Project Details

Floor Areas: House - 161.24m²

Decks - 31.88m²

Soil Classification: N/A **Design Wind Speed: N2**

Climate Zone: 7

Title reference: 168707/1

SHEET KEY

Cover Sheet 1of 7 Site - Locality 2of 7 3of 7 Site - Setout Floor Plan 4of 7 5of 7 Upper Floor Plan

6of 7 Elevations 1 7of 7 Elevations 2

DEVELOPMENT APPLICATION

building design 98 New Town Road New Town P 6228

7762 Accreditation Number CC645J

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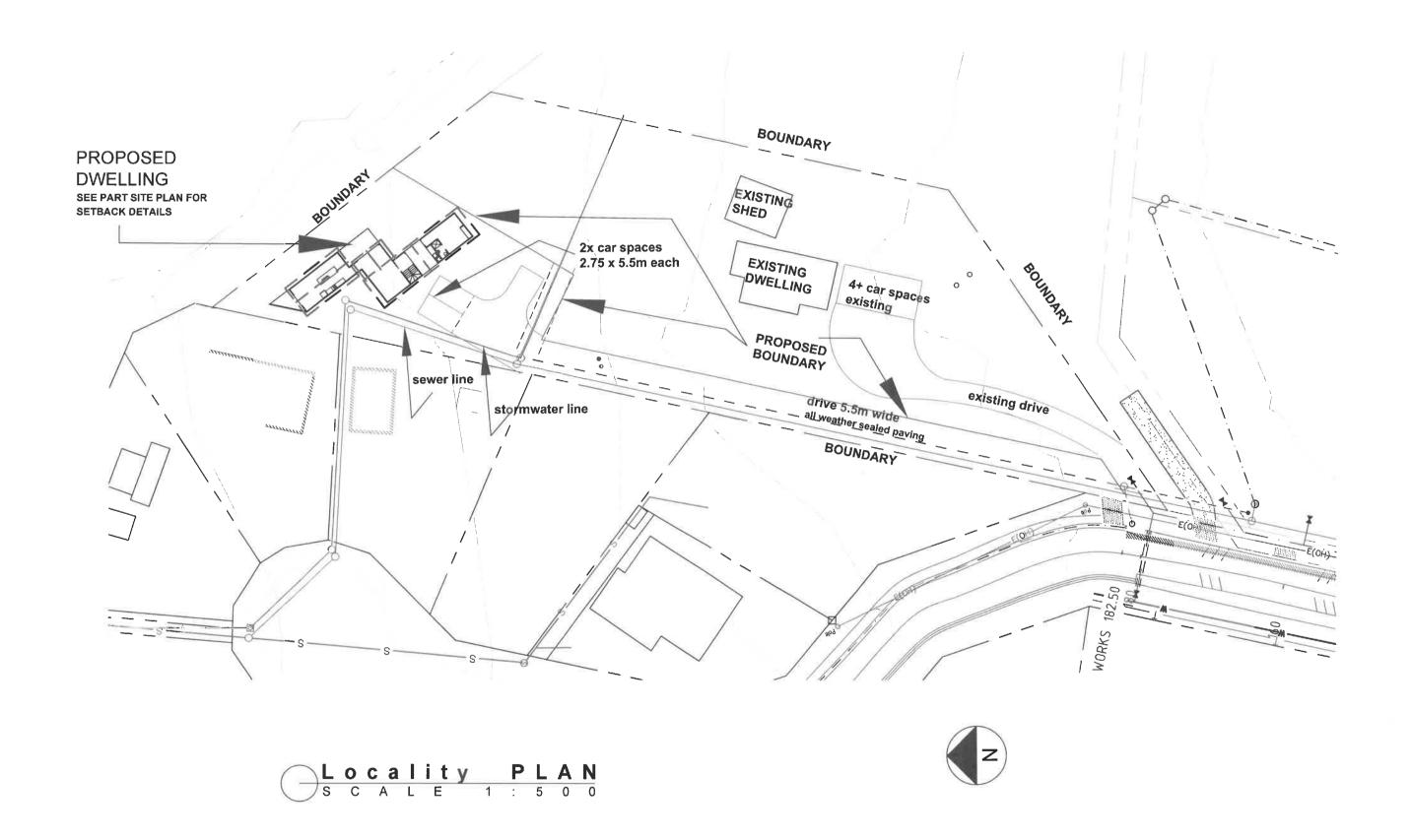
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At: 14 FRENCH ST ORFORD TAS 7190

