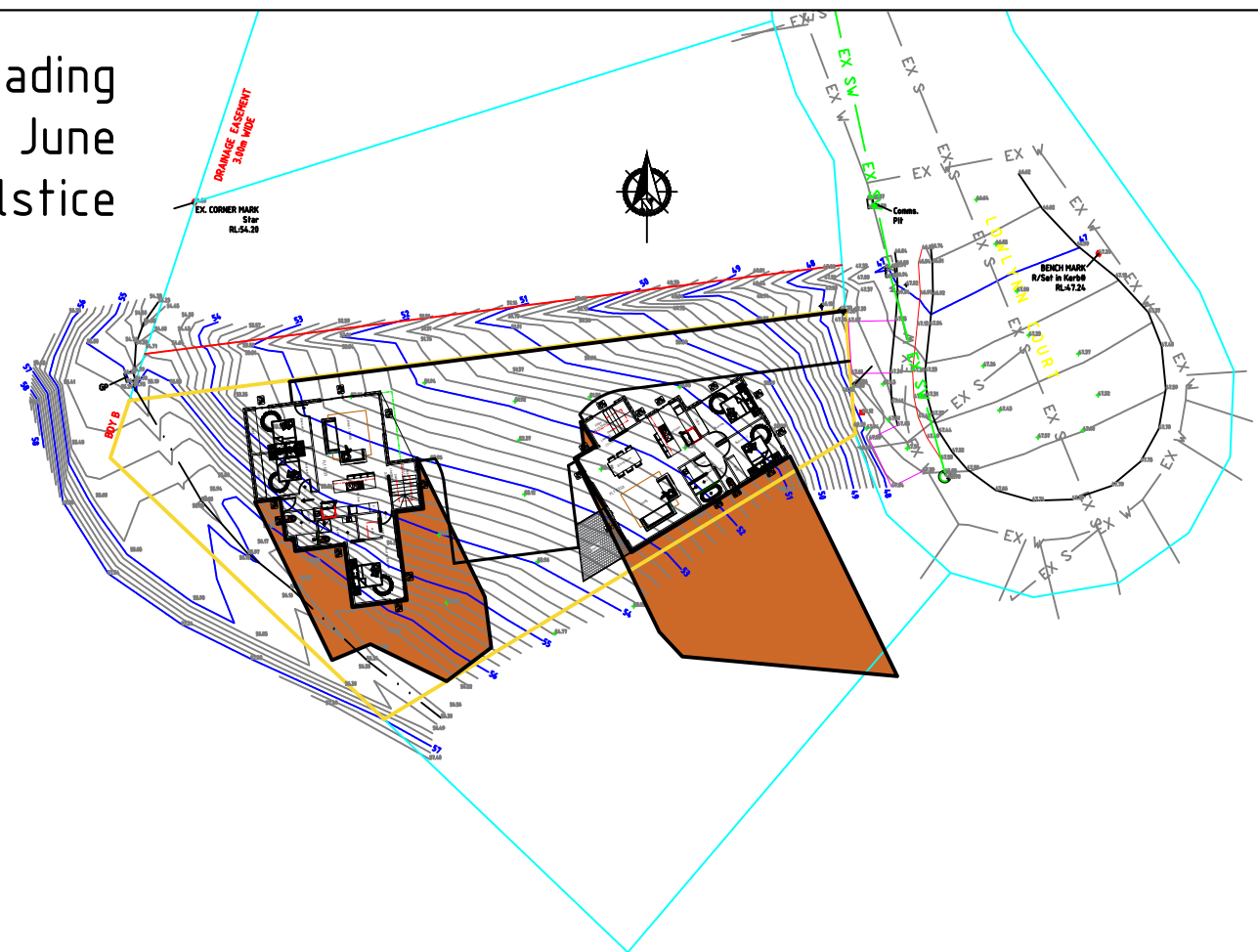
Sun Shading
NOON 21 June
Winter Solstice

June 21 Astronomy date Hobart, Tas
Sun Rise - 7:42am
Sun Set - 4:43pm
Length of day - 9h 00m 46sec
date supplied by timeanddate.com/worldclock

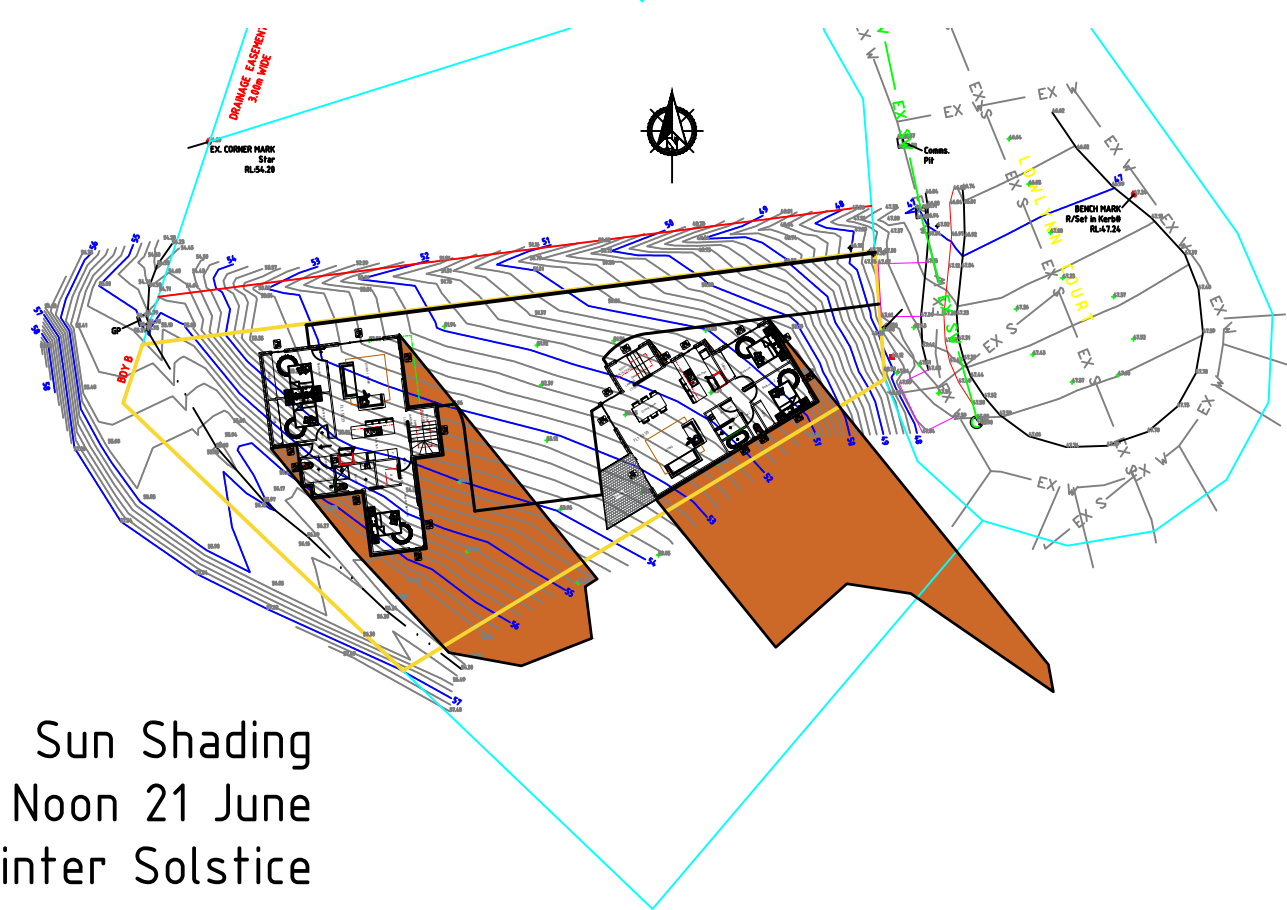
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03/02/2022	A	Issued for Planning Approval	D. Jackson	WIND CLASS	- AS4055			Project:	18 Lowlynn Court, Geilston Bay TAS 7020	
02/05/2022	B	Issued for RFI	D. Jackson	SOIL CLASS	- AS2870			Title:	Sun Shading Plan	
12/08/2022	C	Issued for RFI	D. Jackson	CLIMATE ZONE	- 26			Scale:	1:500	
				ENERGY RATING	- refer report			Drawn :	D. Jackson	Date: 01/11/2021
Document Set ID: 4870365				TITLE	180483 - Lot 46			Designed :	D. Jackson	Date: 17/11/2021
Version: 1, Version Date: 12/08/2022								JOB NUMBER:	21119	Checked by: R.JACKSON CC340Y
								Drawing :	A11	REVISION: C



Sun Shading
2pm 21 June
Winter Solstice



Sun Shading
1pm 21 June
Winter Solstice

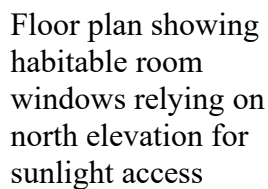
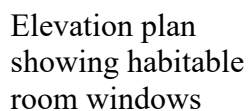
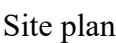


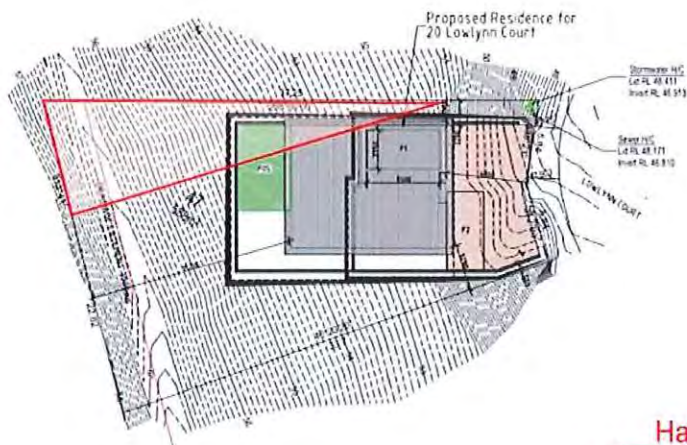
Sun Shading
Noon 21 June
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12/08/2022	C	Issued for RFI	D. Jackson	CLIMATE ZONE	- 26			Scale:	1:500
				ENERGY RATING	- refer report			Drawn :	D. Jackson
Document Set ID: 4870365				TITLE	180483 - Lot 46			Designed :	D. Jackson
Version: 1, Version Date: 12/08/2022								JOB NUMBER:	21119
								Date:	01/11/2021
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								Checked by:	R.JACKSON CC340Y
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								REVISION:	C

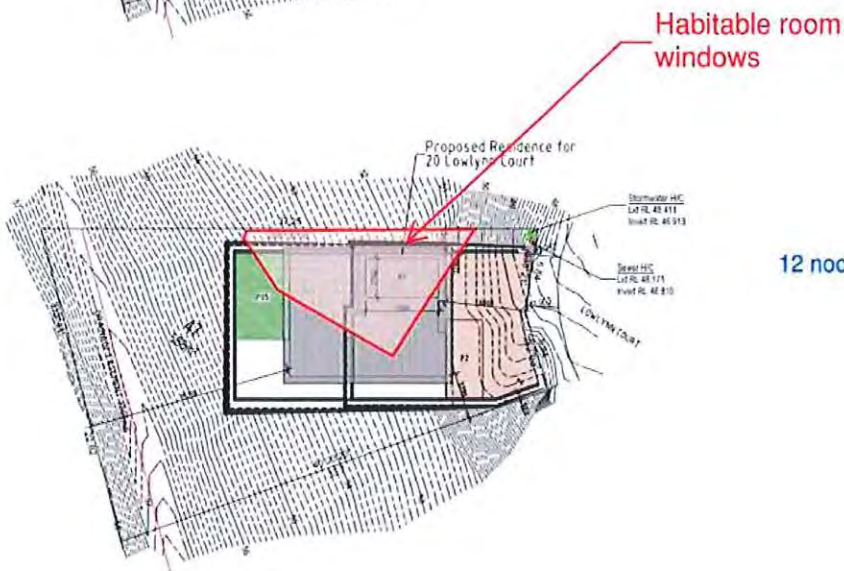
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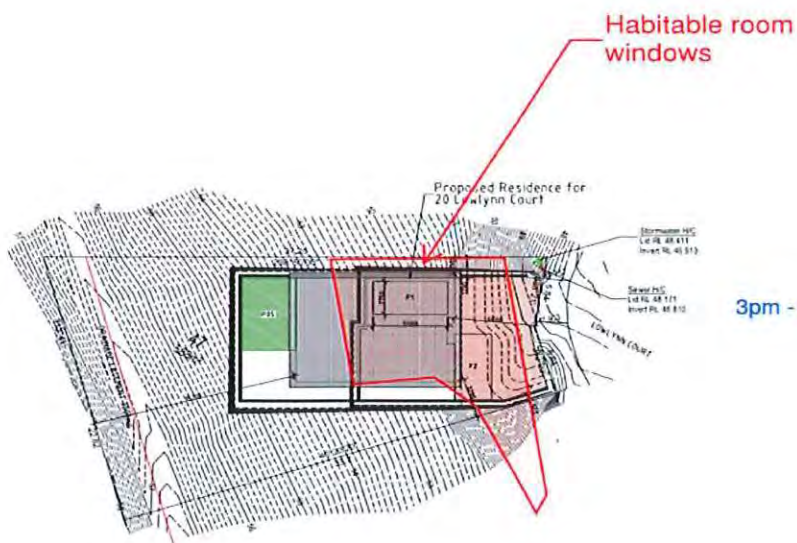


Overshadowing by Unit 1 -
derived from submitted shadow
diagrams, excluding shadow cast
by cut into land on 20 Lowlynn
Court.