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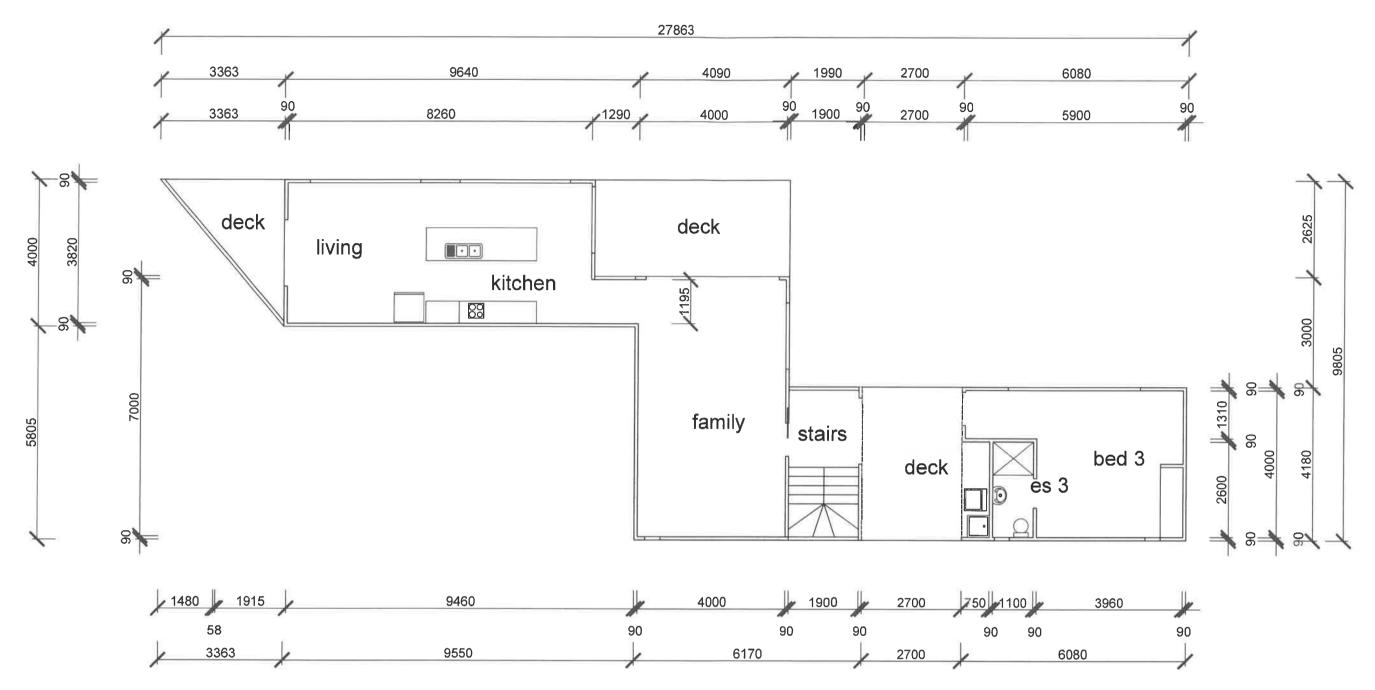