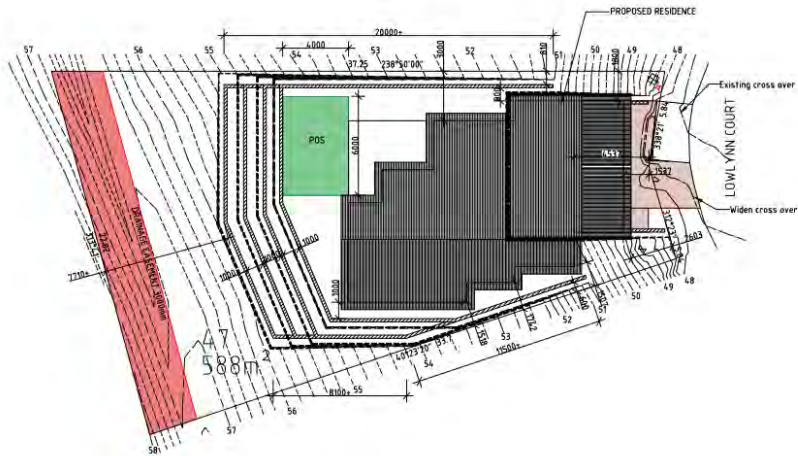
9 am - 21 June



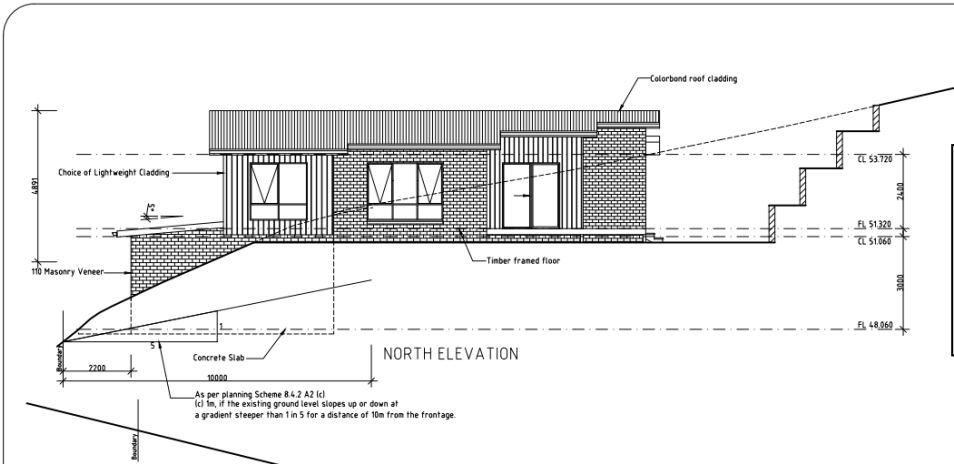
12 noon - 21 June



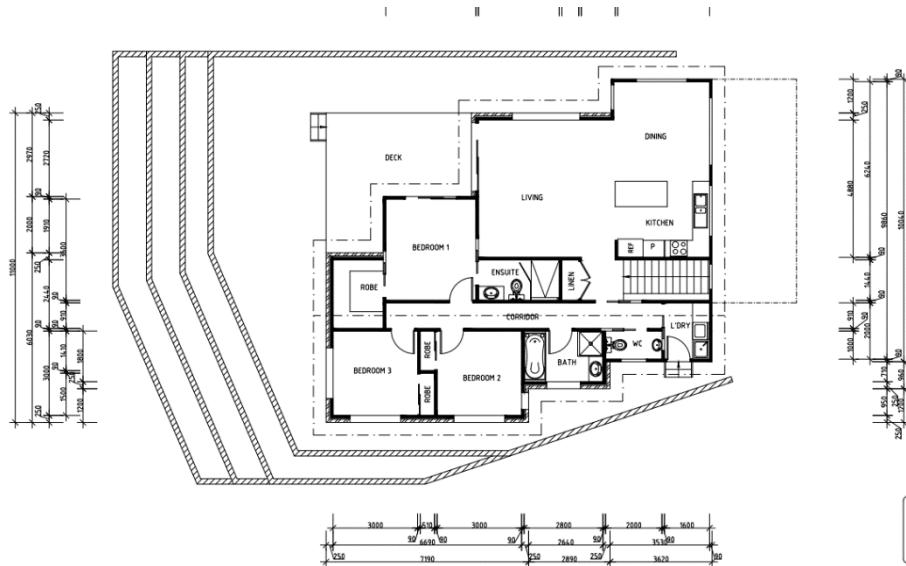
3pm - 21 June



Floor plan showing location of POS

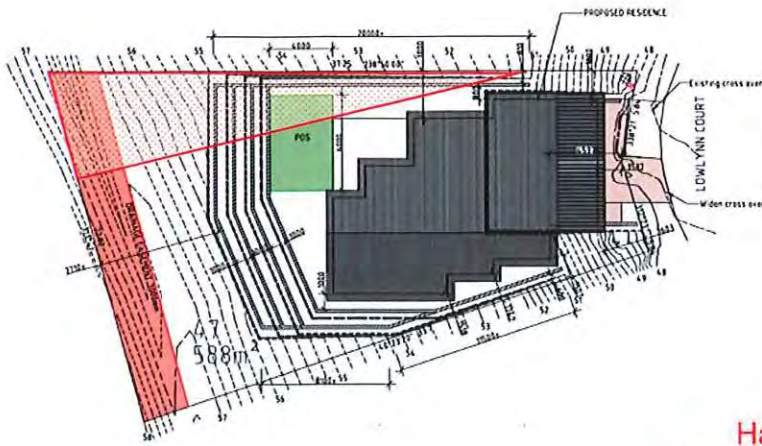


Elevation plan showing location of POS, degree of cut and habitable room windows



Floor plan showing location of habitable room windows relying on north orientation for sunlight access.

AREAS	
Lower Level	44.96m ²
Upper Level	124.32m ²
Total	171.38m ²
Deck	19.38m ²

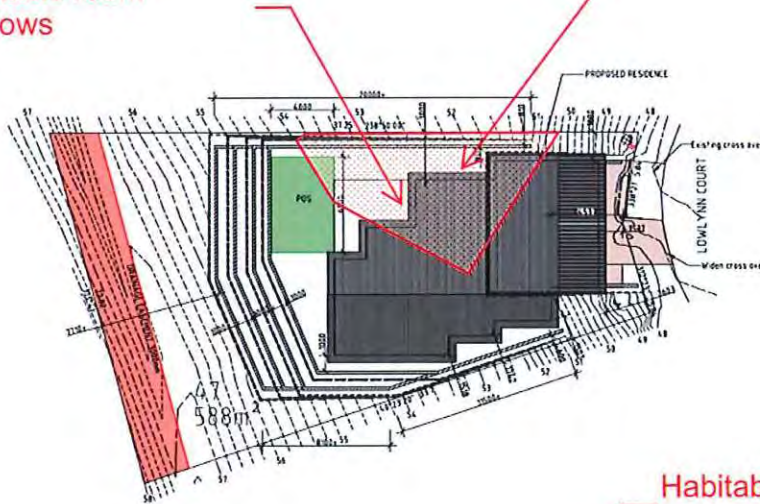


Overshadowing by Unit 1 - derived from submitted shadow diagrams, excluding shadow cast by cut into land on 20 Lowlynn Court.

9 am - 21 June

Habitable room windows

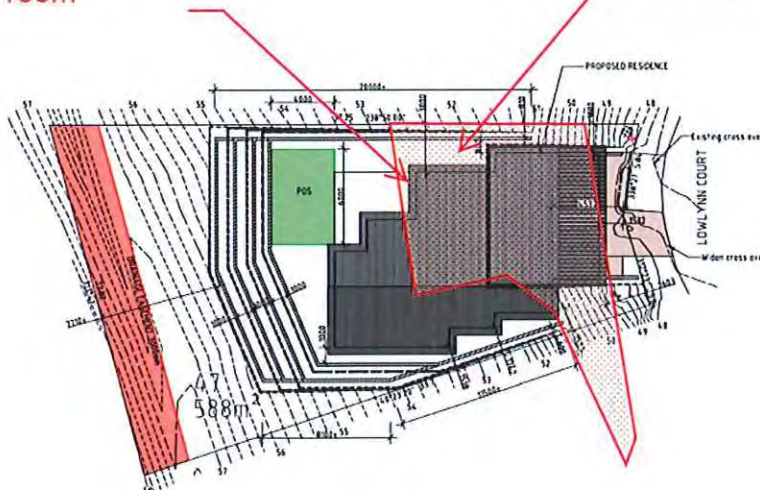
Habitable room windows



12 noon - 21 June

Habitable room windows

Habitable room windows



3pm - 21 June



Access to the lot, looking west



Access to the lot, looking south west, showing relation ship to access and topography of 20 Lowlynn Court to the left (behind the trailer).

7.3 DEVELOPMENT APPLICATION PDPLANPMTD-2022/029299 – 19 SCOTT STREET, BELLERIVE - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Demolition of the Existing Dwelling and Construction of 3 Multiple Dwellings at 19 Scott Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport and Safeguarding of Airports 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 28 September 2022.

CONSULTATION

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

- Loss of Amenity/Overshadowing;
- Demolition of existing house;
- Building heights/Visual Impacts;
- Precedent setting development;
- Impact on adjoining heritage listed properties/heritage character;
- Impact on Streetscape;
- Scale of development;
- Tasmanian Heritage Listed properties not included in the Local Heritage Code and lack of protection for Heritage listed properties;
- Local Area Objectives - Back Beach Precinct; and
- Potential damage during construction;

RECOMMENDATION:

- A. That the Development Application for Demolition of Existing Dwelling and Construction of 3 Multiple Dwellings at 19 Scott Street, Bellerive (Cl Ref PDPLANPMTD-2022/029299) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ENG A2 – CROSSOVER CHANGE.
3. ENG A5 – SEALED CAR PARKING.
4. ENG M1 – DESIGNS DA.
5. ENG S1 –INFRASTRUCTURE REPAIR.
6. The development must meet all required Conditions of Approval specified by TasWater notice dated 13/07/2022 (TWDA 2022/01086-CCC).

ADVICE

- a. Tas Networks should be contacted for advice on whether upgrades are required to the electricity supply for this development.
 - b. Advice from a Building Surveyor will be required in relation to any building permit requirements that may apply under the Building Act 2016 and the Directors Determinations for excavation works associated with future development. The existing dwelling and surrounding properties may also be affected by a rock breaker where a Form 6 Notice of Protection Work under Section 76 of the Building Act 2016 may be required.
- 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

The property contains existing buildings subject to the following building approvals:
B-1957/5362, B-1942/42, B-1947/549, B-1973/612.

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 certain 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 8.0 – General Residential Zone;
- Section C2.0 – Parking and Sustainable Transport;
- Section C16.0 – Safeguarding of Airports Codes; and
- Section CLA 21.0 – Bellerive Bluff Specific Area Plan.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 1150m² rectangular lot with vehicle access from Scott Street. The property contains an existing weatherboard dwelling and two outbuildings.

The property slopes from the south-west to the north-east and the existing dwelling is partially elevated with a carport underneath. There is an existing low brick fence with a hedge along the front boundary.

The surrounding area is zoned General Residential and is characterised by predominately residential use as single or multiple dwellings. The area has several Tasmanian Heritage listed properties and Local Heritage properties.

3.2. The Proposal

The proposal is to demolish all the existing buildings and front fence and construct three multiple dwellings on the subject site. Each of the three dwellings would contain a double garage with waste storage included inside.

The dwellings would be over two levels with Unit 1 having a maximum height of 5.918m, Unit 2 a maximum height of 5.658m and Unit 3 a maximum height of 5.278m.

The exterior of the dwellings would be a combination of various types of cladding and bricks which would be in the colours of white, shades of grey and stained timber.

A new access is proposed with the existing crossover to be removed and the footpath replaced.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards

“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

“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.

In this instance the proposal involves demolition of the existing dwelling and outbuilding on the site which would require a permitted application, if not part of this application.

4.4. Compliance with Zone and Codes

The proposal is exempt from the Safeguarding of Airports Code as the development complies with the AHD height specified for the site.

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, the applicable Codes, and the Bellerive Bluff Specific Area Plan except for:

Bellerive Bluff Specific Area Plan

- **Clause S21.7.1 A2**– the proposal would exceed the building height of 5.5m.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause CLA - S21.7.1 as follows.

Clause	Performance Criteria	Assessment
CLA - S21.7.1	<i>“P2</i> <i>The siting and scale of a dwelling must:</i> <i>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i>	The proposed building height would be 5.918m for Unit 1, 5.658m for Unit 2 and 5.278m for Unit 3. It is not considered there would be an unreasonable loss of amenity to adjoining properties as discussed in the assessment below:
	<i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i>	The shadow diagrams provided by the applicant (included in the Attachments) demonstrated there would not be an undue impact by overshadowing to a habitable room. The overshadowing diagrams have been checked and accurately show the impacts.

		There would be overshadowing between 9am and 11am to the south-west, 21A Scott Street. This is not considered unreasonable and meets this test in that all habitable rooms would receive at least three hours of sunlight at Winter Solstice.
	<i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i>	The property adjoining to the south-west at 21A Scott Street has a 3.6m wide access strip which extends 32m along the shared boundary. The 2D shadow diagrams provided with the application demonstrate the proposal would not result in undue overshadowing to adjoining private open space. As discussed above, the overshadowing diagrams accurately show the extent of overshadowing impacts. There would be a minimum of three hours where no more than 50% of the private open space would be overshadowed at Winter Solstice on the adjoining property.
	<i>(iii) overshadowing of an adjoining vacant property; or</i>	There is no adjoining vacant property.
	<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i>	Two of the proposed dwellings would exceed 5.5m in height, however the bulk is reduced through providing some cut and design features such as cladding types and colours. The appearance of bulk is reduced through minimising large expanses of blank walls by providing different textured or coloured cladding on the exterior walls facing adjoining neighbouring properties.

	(b) <i>provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area;</i>	Adjoining properties have a similar setback to side and rear boundaries. Reduced side setbacks can be seen at: • 21A Scott Street which has a dwelling and carport less than 1m from the boundary; • 27 Queen Street which has an outbuilding to the boundary and part of the dwelling within 1m of the boundary; • 25 Queen Street where all of the buildings are within 1m of side boundaries. Similar rear setback can be seen at 21A Scott Street where the dwelling is less than 1.5m from the rear boundary and 27 Queen Street where the outbuilding is less than 1.5m from the rear boundary.
	(c) <i>not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i>	
	(i) <i>an adjoining property; or</i>	The siting of the dwellings and the orientation of the lot would minimise overshadowing to adjoining properties. Shadow diagrams indicate there would not be an undue impact to solar energy installations on the adjoining property at 21A Scott Street; or
	(ii) <i>another dwelling on the same site; and</i>	The proposal would not cause an unreasonable reduction in sunlight to another dwelling on the same site as no solar panels are proposed on the multiple dwellings; and

	(d) <i>have regard to:</i>	
	(i) <i>the relevant established precinct characteristics and the objectives identified in the local area objectives;</i>	The subject property is within the Back Beach Precinct. The precinct characteristics are below: To enable development consistent with the following established precinct characteristics: (a) freestanding single storey dwellings of varying age set back from the street edge and slightly elevated above gently sloping sites. Buildings tend to have strongly expressed hipped roof forms, historically with brick chimneys. The precinct is characterised by a number of heritage structures located on Queen and King Streets. (b) Chapman Street is narrower than adjacent streets and as a result has a more intimate street space scale, especially along its higher contours. To enable siting, massing and design of new development and additions to existing housing stock to support the achievement of: (a) freestanding building identity; (b) incorporating semi-public space or design elements fronting the street; (c) incorporating hipped roof forms; and (d) responding to sloping sites through elevation rather than being cut into the site.

		The proposal is considered to comply noting that the proposal is of similar proportions to the existing residence being demolished when viewed from the street. The siting of the multiple dwellings on the lot would give the impression of a single dwelling when viewed from the street, with the other two units set behind and to the rear corner of the lot. The presence of gabled roof forms facing Scott Street from neighbouring properties is also considered consistent with the hipped roof forms surrounding. The proposal is for free standing dwellings and incorporates landscaping in between the frontage and Unit 1. Although the roofs proposed are not strongly expressed hip roof forms, the pitched roofs of Unit 1 & Unit 2 appear consistent with neighbouring dwellings when viewed from the street. Some cut is proposed but minimised in extent.
	<i>(ii) any topographical constraints;</i>	The property is subject to slope which is potentially restrictive to any proposed development and results in either the requirements for cut and/or fill or alternatively a design which is elevated in response to the slope. In this instance some cut has been proposed in response to the slope.
	<i>(iii) any existing development on-site;</i>	The proposal includes demolition of all the existing buildings on the site.