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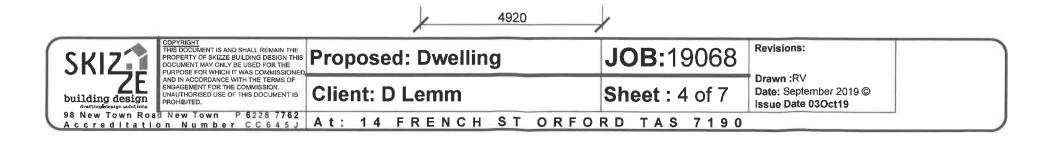
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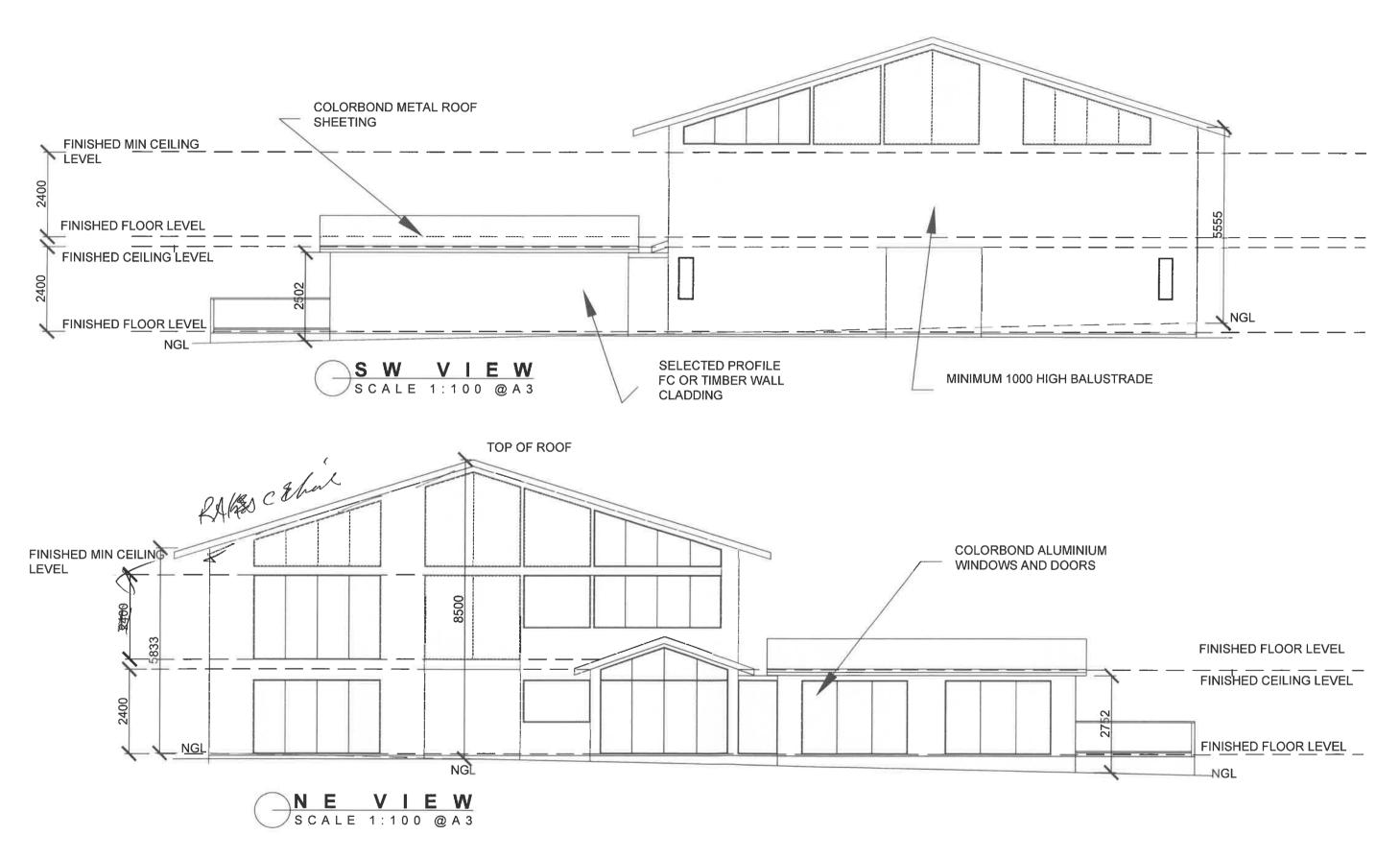
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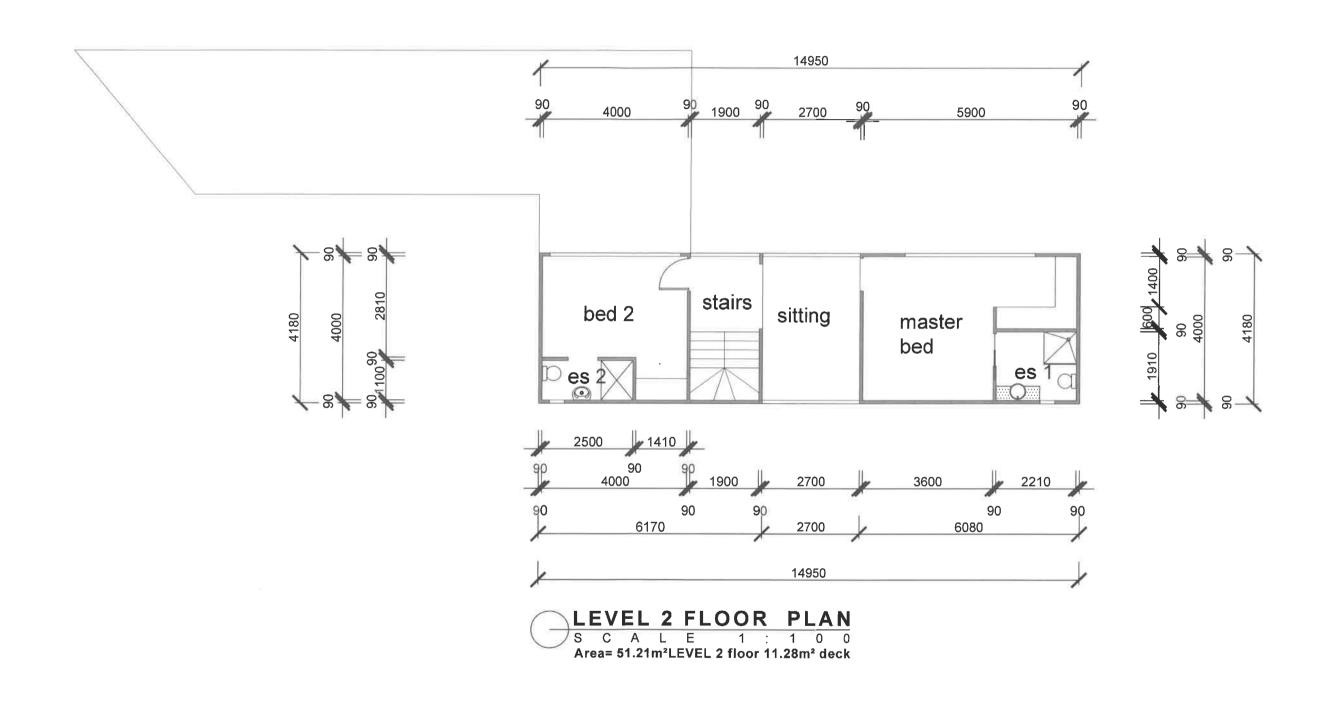