	<i>(iv) development built up to the boundary should avoid the appearance of conjoined terraces or side by side town houses; and</i>	The units do not have the appearance of cojoined terraces as they are separate buildings.
	<i>(v) the extent to which the variation visually impacts an immediately adjoining property identified in the Local Historic Heritage Code within its streetscape setting.”</i>	No adjoining properties are identified in the Local Historic Heritage Code. Two adjoining properties are Heritage Tasmania listed. However, this clause does not consider the Tasmanian Heritage Register.

- **Clause S21.7.2 A1**– the proposal would not include ground level living areas with windows to overview the street.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause CLA - S21.7.2 as follows.

Clause	Performance Criteria	Assessment
CLA - S21.7.2	<i>“PI Design responses must provide for: (a) passive surveillance to and from the building to the street; and</i>	Passive surveillance would be available from unit one’s study and master bedroom which overlook the street; and
	<i>(b) the incorporation of semi-public treatments such as landscaping, verandahs and deck treatments visible from the street.”</i>	Landscaping would be provided between unit one and the frontage, additional landscaping is proposed adjacent the shared driveway.

- **Clause S21.7.2 A3**– the proposal would not include car parking structures setback behind the dwellings.

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause CLA - S21.7.2 as follows.

Clause	Performance Criteria	Assessment
CLA - S21.7.2	<i>“P3 Car parking structures (including ground level or basement garages) must not dominate the building façade or adversely impact the streetscape having regard to:</i> <i>(a) the width of the structure or parking area in the context of both the lot and the dwelling façade;</i>	Only one of the car parking structures would be visible from the front boundary which would be the dwelling furthest from the road. The width of the structure is consistent with garage structures in the street.
	<i>(b) the degree of the structure’s transparency as viewed from the street;</i>	Two of the garages would not be visible and would appear as part of the dwelling when viewed from the street. Unit 3 garage would be visible but would be over 38m from the street. The structure contains no transparency but would be difficult to view from the street.
	<i>(c) the relevant established precinct characteristics and the objectives identified in the local area objectives;</i>	As discussed in 21.7.1 (i) the proposal is considered to comply.
	<i>(d) any topographical constraints;</i>	The car parking structures are located on the lower level of each dwelling and involve some cut/fill in response to the slope which responds to the topographical constraints and ensures the structures do not impact on the streetscape.
	<i>(e) any existing development on-site;</i>	The existing development would be demolished as part of the proposal. It is not a consideration in the proposed location of new car parking structures.

	<i>(f) opportunities for landscaping in front of the dwelling;</i>	The car parking structures would not inhibit the opportunity for landscaping, as landscaping has been included in front of Unit 1 and alongside the driveway.
	<i>(g) the prevalence of car parking structures within proximity of the site within the same street and same precinct;</i>	The street nearby has few existing car parking structures, and they are generally well setback from the road. Further down Scott Street they become more common place and closer to the frontage. The proposal is consistent with the surrounding area as only one structure is street facing and it would be difficult to see from the street as it would be over 38m from the street.
	<i>(h) the extent that the structure will impact the neighbourhood sociability of the streetscape; and</i>	The car parking structures for Units 1 and 2 are not obvious from the street because they face the south-west side boundary and present to the street as part of the dwelling. It is therefore not expected to impact upon the sociability or streetscape. Additionally, the garage for Unit 3 at the rear of the lot would have no impact either as it would be difficult to see from the street.
	<i>(i) the extent to which the variation visually impacts an immediately adjoining property identified in the Local Historic Heritage Code or the Tasmanian Heritage Register within its streetscape setting.”</i>	During the advertising period Heritage Tasmania raised no concern in relation to visual impact on the adjoining heritage listed properties. Council’s heritage advisor has reviewed the proposal and has not raised concern on impact on streetscape in relation to heritage. The proposal is not considered to have undue visual impacts on adjoining properties as it is of a similar height to the existing dwelling on the site and the units present as separate dwellings. As discussed in S21.7.1 (i) the proposal has been assessed against the Local Area Objectives and found to comply.

- **Clause S21.7.3 A1**– the proposal includes cut and retaining walls both exceeding 1m.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause CLA - S21.7.3 as follows.

Clause	Performance Criteria	Assessment
CLA - S21.7.3	<i>“P1 Design responses involving excavation or extensive retaining walls must have regard to:</i> <i>(a) the relevant established precinct characteristics and the objectives identified in the local area objectives;</i>	As discussed in Clause CLA21.7.1 (i) the proposal is considered to comply.
	<i>(b) any topographical constraints;</i>	Some cut and fill has been proposed to the existing slope on the site in response to the topography of the site.
	<i>(c) any existing development on-site;</i>	The proposal includes demolishing all existing structures on the property. The location of existing buildings would not be a consideration for locating proposed buildings.
	<i>(d) the extent of benching or retaining walls within proximity of the site within the same street and same precinct;</i>	Retaining walls and benching do not appear to be present in the surrounding properties. However, as discussed below, they would not be visible on this site either.
	<i>(e) the visual impact on the streetscape; and</i>	The retaining walls are a design response to the slope and form part of the dwellings. They would not be visible from the street and therefore would not produce a visual impact on the streetscape.

	(f) <i>the extent to which the variation visually impacts an immediately adjoining property identified in the Local Historic Heritage Code or Tasmanian Heritage Register within its streetscape setting.</i>”	During the advertising period Heritage Tasmania raised no concern in relation to visual impact on the adjoining heritage listed properties. Council’s heritage advisor has reviewed the proposal and has not raised concern on impact on streetscape in relation to heritage. As discussed in Clause S21.7.1 (i) the proposal is considered to comply with the local area objectives and is therefore considered compatible with the streetscape. The adjoining Tasmanian Heritage Registered properties at 29 Queen Street and 25 Queen Street are on the side and rear boundaries of the proposal. The dwelling façade and verandah of 29 Queen Street are on the Queen Street frontage and the rear yard is extensively managed gardens, a stable and gazebo. The Scott Street frontage adjoining the subject property consists of paling fence, stable building built to the boundary and gated solid fence to the rear of the dwelling. The proposal would not impact on the streetscape of the adjoining Heritage Listed dwelling as the dwelling presents to a separate street.
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		The proposal would not impact on the streetscape of the adjoining Heritage Listed property at 25 Queen Street because 25 Queen Street presents to a different street and additionally is adjoining the subject property on a section of 10m of side boundary at the rear of the property.
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5. REPRESENTATION ISSUES

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

5.1. Loss of Amenity/Overshadowing

A representor raised concern that the location of Unit 1 is further forward than the existing dwelling would result in a loss of amenity to an adjoining property but did not specify how. Additionally in relation to amenity, a representor raised concern about potential overshadowing impacts.

- **Comment**

The location of the dwelling meets the acceptable solutions for Clause 8.4.2 A1 in relation to front setbacks. The proposal complies with the Planning Scheme.

Additionally shadow diagrams indicated the level of overshadowing from the proposal would not impact on private open space, habitable room windows or solar energy installations.

5.2. Demolition of Existing House

A representor raised concern that the demolition of the existing house would result in a loss to future heritage stock.

- **Comment**

Demolition of the house is permitted under the Scheme as the house is not in the Local Historic Heritage Code or Heritage Tasmania listed.

5.3. Building Heights/Visual Impact

Representors raised concern about the building heights exceeding the acceptable solutions. A representor raised concern that the proposal would produce an unacceptable visual impact when viewed from an adjoining property as a result.

- **Comment**

For the reasons discussed in detail in Clause S21.7.1 and S21.7.3 the building heights would not produce unacceptable visual impacts.

5.4. Precedent Setting Development

A representor raised concern that the development would set a precedent in changing the character of the street.

- **Comment**

Existing development within the street is mixed residential use with no obvious pattern of development. It is considered the introduction of this multiple dwelling development is compatible with the mixed residential character and does not set a precedent for an inappropriate development form.

5.5. Impact on Heritage Listed Properties/Heritage Character

Representors raised concern that the proposal would negatively impact upon the heritage properties in the surrounding area. Representors raised concern that the proposal would diminish the heritage character of the street and surrounding area.

- **Comment**

As discussed in the report Clauses S21.7.1 (i) and S21.7.3 (f) the proposal has not been identified by Heritage Tasmania or Council's Heritage advisor as producing a negative impact on surrounding heritage properties.

5.6. Impact on Streetscape

A representor raised concern that the proposal would negatively impact upon the streetscape.

- **Comment**

For the reasons discussed in the report Clause S21.7.3 (f) the proposal is not considered to negatively impact upon the streetscape.

5.7. Scale of Development

A representor raised concern that the scale of development was not appropriate for the street.

- **Comment**

The proposal has complied with the acceptable solutions for site coverage as required by Clause 8.4.3 and as discussed in the report has addressed the performance criteria S21.7.1.

The site coverage and use table are assessed under the General Residential Zone standards which allow for up to 50% site coverage under the acceptable solutions and multiple dwellings are permitted. The scale is therefore appropriate for residential development.

5.8. Tasmanian Heritage Listed Properties not included in the Local Heritage Code and Lack of Protection for Heritage Listed Properties

A representor raised concern that the Tasmanian Heritage Listed properties were not also included in the Local Heritage Code. A representor raised concern that Heritage Listed properties were not adequately protected.

- **Comment**

In the *Clarence Interim Planning Scheme 2015* heritage properties were all listed under the Historic Heritage Code. With the change to the *Tasmanian Planning Scheme - Clarence* the removal of the State listed heritage properties was required by the Tasmanian Planning Commission under Section 8A of the *Land Use Planning and Approvals Act 1993*.

The implementation of the Local Historic Heritage Code specifically removed Tasmanian Heritage listed properties. Tasmanian Heritage listed properties will revert to the Local Heritage Code if delisted from the heritage registry but cannot be dual listed.

The protection of State listed properties is a matter for Heritage Tasmania under the *Historic Cultural Heritage Act 1995*.

As discussed in the report the proposal has complied with Clause S21.7.2 P3 (i) and S21.7.3 P1 (f).

5.9. Local Area Objectives Back Beach Precinct

Representors raised concern that the proposal did not comply with all of the clauses relating to the Local Area Objectives for the Back Beach Precinct.

- **Comment**

For the reasons discussed in Clause S21.7.1 and S21.7.3 the proposal was considered to comply with the Local Area Objectives.

5.10. Potential Damage during Construction to Fragile Heritage Property Adjoining

A representor raised concern that the construction may result in damage to the adjoining stable building which has been identified as being in a fragile condition.

- **Comment**

There are no relevant clauses which consider construction methods and potential impacts to adjoining properties in the Planning Scheme.

Notwithstanding this, it is the responsibility of the property owner and their contractors to ensure they follow the relevant building and safety requirements with respect to protection of adjacent properties during the construction process. Advice has been provided for inclusion in the permit.

6. EXTERNAL REFERRALS

The proposal was referred to TasNetworks and TasWater who provided advice and conditions to be included in the planning permit if granted.

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

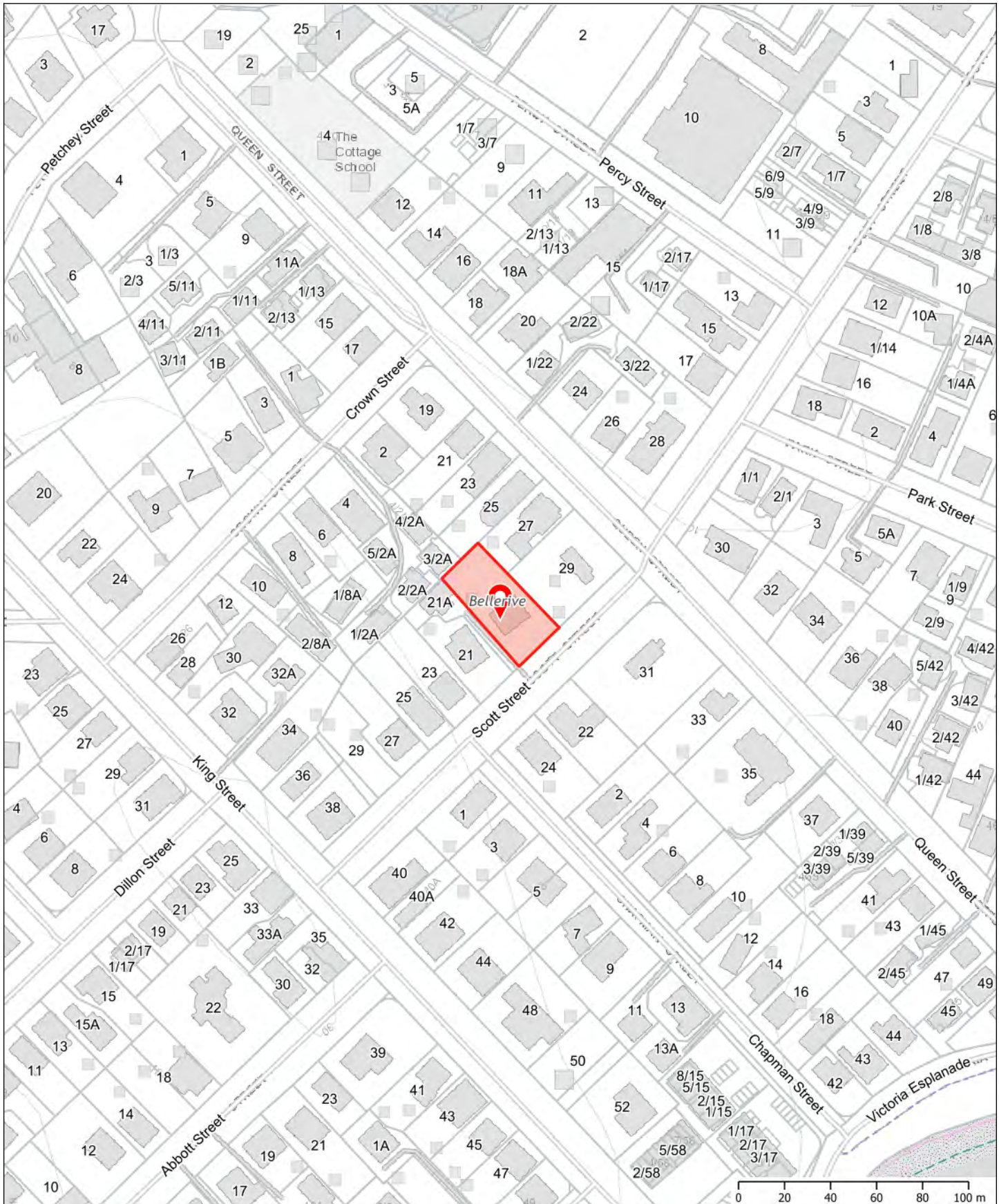
9. CONCLUSION

The proposal is recommended for approval, subject to conditions and advice.

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

Ross Lovell
MANAGER CITY PLANNING

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

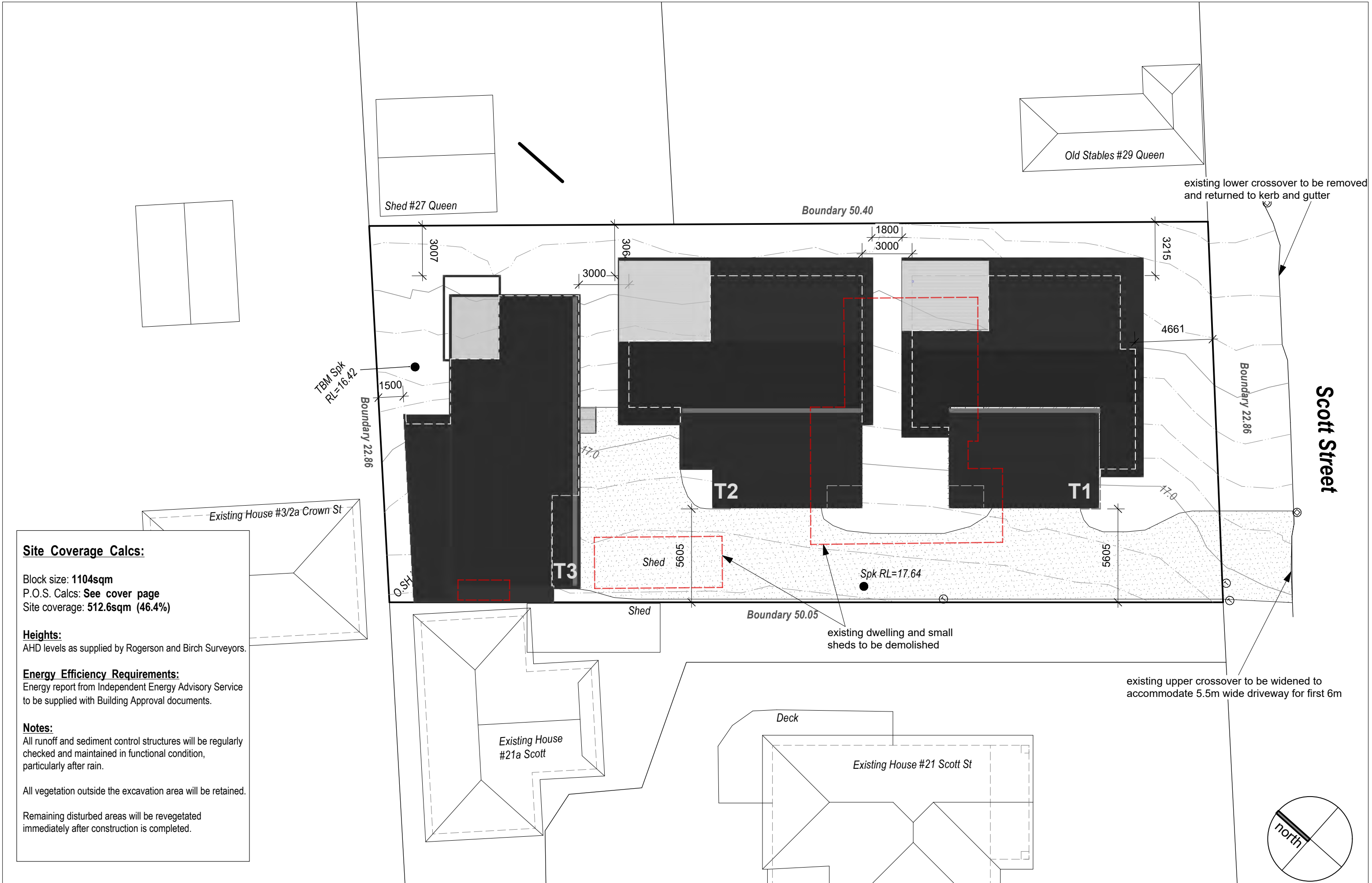


This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

13/09/2022

1:2257





Site Coverage Calcs:

Block size: 1104sqm
P.O.S. Calcs: **See cover page**
Site coverage: **512.6sqm (46.4%)**

Heights:
AHD levels as supplied by Rogerson and Birch Surveyors.

Energy Efficiency Requirements:
Energy report from Independent Energy Advisory Service to be supplied with Building Approval documents.

Notes:
All runoff and sediment control structures will be regularly checked and maintained in functional condition, particularly after rain.

All vegetation outside the excavation area will be retained.

Remaining disturbed areas will be revegetated immediately after construction is completed.

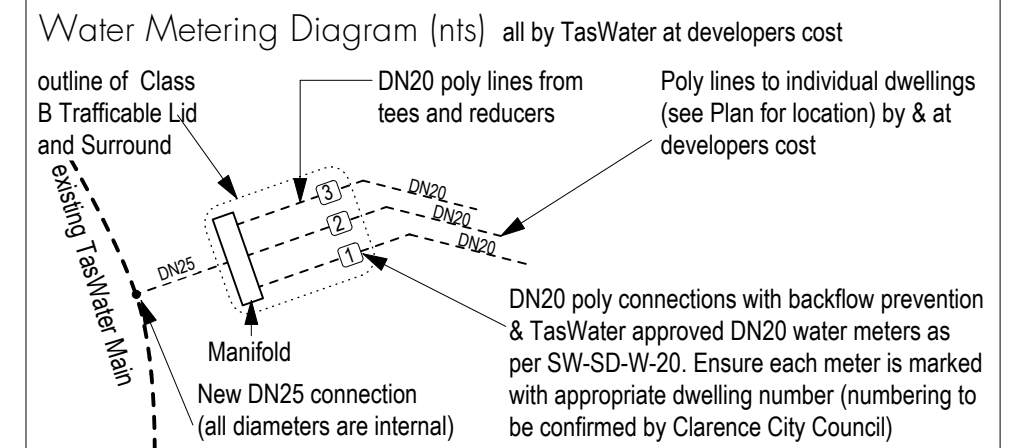
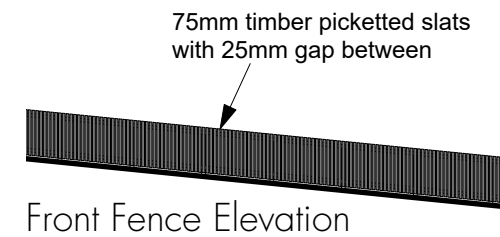
Landscape Legend:

-  *Burgundy Agonis* (5m x 3m- height by width)
-  *Hakea Salicifolia* (5m x 4m)
-  *Eucalyptus Euky Dwarf* (6m x 3.5m)
-  *Lomandra "Tanika"* (0.6m x 0.6m)
-  *Acacia Limelights* (1.5 x 1)
-  *Diplarereana "Flag Iris"* (0.6 x 0.6)
-  *Brachyscome sp* (0.3m x 1.2m)
-  *Myoporum "Broad Leaf Form"* (0.15m x 1.0m)

-  Area shown with cross hatching to be shredded stringybark gum mulched with planting @ centres to allow ground cover before mulch renewal (1-1.5m centres)
-  Area shown with dot hatched to be consolidated road base + river stone covering for pedestrian trafficable area

Artificial grass laid on a consolidated sand base in accordance with manufacturers recommendations

Note: Final plant selection will be determined by availability at time of planting, where possible number and centres of planting to be followed closely



Primary Private Open Space Area (min. 24sqm comprising sandstone pavers & artificial turf) to ground floor NNE on each dwelling, with all POS behind fencing to each dwelling totalling significantly more than min. 60sqm required- see cover page for calculations. Sun path diagrams (A-09) show all townhouses comfortably complying with solar access provisions

Stormwater Connection Point (provide stormwater detention such that run-off from site does not exceed that of a single residence and associated drive in an ARI 5% event by means of detention pit to drive. Detailed engineering calcs to be provided by Aldanmark Engineers at Building Approval stage.)

1800 high Timber Paling Fence painted charcoal (including as dividing wall to separate private open space of respective townhouses) UNO

1000 high blockwork vehicle barrier

Site I.O's connected to overflow relief gully for individual dwellings, refer to full hydraulic docs to be supplied with building approval submission

1200 high Timber Squared Picket Fence painted charcoal

Stormwater connect to existing pit on opposite side of Scott St

Sewer Connection Point

New private power pole (on similar line to existing power feed), then underground main to each dwelling

Existing DN20 water connection and meter to be upgraded by TasWater (at developers cost) to DN25 from main line up to 1-3 manifold with 3 DN20 meters and then individual lines (DN20ID) up to each townhouse (see adjacent diagram)

From TasWater Main

Scott Street

Telstra Point

Grated drain to 450sq pit collecting all driveway run-off

this 9+ 11m of driveway has a height gain of just under 900mm, giving an average grade of 1:10, the remainder of the driveway and vehicle manoeuvring space is close to flat

DN20 Poly to each unit terminates in approved non-trafficable box with stop tap

Washed Concrete (exposed agg) Driveway

Boundary 50.05

Crown St

TBM Spk RL=16.42

Boundary 22.86

Shed #27 Queen

5700

6692

Boundary 50.40

6319

6447

7164

VISITOR PARKING BAY

TURNING BAY

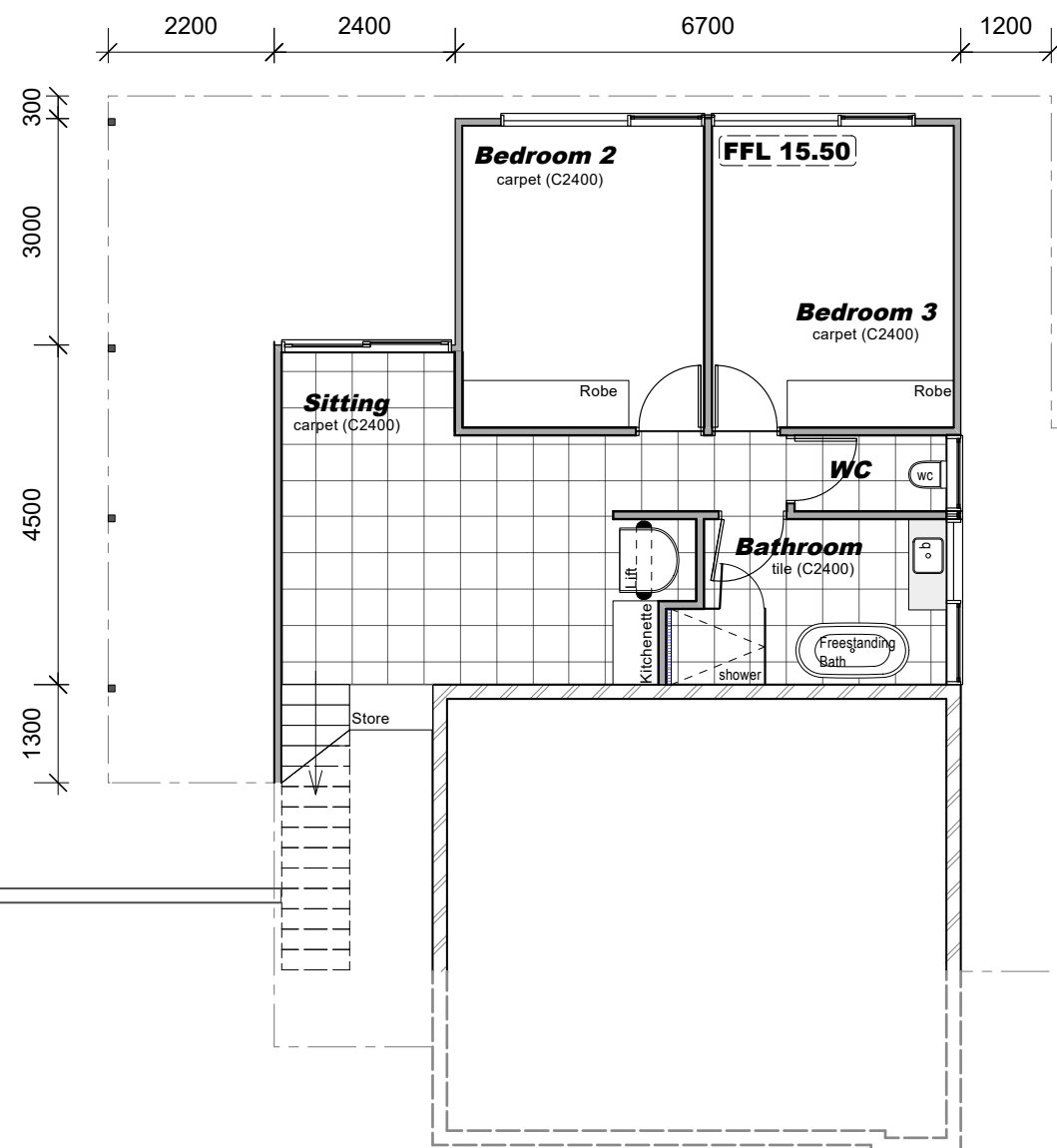
Shed

Shed

Spk RL=17.64

outline of T2

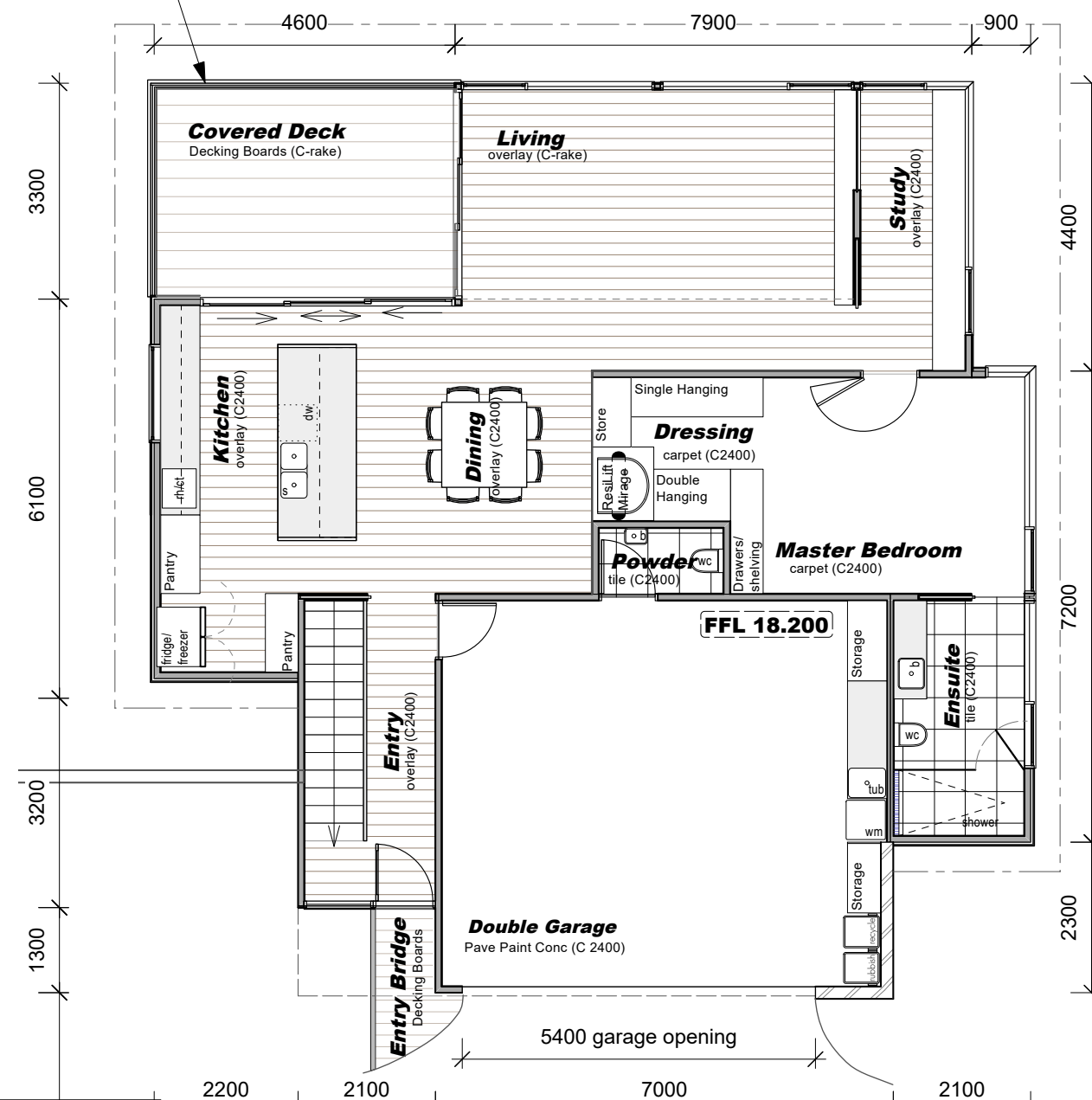
abe



Townhouse One Lower Floor Plan

- Waterproof wet areas including necessary splashbacks in accordance with part 3.8.1 of BCA.
- Sub Floor Ventilation to Living Spaces to be in accordance with part 3.4.1 of BCA.
- All masonry to be constructed in compliance with part 3.3 of BCA.
- Floor insulation to be in accordance with part 3.12.1 of BCA.