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Area= 99.03m²LEVEL 1 floor +31.88m² decks

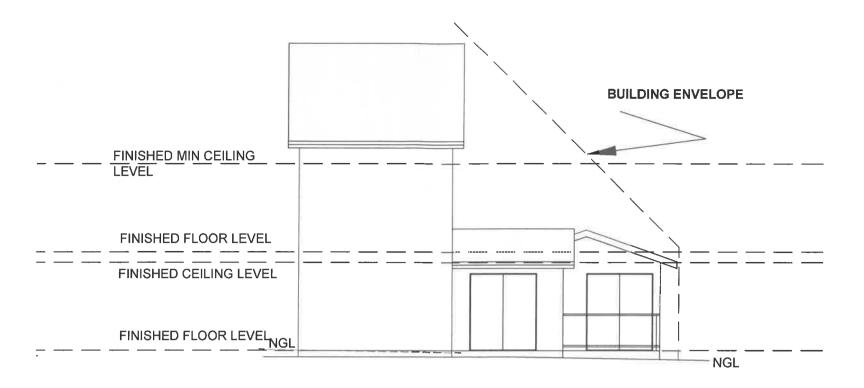


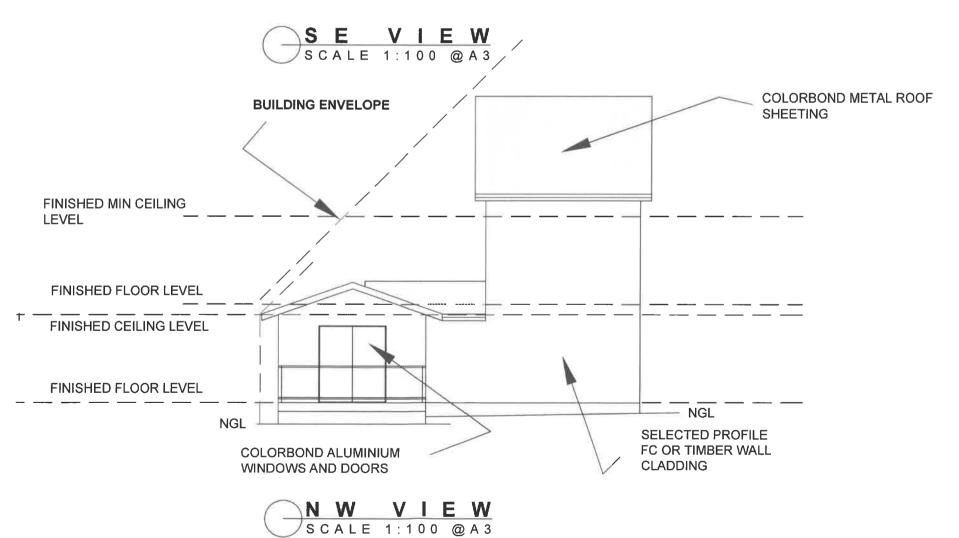


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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 5 OF 6 PAGES

Registered Number

168707

SUBDIVIDER: Michael Raymond Lemm as personal representative of estate of Dorothy Ellen Ann Lemm FOLIO REFERENCE: Vol. 148999 Fol. 1

- any thing reasonably required to support, protect or cover any of the Infrastructure;
- (g) any other infrastructure whether of a similar nature or not to the preceding which is reasonably required for the piping of sewage or water, or the running of electricity, through the Easement Land or monitoring or managing that activity; and
- (h) where the context permits, any part of the Infrastructure.

Lot 1 on the plan is subject to a RIGHT OF DRAINAGE (appurtenant to the Glamorgan & Spring Bay Council) over the Pipeline and Drainage Easement 3.00 wide shown on the plan

Lot 16 on Plan 114238 is subject a RIGHT OF DRAINAGE (appurtenant to the Glamorgan & Spring Bay Council) over the Pipeline and Drainage Easement 2.00 wide shown on the plan

RESTRICTIVE COVENANTS:

 The owner of lot 1 on the plan covenants with the Glamorgan Spring Bay Council to the intent that the burden of this covenant may run with and bind the covenator's lot and every part thereof, to observe the following stipulations:

a. Not to construct a residential dwelling outside the area marked ABCDEFGHA on the

- b. Not to remove any trees except for access and services outside the land marked ABCDEFGHA.
- 2. The owner of lot 2 on the plan covenants with the Glamorgan Spring Bay Council to the intent that the burden of this covenant may run with and bind the covenator's lot and every part thereof to observe the following stipulations:

a. Not to construct a residential dwelling outside the area marked JKLMJ on the plan;

b. Not to remove any trees except for access and services outside the land marked JKLMJ.

Michael Raymond Lemm

Maureen Lee Read

Witness

& the benefit shall be in favour of said Glamorgan Spring Bay Council

the said Glamorgan Spring

Witness

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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Search Time: 03:30 PM

Volume Number: 168707

Revision Number: 01

Page 5 of 6



Access to Proposed Stratum Unit at 14 French Street, Orford

For D. Lemm & J. Lemm



05 December 2019



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1. Introduction

This report has been prepared in support of an application to Glamorgan Spring Bay Council for a new stratum unit and an additional driveway/access at 14 French Street, Orford.

The existing site is a zoned "General Residential" and contains a single weatherboard residence served by a single concrete access off French Street.

This report addresses matters raised in Glamorgan Spring Bay Council's correspondence dated 29/11/2019 as follows:

Item 1.

Council are of the opinion that the application does not provide enough detail to assess the proposal against E5.0 Road and Railway Assets Code and E6.0 Parking and Access Code of the Glamorgan Spring Bay Interim Planning Scheme 2015.

Item 2.

Council requires further information regarding existing and proposed servicing of the development.

Item 3.

Waterway and Coastal Protection Code matters – refer report prepared by William C Cromer dated 23/11/2019.

Item 4.

Coastal Erosion Hazard Code matters - refer report prepared by William C Cromer dated 23/11/2019.

Item 5.

Property boundary matters related to boundary depicted on development plans.

Item 6.

Building area covenant not depicted on the submitted documents and show native vegetation outside the building area proposed for removal.

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2. The Site

The property is situated at 14 French Street, Orford. French Street is a fully constructed residential street maintained by Glamorgan Spring Bay Council.

The existing site is served by a concrete driveway access from the kerb crossing to the lot boundary.

It is proposed that the existing site access will be maintained and an additional access be constructed adjacent to the southern boundary of the site.