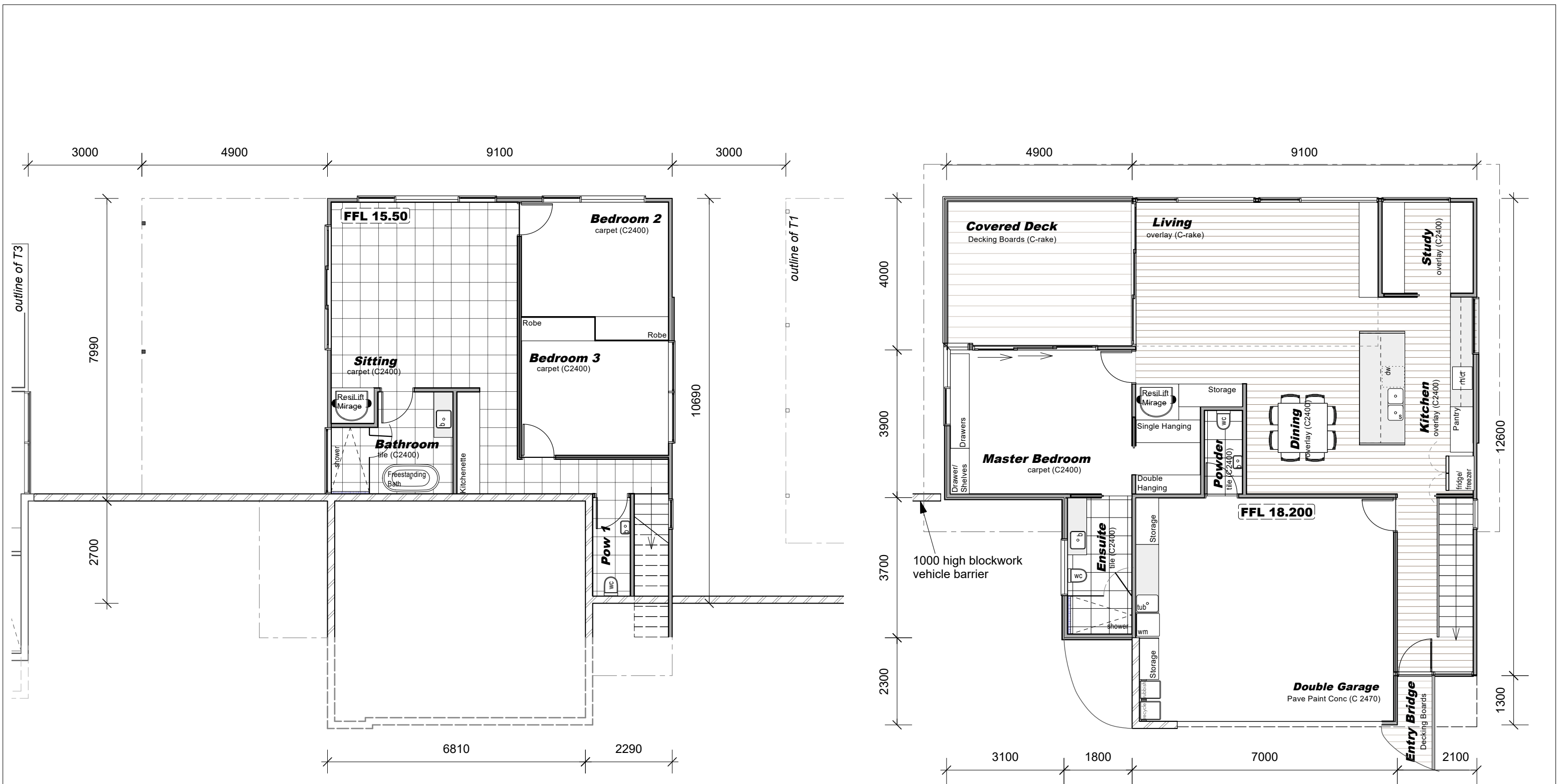
solid balustrade to 800, then 400 toughened glass topped with 25mm polished stainless channel (continuous in accordance with NCC)- typical to all three townhouses



Townhouse One Upper Floor Plan

(aisle width in accordance with AS2890.1-2004, 3m opening + 2.4m opening for 5.4m overall width and minimum 5.6m aisle width)

Carpet	780 Thunder 100% Solution Dyed Nylon Cut Pile Twist Carpet + Underlay
pave paint conc	steel trowelled + Paving Paint Finish
c	Ceiling Height (if flat or noted if raked)
tiles	Rome Dark Grey Glazed Porcelain tiles over waterproofing
overlay	Godfrey Hirst Timber Overlay- 300 Corsica Oak Natural Oak Smooth
sss	Stainless Steel Sink
wc	Water Closet
b	Hand Basin
ct	Cooktop
o	Oven
rh	Undershelf Rangehood
sh	Shower (formed with fall)
tub	Laundry Tub
p	Pantry
bath	Bath Tub



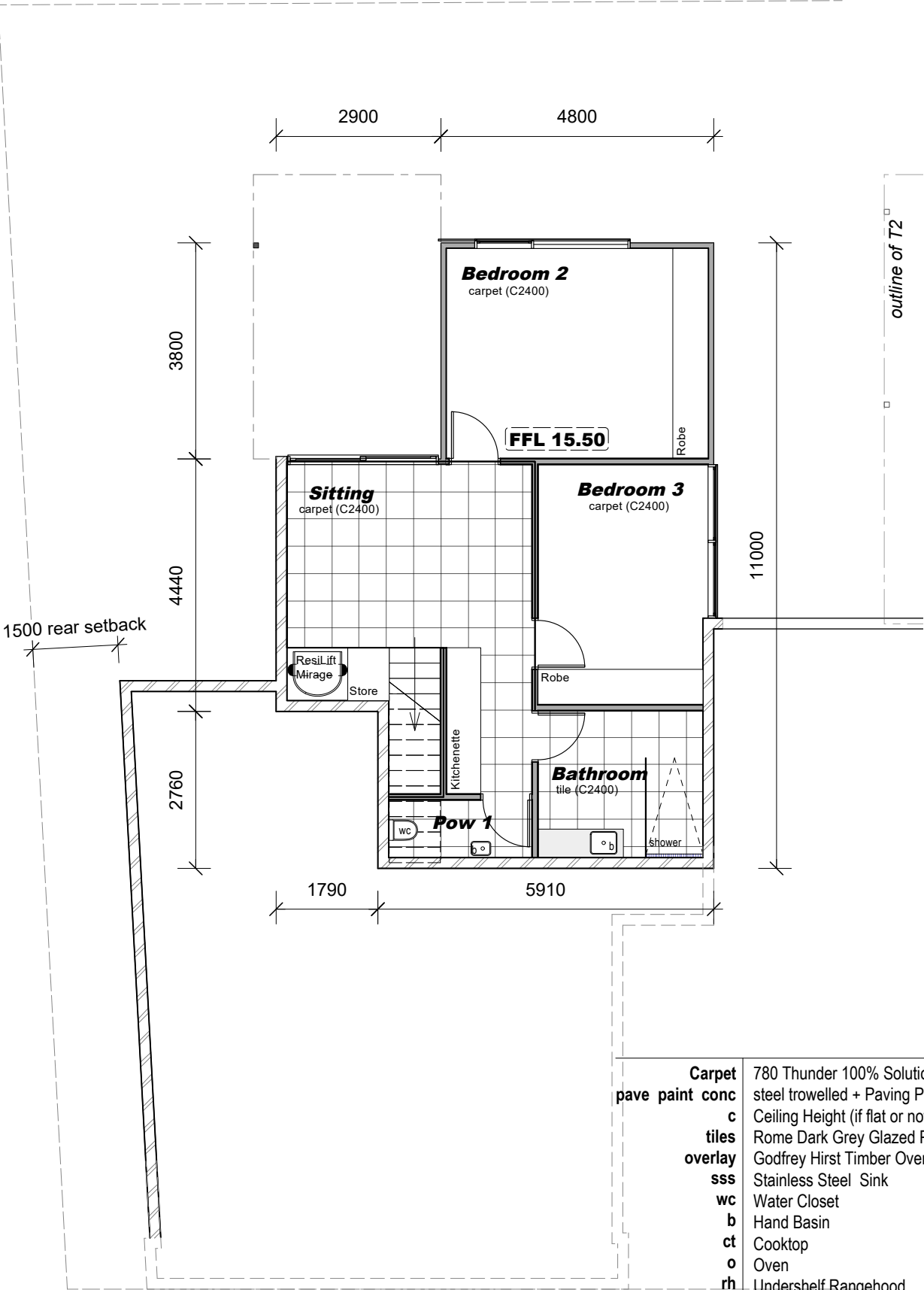
Townhouse Two Lower Floor Plan

Townhouse Two Upper Floor Plan

- Waterproof wet areas including necessary splashbacks in accordance with part 3.8.1 of BCA.
- Sub Floor Ventilation to Living Spaces to be in accordance with part 3.4.1 of BCA.
- All masonry to be constructed in compliance with part 3.3 of BCA.
- Floor insulation to be in accordance with part 3.12.1 of BCA.

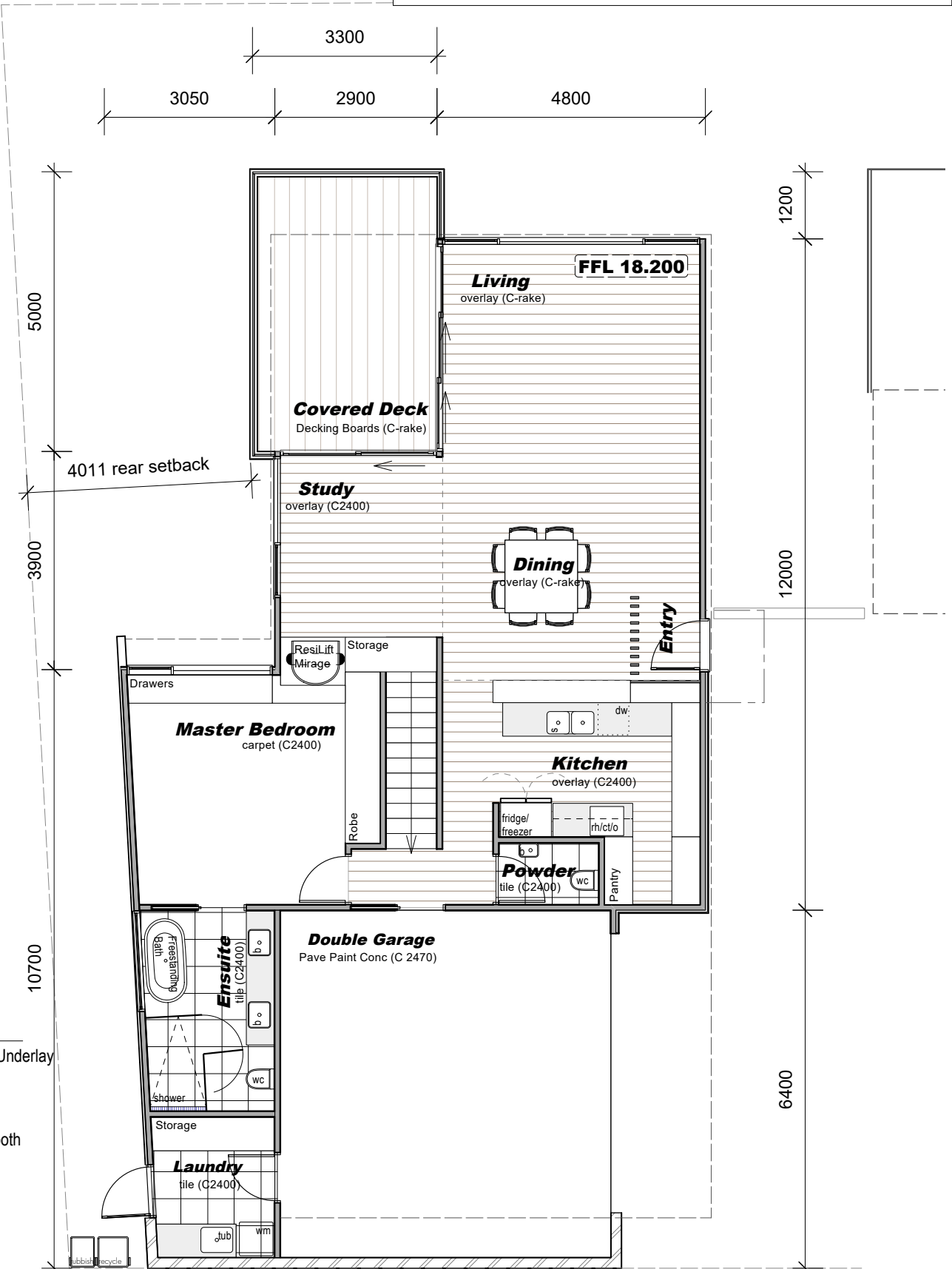
Carpet	780 Thunder 100% Solution Dyed Nylon Cut Pile Twist Carpet + Underlay
pave paint conc	steel trowelled + Paving Paint Finish
c	Ceiling Height (if flat or noted if raked)
tiles	Rome Dark Grey Glazed Porcelain tiles over waterproofing
overlay	Godfrey Hirst Timber Overlay- 300 Corsica Oak Natural Oak Smooth
sss	Stainless Steel Sink
wc	Water Closet
b	Hand Basin
ct	Cooktop
o	Oven
rh	Undershelf Rangehood
sh	Shower (formed with fall)
tub	Laundry Tub
p	Pantry
bath	Bath Tub

- Waterproof wet areas including necessary splashbacks in accordance with part 3.8.1 of BCA.
- Sub Floor Ventilation to Living Spaces to be in accordance with part 3.4.1 of BCA.
- All masonry to be constructed in compliance with part 3.3 of BCA.
- Floor insulation to be in accordance with part 3.12.1 of BCA.



Townhouse Three Lower Floor Plan

Carpet	780 Thunder 100% Solution Dyed Nylon Cut Pile Twist Carpet + Underlay
pave	steel trowelled + Paving Paint Finish
paint	Ceiling Height (if flat or noted if raked)
conc	Rome Dark Grey Glazed Porcelain tiles over waterproofing
c	Godfrey Hirst Timber Overlay- 300 Corsica Oak Natural Oak Smooth
tiles	Stainless Steel Sink
overlay	Water Closet
sss	Hand Basin
wc	Cooktop
b	Oven
ct	Undershelf Rangehood
o	Shower (formed with fall)
rh	Laundry Tub
sh	Pantry
tub	Bath Tub
p	
bath	



Townhouse Three Upper Floor Plan

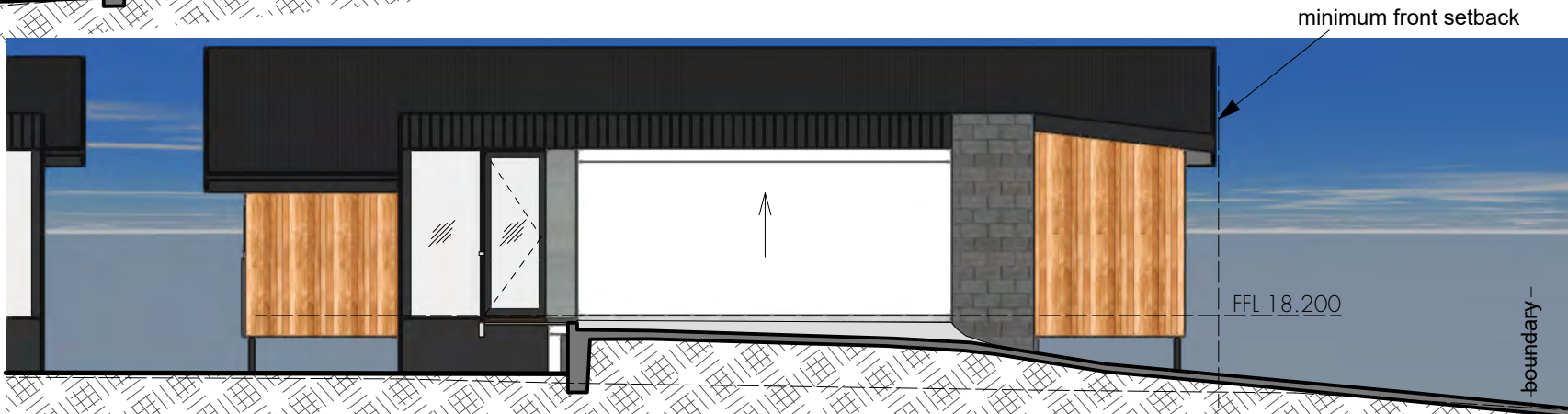
- Notes:**
- Exposed Steelwork waterproof primed immediately after erection, then painted Monument
 - Roof/Custom Fascia/Gutter in Colorbond "Monument"
 - Windows and Doors Powdercoated Monument
 - All external walls to have bulk insulation of R2.5 or higher and VapaWrap or similar installed prior to placement of EasyLap or Barestone (installed as per Part 3.5.3 BCA) etc.
 - R1.5 foam insulation under slabs where habitable
 - All ceilings are to be insulated with R6.0 bulk insulation + Vapour permeable membrane
 - Line eaves with 6mm CFC Sheet, 2mm sealant joins, painted Dulux "White on White" UNO



South-Eastern Elevation



North-Western Elevation



South-Western Elevation



North-Eastern Elevation

Finishes Legend: Typical for all elevations UNO

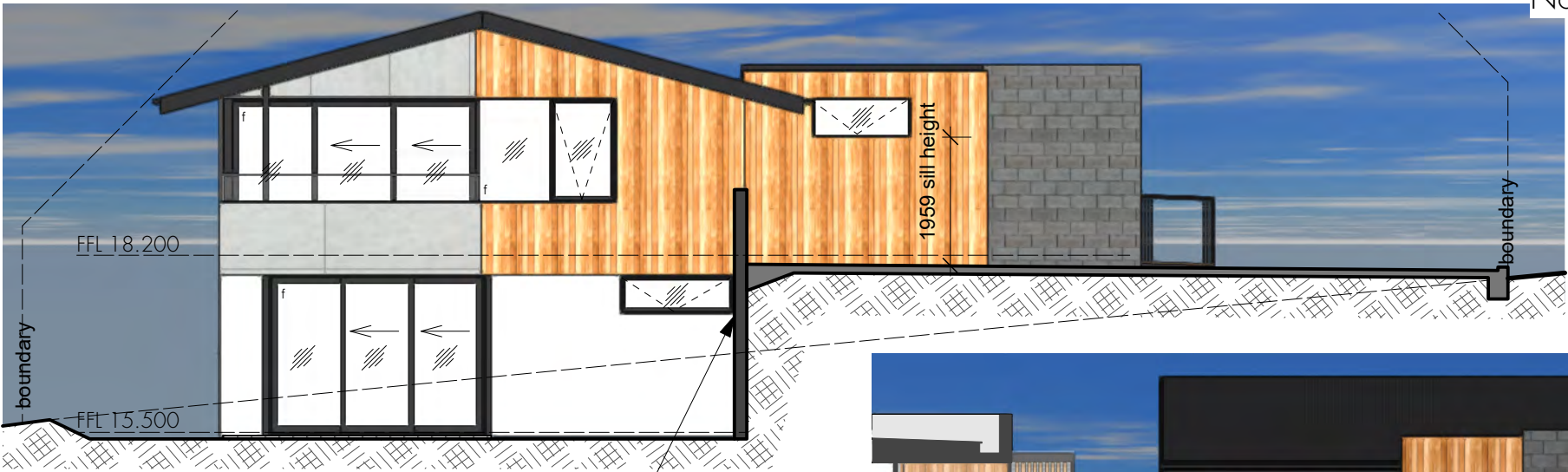
- Cemintel Barestone External *Original*
- Cemintel Barestone External Ash (T2 cladding)
- Cemintel Edge Oxford Cladding, Painted Malay Grey- exterior of garage
- JH PanelCladTextureLine CFC Sheet on proprietary battens, Stained
- Island Block Eco Exposed Finish Ebony Stackbonded Blocks
- Standing Seam Cladding Colorbond Monument & Flashing between windows
- James Hardie EasyLap, Texture Painted Wayward Grey
- James Hardie EasyLap, Painted White On White

Notes:

- Exposed Steelwork waterproof primed immediately after erection, then painted Monument
- Roof/Custom Fascia/Gutter in Colorbond "Monument"
- Windows and Doors Powdercoated Monument
- All external walls to have bulk insulation of R2.5 or higher and VapaWrap or similar installed prior to placement of EasyLap or Barestone (installed as per Part 3.5.3 BCA) etc.
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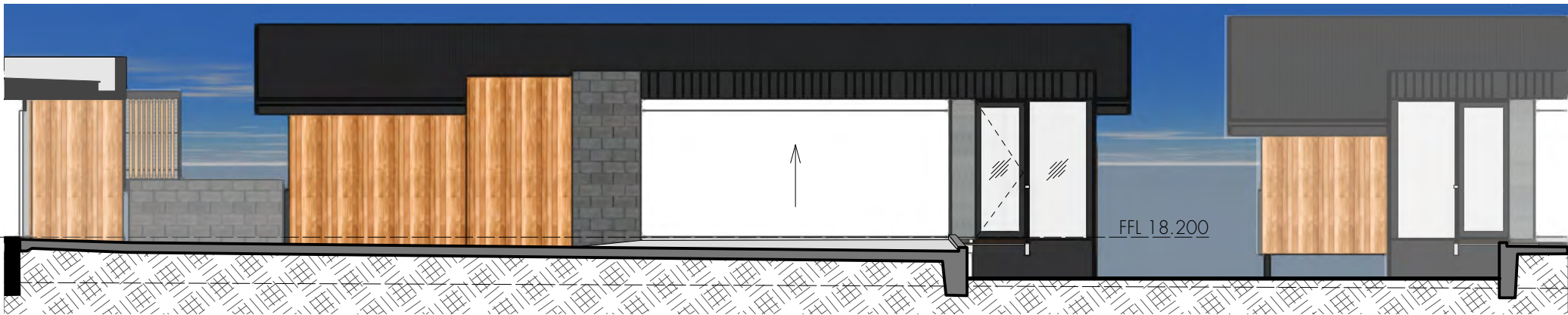


North-Eastern Elevation



North-Western Elevation

the retaining walls that separate the three dwellings longitudinally on site are the only areas where a retaining wall exceeds 1m in height, these walls are largely not visible from outside the site and are required for site topography to allow vehicular access



South-Western Elevation



South-Eastern Elevation

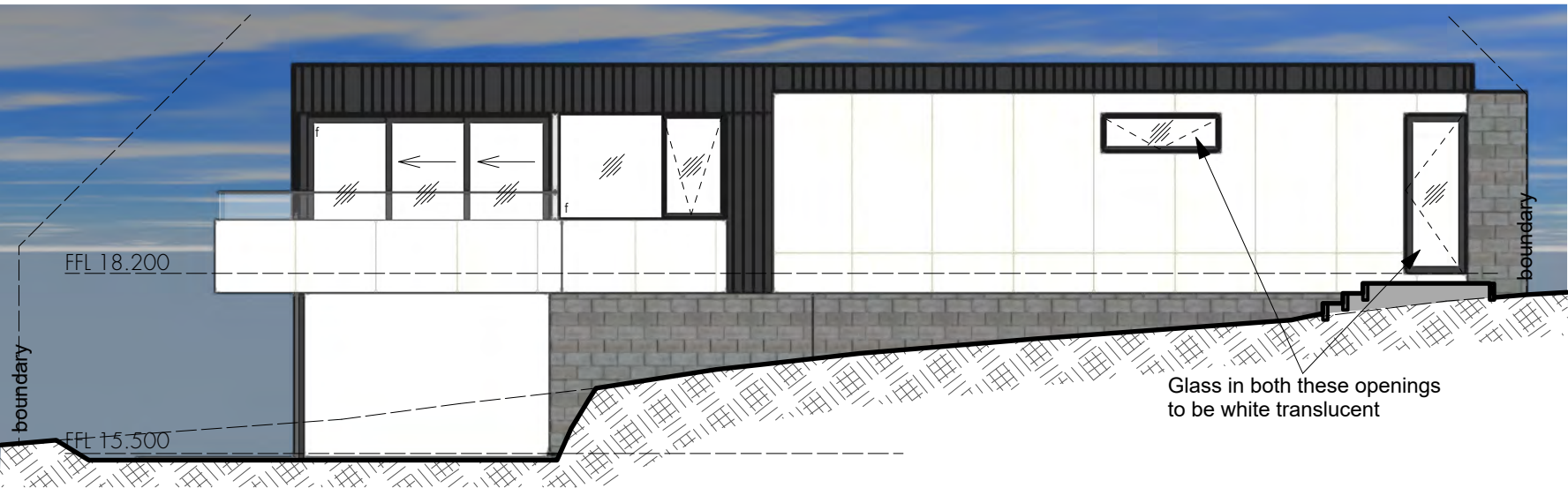
Finishes Legend: Typical for all elevations UNO

- Cemintel Barestone External *Original*
- Cemintel Barestone External Ash (T2 cladding)
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- James Hardie EasyLap, Texture Painted Wayward Grey
- James Hardie EasyLap, Painted White On White

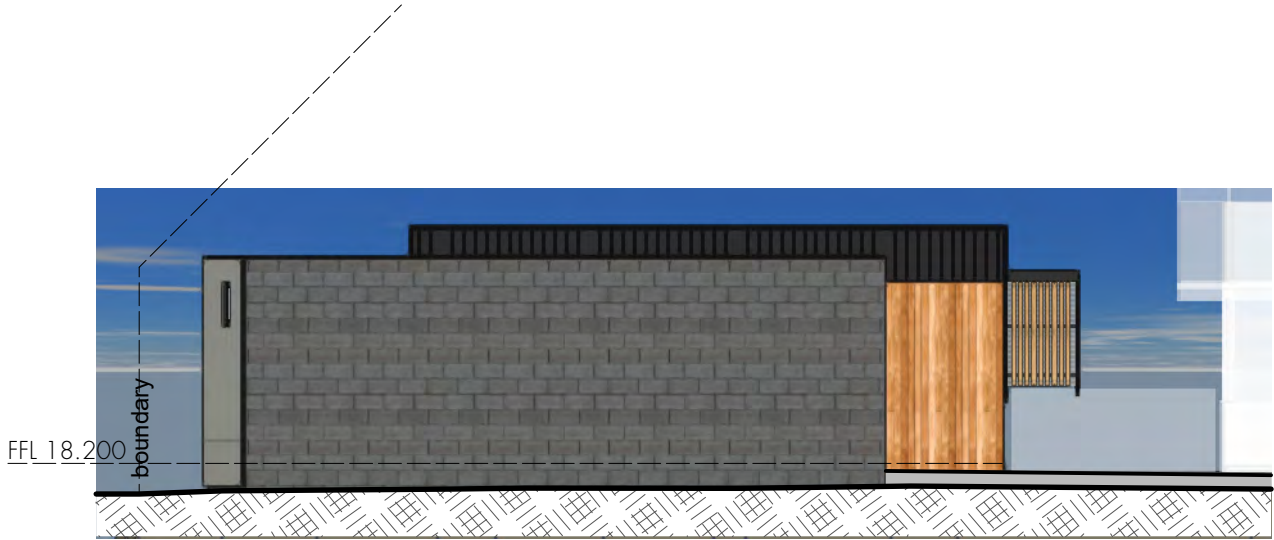
lower panes of bedroom window and kitchen splashback window use white lam obscure glass

Notes:

- Exposed Steelwork waterproof primed immediately after erection, then painted Monument
- Roof/Custom Fascia/Gutter in Colorbond "Monument"
- Windows and Doors Powdercoated Monument
- All external walls to have bulk insulation of R2.5 or higher and VapaWrap or similar installed prior to placement of EasyLap or Barestone (installed as per Part 3.5.3 BCA) etc.
- R1.5 foam insulation under slabs where habitable
- All ceilings are to be insulated with R6.0 bulk insulation + Vapour permeable membrane
- Line eaves with 6mm CFC Sheet, 2mm sealant joins, painted Dulux "White on White" UNO



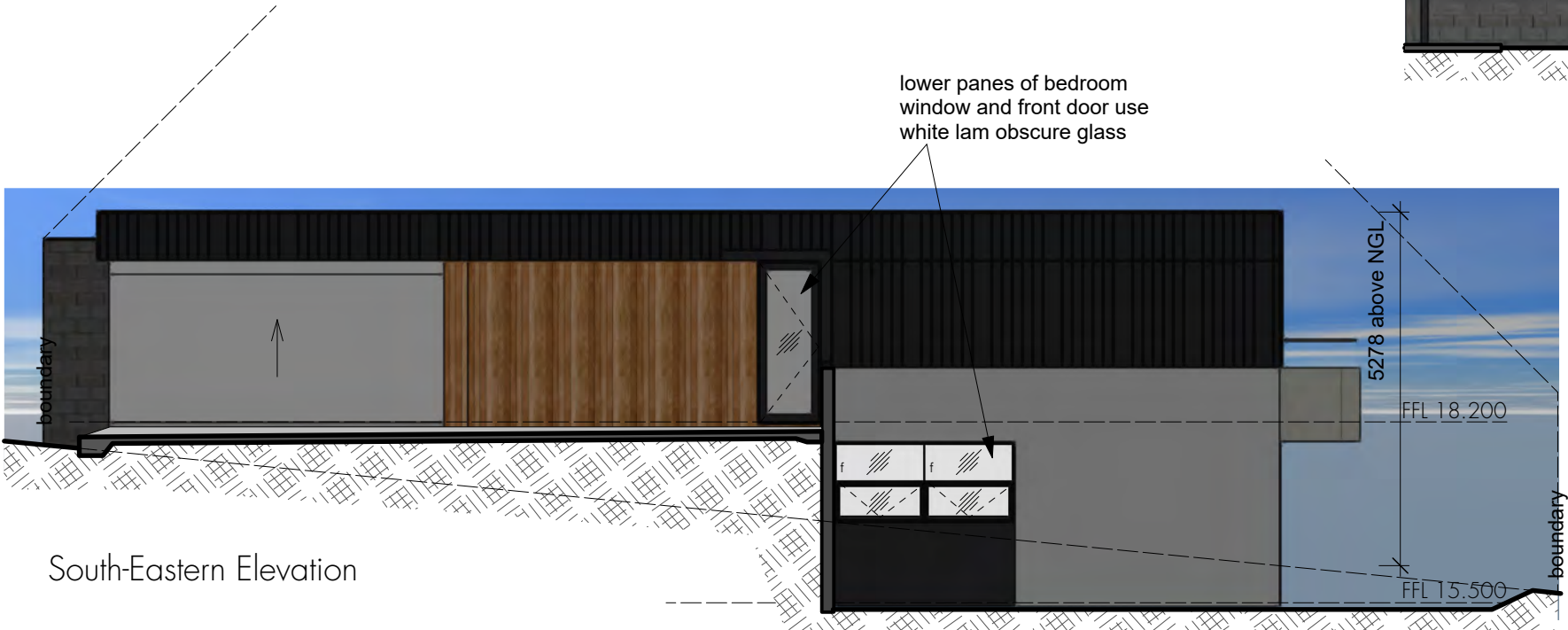
North-Western Elevation



South-Western Elevation



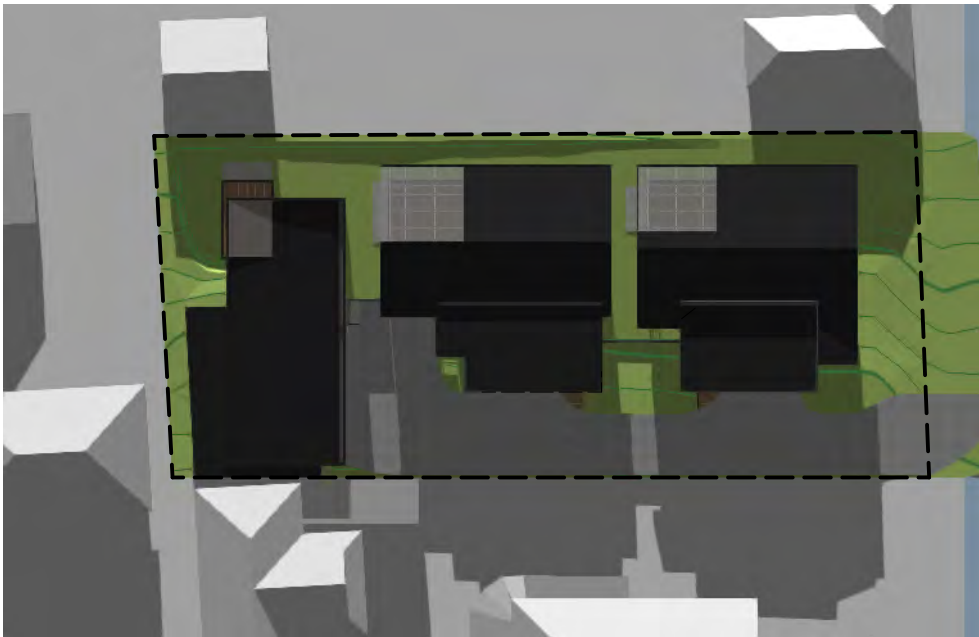
North-Eastern Elevation



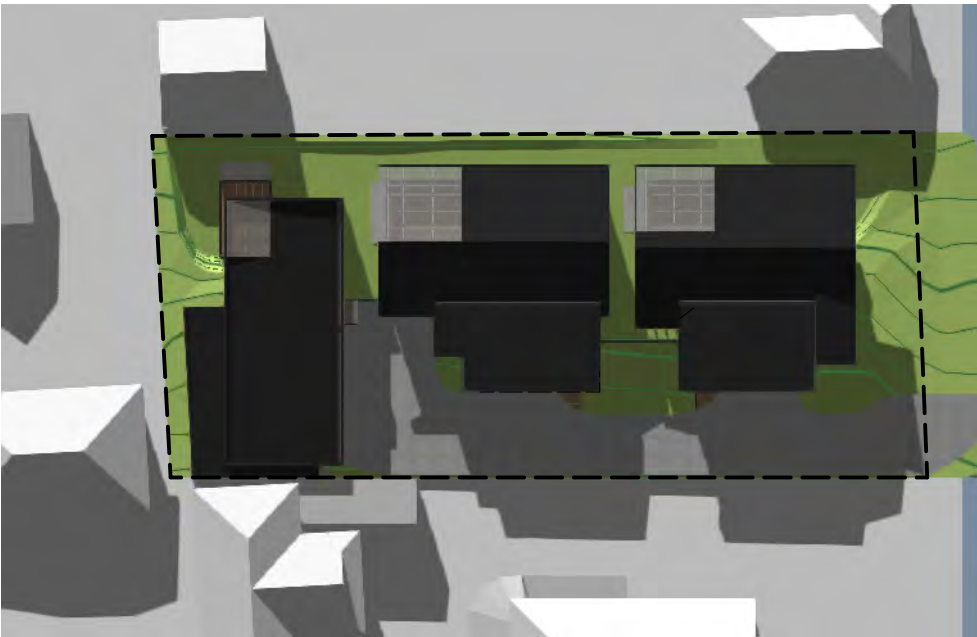
South-Eastern Elevation

Finishes Legend: Typical for all elevations UNO

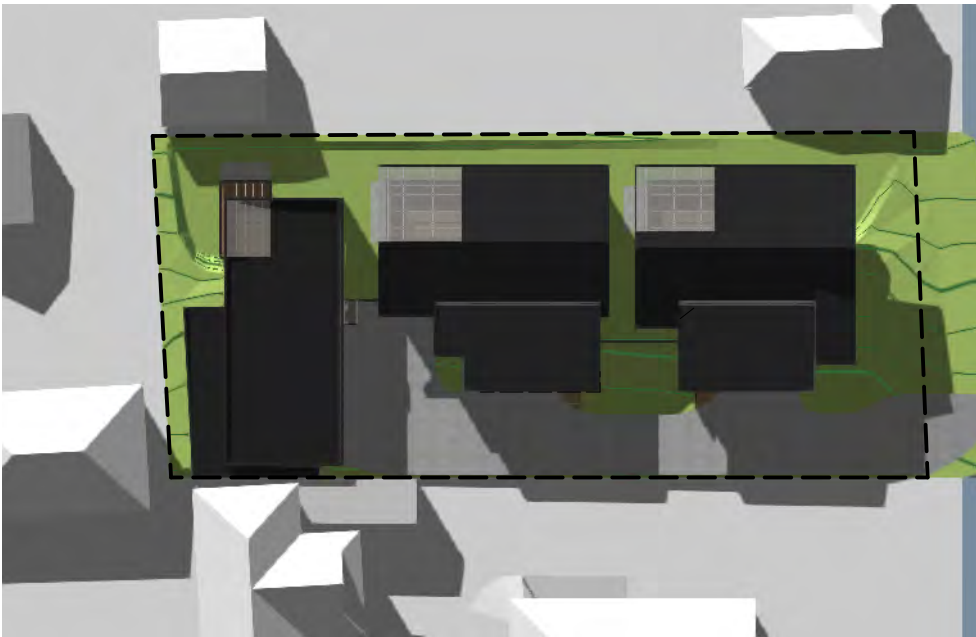
- Cemintel Barestone External *Original*
- Cemintel Barestone External Ash (T2 cladding)
- Cemintel Edge Oxford Cladding, Painted Malay Grey- exterior of garage
- JH PanelCladTextureLine CFC Sheet on proprietary battens, Stained
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- Standing Seam Cladding Colorbond Monument & Flashing between windows
- James Hardie EasyLap, Texture Painted Wayward Grey
- James Hardie EasyLap, Painted White On White



Shadow Diagram 2020.06.21 9am



Shadow Diagram 2020.06.21 10am

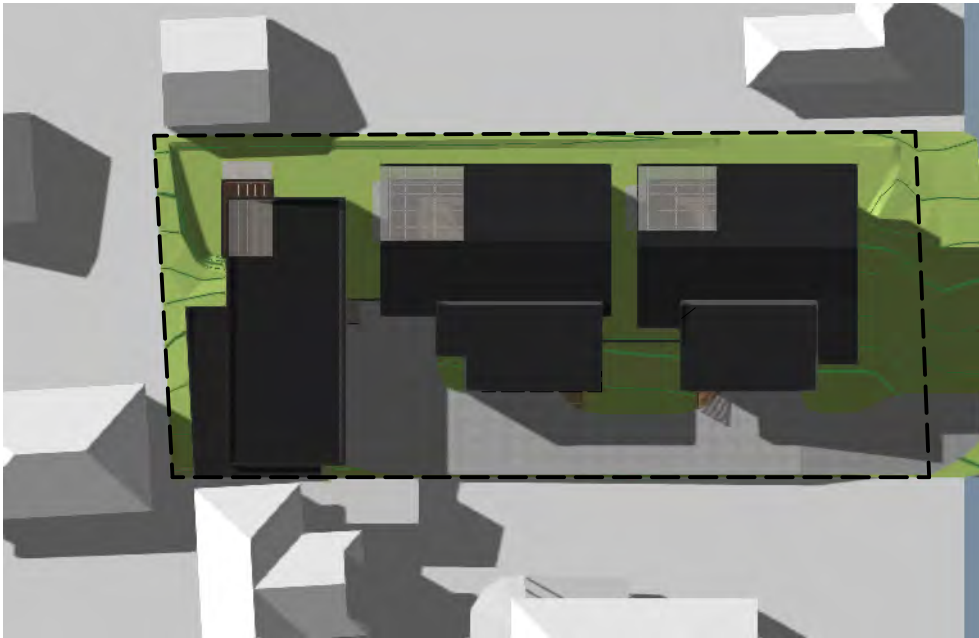


Shadow Diagram 2020.06.21 11am

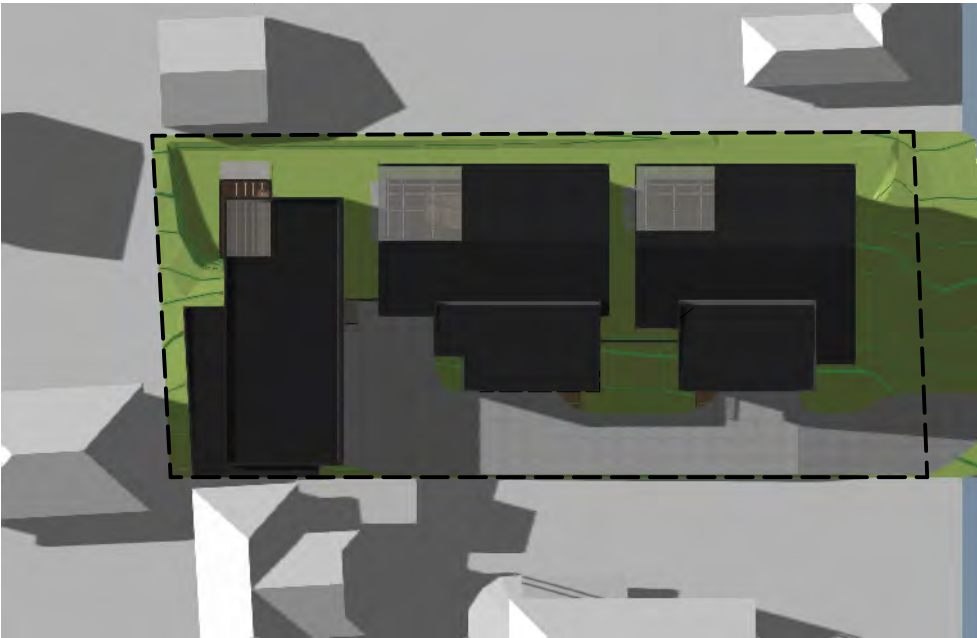


Shadow Diagram 2020.06.21 Noon

These diagrams show that all areas of POS receive clear sunlight to at least 50% of the primary area (at least 24sqm with a minium dimension of 4m) all day on June 21st- Winter Solstice (except T3 POS which misses out from 9-10.30, leaving 6.5hrs still receiving full sunlight), complying comfortably with Clause 8.4.4



Shadow Diagram 2020.06.21 1pm



Shadow Diagram 2020.06.21 2pm



Shadow Diagram 2020.06.21 3pm

SITE PHOTOS



8. REPORTS OF OFFICERS**8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS****8.1.1 PETITION – PASS ROAD UPGRADE – MOTORIST, CYCLIST AND PEDESTRIAN SAFETY****EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at the Council Meeting on 5 September 2022 requesting Council consider upgrading Pass Road to mitigate flooding and enhance safety for all road users.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

Section 60 of the *Local Government Act 1993* (Tas) requires Council to formally consider petitions within 42 days of receipt.

CONSULTATION

No consultation has been undertaken on the upgrade of Pass Road.

FINANCIAL IMPLICATIONS

Council has \$1,415,104 funds available for Pass Road reconstruction. Further funds are required in order to upgrade Pass Road from Glebe Hill Road to Connor Place.

RECOMMENDATION:

That Council:

- A. Notes the petition.
- B. Notes the General Manager's advice that the petition complies with Section 57 of the *Local Government Act 1993* (Tas.).
- C. Notes that design is well underway for the Pass Road reconstruction from Glebe Hill Road to Connor Place and the design and cost estimates are to be presented to a future council workshop prior to 2023-2024 budget consideration.
- D. Authorises the General Manager to request the Traffic Commissioner to reduce the existing 80 km/h Pass Road sections to 60 km/h, until the Pass Road upgrade works are complete.
- E. Authorises the General Manager to write to petitioners acknowledging their concerns and advising of council's decision.

PETITION – PASS ROAD UPGRADE – MOTORIST, CYCLIST AND PEDESTRIAN SAFETY /contd...

ASSOCIATED REPORT**1. BACKGROUND**

A petition signed by 287 people was tabled at the council meeting held on Monday 5 September 2022 requesting council:

“Urgently upgrade Pass Road, including works to mitigate flooding and enhance safety for all road users – motorists, cyclists and pedestrians.

In light of the significant resident development occurring along Pass Road and the corresponding increase in vehicular and other movements, these works must be prioritized and actioned as a priority of Council.”

2. REPORT IN DETAIL

- 2.1.** Council allocated \$1,500,000 in the 2020-2021 Annual Estimates as initial staging for road reconstruction of Pass Road.
- 2.2.** The road design is complex due to the existing poor road pavement, insufficient width, areas of dispersive soils and poorly defined roadside drainage.
- 2.3.** The design of Pass Road reconstruction from Glebe Hill Road to Connor Place is well underway and will include upgrading the road pavement, sufficient width for a gravel footpath, roadside drainage, sealed shoulder for cyclists and adequate road width.
- 2.4.** Over recent years subdivisions alongside Pass Road have included an allowance for additional road width to accommodate the above design elements. Some land acquisition will be required within the current scope area to achieve sufficient road reservation width.

- 2.5.** Property owners adjacent to the road corridor will be consulted when the design is at a suitable stage in the process.
- 2.6.** Once the design and cost estimates are complete, council will be presented with the details at a future workshop so staging and funding options can be considered for 2023-2024 budget. The intent is to have tender documentation ready for advertising once funds are approved.
- 2.7.** In the meantime, there are a number of potholes in Pass Road following the winter wet weather. The road will be subject to regular inspection and potholes repaired by council's crews on a case-by-case basis.
- 2.8.** Council engineers also recommend approaching the Traffic Commissioner to request a reduction of the existing 80 km/h speed limit area to 60 km/h, until such stage as the road upgrade works are complete. A reduction in the road speed limit requires approval from the Transport Commissioner before it can be implemented.
- 2.9.** These combined measures will assist in prolonging the existing pavement until the road upgrade works are undertaken and go some way toward addressing some current safety concerns from motorists in the short term.

3. CONSULTATION

3.1. Community Consultation Undertaken

No community consultation has been undertaken on the upgrade of Pass Road.

3.2. State/Local Government Protocol

Approval from the Transport Commissioner is required in order to reduce the speed limit.

3.3. Other

Nil.

3.4. Further Community Consultation

When the road design is sufficiently complete, affected property owners adjacent Pass Road will be consulted on the intended works and changes.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

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

"2.3 Developing and implementing traffic management plans to enhance connectivity and improve road safety."

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Some sections of Pass Road are in poor condition. Our roads crew will be inspecting the road regularly and addressing potholes on a case-by-case basis. Considering the current condition of Pass Road, it is recommended a request be made to the Traffic Commissioner to consider lowering the existing 80 km/h speed limit section to 60 km/h, until after the road upgrade is complete.

7. FINANCIAL IMPLICATIONS

Council has \$1,415,104 funds available for Pass Road reconstruction. Further funds will be required in order to upgrade Pass Road from Glebe Hill Road to Connor Place.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. Pass Road is in poor condition, especially after the winter rainfall. The road will be inspected regularly, and potholes will be repaired by our crews on a case-by-case basis.

9.2. Design is well underway for road reconstruction of Pass Road from Glebe Hill Road to Connor Place. Once the design is complete and cost estimates are prepared, council will be informed through a future workshop of staging and funding options for consideration in the 2023-2024 budget.

9.3. Considering the current condition of Pass Road, it is recommended that council authorise the General Manager to request the Traffic Commissioner to consider lowering the existing 80 km/h speed limit section to 60 km/h, until after the road upgrade is complete.

Attachments: Nil

Ross Graham

GROUP MANAGER ENGINEERING SERVICES

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE****EXECUTIVE SUMMARY****PURPOSE**

To authorise the General Manager, in relation to the Agreement between Council and Chambroad Overseas Investment Australia Pty Ltd (Chambroad), to respond to any advice or request from Chambroad regarding “substantial commencement” in accordance with the terms of the Agreement, with the aim of recognising and preserving Council’s rights until the new Council can consider any advice or request following the conclusion of the upcoming election.

RELATION TO EXISTING POLICY/PLANS

Clarence City Council Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* is relevant.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications at this time.

RECOMMENDATION:

That Council:

- A. Notes that Chambroad are expected to provide advice regarding its progress in accordance with the Sale and Development Agreement before 13 October 2022.
- B. In the event that “substantial commencement” has not been achieved by Chambroad, authorise the General Manager to take whatever action is necessary to preserve Council’s rights in accordance with the Sale and Development Agreement.
- C. Requests that the General Manager provide a report to Council as soon as practical after the upcoming council elections setting out any advice from Chambroad, identifying options and recommending a preferred option.

KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Chambroad Overseas Investment Australia Pty Ltd (Chambroad) purchased land at Lots 7, 8 and 11 of the Survey Plan included in the Sale and Development Agreement covering the relevant Kangaroo Bay land (Agreement).
- 1.2.** The Agreement included a term requiring substantial commencement of the development within 12 months of completion of the Agreement, or such later date as the Vendor (Council) may allow.
- 1.3.** Chambroad have reclaimed land in Kangaroo Bay but, since that time, no further work has occurred. The reclamation work satisfies the substantial commencement requirement applicable to Development Permits issued in accordance with the *Land Use Planning and Approvals Act 1993* and the Clarence Interim Planning Scheme 2015; however, the Agreement set a higher threshold. In plain terms, to satisfy the Agreement “substantial commencement” required Chambroad to commence construction of footings, foundations and other ground level and below ground level infrastructure relating to buildings approved by the development permit(s), within the timeframe set by the Agreement terms.
- 1.4.** Council approved a six-month extension to the Agreement on 27 May 2019, extending the Agreement to 14 November 2019 to enable Chambroad to secure an education provider. At its meeting of 11 November 2019, council further extended the “substantial commencement” period to 14 October 2020. A further extension was approved by Council on 21 December 2020, until 13 October 2022.
- 1.5.** Clearly, substantial commencement in accordance with the Agreement terms has still not yet been achieved.

- 1.6.** Chambroad has not yet formally provided council with an update, including any request for a further time extension, however, officers expect to receive an update soon.
- 1.7.** Given the upcoming Council election, there is a need to put in place an arrangement that ensures Council's obligations under the Agreement are able to be addressed, as well as Council's rights preserved, until the new Council can consider any request and determine a preferred pathway forward. This approach is consistent with Council's "caretaker period" practice of avoiding, as far as reasonably possible during an election period, significant decisions that would encumber the new Council.

2. REPORT IN DETAIL

- 2.1.** The background and circumstances regarding the Agreement terms and extensions of time have been set out in previous council meeting agenda reports. There is no need to set out that background again here.
- 2.2.** Clause 6 of the Agreement sets out Chambroad's obligations to develop the land. Clause 6 also includes the following relevant terms:
- a) Clause 6A – provides requirements related to requests for extensions of time. The following are the specific words of the clause:

"Where any provision of this agreement prescribes time limits within which things are to be done or approvals received by either party, the other party will not unreasonably withhold consent to a written request to extend any such time limit where it is satisfied that all reasonable attempts have been made to comply with the time limit or that non-compliance is for reasons not within the reasonable control of the party bound by the time limit. For the avoidance of doubt, the provisions of this clause extend to the satisfaction of any condition precedent in clause 4."

- b) Clause 6.5 – provides Council with a right to buy-back the land pursuant to the terms set out in Clause 13, if Chambroad fails to achieve substantial commencement other than via Council’s wilful default.
(Note – Council has met all required terms of the Agreement. Consequently, “wilful default” is not considered an issue of concern within the Agreement terms).

2.3. Clause 13 specifies the terms for council to buy-back the land, for the original sale price.

2.4. There are two clear things that council must do if it receives a request for a further extension to the substantial commencement period:

- a) First, it must give genuine consideration to the request in accordance with Clause 6A.
- b) Secondly, if council does not agree to a time extension, it may then consider other options, including the buy-back option.

2.5. Following advice from Chambroad and in accordance with the Agreement terms, Council has 6 months in which to make a decision regarding any request, including the buy-back option. Within the context of the current election period, it is preferred practice that Council avoids making significant decisions that will encumber the next Council. With this in mind, it is recommended that Council authorise the General Manager to take necessary steps, in accordance with the Agreement terms, to advise Chambroad that Council will consider any request post-election and to preserve Council’s rights until that decision is made.

3. CONSULTATION

3.1. Community Consultation

Council decisions regarding the land and the Agreement with Chambroad have previously been covered in the media.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

This matter has been discussed in various forums with elected members over a lengthy period.

3.4. Further Community Consultation

No further consultation with the community is proposed at this time.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Clarence City Council Strategic Plan 2021 - 2031 provides Under the Strategic Goal area “A well-planned liveable city”:

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

The Kangaroo Bay precinct has been subject to a master planning process (Kangaroo Bay Master Plan). The area is also subject to planning controls that support the master plan.

5. EXTERNAL IMPACTS

There are no external impacts.

6. RISK AND LEGAL IMPLICATIONS

6.1. The Agreement provides Council with the right to buy back the land if substantial commencement is not achieved within a designated period. The current period expires on 13 October 2022 but is subject to the requirements of Clause 6A of the Agreement.

6.2. It is important that Council acts in accordance with the terms of the Agreement while also preserving its rights until a newly elected Council can properly consider its options and make an informed decision. This approach is consistent with Council’s informal ‘caretaker period’ approach during election periods.

7. FINANCIAL IMPLICATIONS

There are no significant financial implications associated with the recommendation. Should the new Council determine to buy-back the land in accordance with clause 13 of the Agreement, the price is fixed at \$2.44 million, plus any legal costs should the buy-back be disputed. Any transfer of ownership back to council will incur stamp duty and transfer costs, currently estimated at around \$60,000.

8. ANY OTHER UNIQUE ISSUES

There are no other unique issues.

9. CONCLUSION

The recommendation pre-empted a request from Chambroad for an extension of time to achieve substantial commencement or an alternative proposal. It also aims to preserve, as far as possible, Council's rights in accordance with the terms of the Agreement.

Attachments: Nil

Ian Nelson
GENERAL MANAGER

9. MOTIONS ON NOTICE

Nil

10. COUNCILLOR'S QUESTION TIME

A Councillor may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

10.1 QUESTIONS ON NOTICE

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

Nil.

10.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Cr Warren

I was in Petchey Street a couple of days ago and noticed that the parking was end to end the entire length of the street and this was a week day. I was there on a weekend as well and there was no such problem with parking so I would think that was fairly reasonable to link it to the ferry. In our solution that we were looking at to provide some additional 2 hour parking spots for residents, I do not recall that there was anything in Petchey Street so my question is, first of all were there considerations made for Petchey Street but secondly we approved a DA in that area a year ago and I was concerned about the parking at that stage because there were a large number of blocks on a small piece of land so I think we have some issues ahead of us in terms of parking and I just wondered is there is any news on whether that development is going ahead?

ANSWER

A recent council workshop explained the outcome of a car parking review in the Bellerive area following a year of monitoring from the commencement of the Bellerive Ferry service. Letters have been sent to local residents adjacent to the local areas where car parking restrictions will be sign posted. This includes three car spaces in Petchey Street. Councillors have been provided with maps of the affected streets via the Briefing Report of 5 September 2022.

The proposal referred to in the question concerns 8 Petchey Street, for which a planning permit for 17 multiple dwellings was granted on 11 August 2021. It therefore has an expiry of 11 August 2023, although this may be extended on request. At this time, building and plumbing applications have not been lodged, and it is a matter for the developer to decide on timing, however, there remains ample time to do so within the life of the planning permit.

Ald James

1. I am trying to ascertain the timeline in regard to Chambroad's request if it decides to lodge and seek an extension of time. Firstly, it is my understanding that they have until 14 October to determine as to whether or not substantial commencement has started. What is the deadline that Chambroad has to decide to have substantial commencement of the project otherwise if they do not start that work by a certain time council has the opportunity to consider the buyback clause, so I would just like to ascertain from the General Manager as to whether substantial commencement has to commence before 14 October if it does not, then council at its meeting on 17 October could decide to say substantial commencement has not commenced and therefore there is the opportunity for council to buy back?

ANSWER

The critical date is 14 October and depending what Chambroad presents to council ahead of that date will impact on what council might need to do but those decisions at this point in time will be confidential.

2. Prior to 14 October what would happen in relation to another party obviously seeking to purchase the land and therefore the sale and development agreement that council currently has.

ANSWER

That is hypothetical and also treads on confidential information, so I am not at liberty to divulge that publicly.

Ald Blomeley

My understanding is that there is a window of 6 months or so post 14 October for both parties to exercise their rights under the SDA, is that correct?

ANSWER

Yes, that is correct.

Ald Peers

A ratepayer asked me today, we had an application from the lifestyle village at Risdon Vale and we refused it. I wanted to know has anything come back to council, any other further applications?

ANSWER

(Mayor) I think the fact is that they were seeking a change to the urban growth boundary.

(Mr Lovell) We have had discussions with a new consultant in the last few weeks. They were of a negotiation/discussion nature around the issues, so I think it is inappropriate to go into detail at this point other than to say there has been progress on behalf of the applicant recently.

Cr Walker

1. Have you put pen to paper or fingers to keyboard in relation to the letter to the future of local government directions paper?

ANSWER

The intention was to do it this week.

Question contd

So the window does not close until the end of this week?

ANSWER

I wrote to the Review Board a few weeks ago regarding an extension of time until the end of this week.

2. My question given the phenomenal pressure of growth we are experiencing at the moment is how close to a full contingent of planning officers are we at the moment?

ANSWER

We are awaiting the onboarding of two more staff, one appointment has been made. That is not to say there are not difficulties at the moment because of a high rate of medical issues that we and other groups are experiencing that reduces the effective staff numbers.

Question contd

When those staff come onboard that would be getting up to the full complement of staff that have been allocated?

ANSWER

That is correct.

Cr Mulder

1. Could the General Manager advise what works are planned in regard to Pass Road in particular the section between Glebe Hill Road and Winterbourne and the section between Winterbourne and Connor Place?

ANSWER

I think that I answered those before in terms of details. We have received headworks for the section of Glebe Hill to Winterbourne. There was a contribution for the upgrade of that section so we will be arranging consultants to complete the design of that section. Our engineers are designing that section from Winterbourne to Connor Place. As I mentioned before, it will allow width for bitumen shoulder for cyclists, road reconstruction, additional width for drainage and also additional width for footpath but that will be costed with estimates to come to council at a workshop prior to budget time for council to give me direction on funding in the following financial year.

2. In relation to the excellent survey we did as a result of a motion from Ald James in regard to parking on Bellerive Bluff in that particular area. Are you aware that Roads Tasmania were on social media just this week trumpeting the fact they are about to do a parking survey on Bellerive Bluff and if not isn't it about time we got our heads together on this?

ANSWER

Council was informed at a workshop that Roads Tasmania were doing licence plate recognition in trying to obtain origin data and we will be fully informed of the outcome of that survey.

10.4 QUESTIONS WITHOUT NOTICE

A Councillor may ask a Question without Notice of the Chairman or another Councillor or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, a Councillor or the General Manager may decline to answer a question without notice.

11. CLOSED MEETING

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

The following 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 T1456-22 – ASPHALT SUPPLY CART AND LAY
- 11.3 CONTRACTUAL MATTER
- 11.4 TENDER T1448-21 - PARKING MONITORING AND MANAGEMENT SOLUTION
- 11.5 TENDER T1471-22 - RICHMOND RIVERBANK PARK INFRASTRUCTURE UPGRADE
- 11.6 ANNUAL REVIEW – GENERAL MANAGER

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

- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence.

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

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

PROCEDURAL MOTION

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