■ Figure 1 – Locality Plan

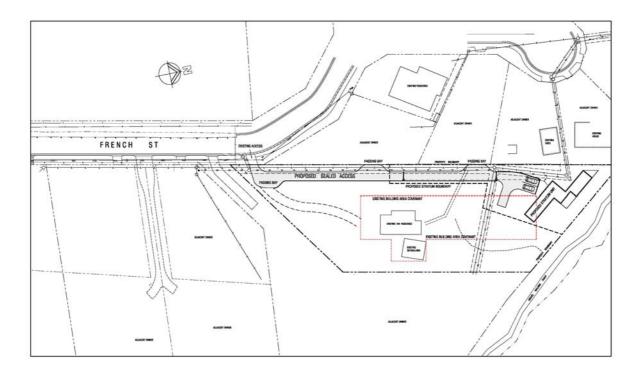
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3. The Proposed Development

The proposed development involves the construction of a new sealed access from the back of the existing driveway to enable access to a new Stratum Unit at 14 French Street, Orford.

French Street is approximately 340 metres in length and commences at Manning Ave and terminates in 2 cul-de-sacs. In a local context it is a two-lane local road that provides access to residential properties in French Street only. It has a speed limit of 50-km/h and carries approximately 250 vehicles per day.



■ Figure 2 – Site Plan

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4. E5.0 Road and Railway Assets Code

This section of the report addresses Item 1 of Councils correspondence dated 29/10/2019.

The purpose of the Road and Railway Assets Code is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

This Code applies to use or development of land:

- (c) that will require a new vehicle crossing, junction or level crossing; or
- (d) that intensifies the use of an existing access; or
- (e) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
 - (i) a rail network;
 - (ii) a category 1 Trunk Road or a category 2 Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.

French Street is low volume local street and is neither a category 1 nor category 2 road. Therefore (e)(i) & (e)(ii) above do not apply to this site and only the following sections of the E5.0 Road and Railway Code are applicable to this development.

- E5.5.1 Existing road accesses and junctions
- E5.6.2 Road accesses and junctions

4.1 E5.5.1 Existing road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

It is considered that the existing/proposed accesses arrangement to this site adequately satisfies the objectives of E5.5.1 of the scheme. The following table summarises how the access complies with the Performance Criteria P3 of E5.5.1 of the Scheme.

exis subj mus on t	Any increase in vehicle traffic at an ting access or junction in an area ect to a speed limit of 60km/h or less, at be safe and not unreasonably impact the efficiency of the road, having and to:	Compliance
(a)	the increase in traffic caused by the use;	The increase in traffic generated by the single stratum unit will be minimal and the existing road network in this area will adequately cater for the additional vehicle movements.
(b)	the nature of the traffic generated by the use;	The traffic generated will be residential in nature and fits with the current use of this residential subdivision.



(c)	the nature and efficiency of the access or the junction;	The existing access to 14 French Street has been constructed in recent years and has good sight distance in all directions for vehicle entering or exiting the driveway.
(d)	the nature and category of the road;	French Street is a local dead end residential street serving residential properties only.
(e)	the speed limit and traffic flow of the road;	The posted speed limit is 50 km/hr and the 85 th percentile speed at the access location is estimated to be approximately 40/km/hr.
(f)	any alternative access to a road;	There is no alternative access to this site.
(g)	the need for the use;	The land is zoned "General Residential" and multiple dwellings are a Discretionary use in that zone. The site is more than capable of accommodating an additional dwelling.
(h)	any traffic impact assessment; and	No traffic impact assessment has been carried out for this site as the site conditions and use do not warrant a formal TIA.
(i)	any written advice received from the road authority	None received

4.2 E5.6.2 Road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

It is considered that the existing/proposed accesses arrangement to this site adequately satisfies the objectives of E5.6.2 of the scheme. The following table summarises how the access complies with the Acceptable Solution A2 of E5.6.2 of the Scheme.

A2 – No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	Compliance
	Only 1 access will be provided for this site, it therefore complies with Acceptable Solution A2.

In addition to complying with E5.0 Road and Railway Code, it is considered that the existing access location also complies with the provisions of AS2890.1:2004 Parking Facilities – Off-Street Car Parking, LGAT Standard Drawing TSD-R09-v1 and normal acceptable access standards.



5. E6.0 Parking and Access Code

This section of the report addresses Item 1 of Councils correspondence dated 29/10/2019.

The purpose of the Parking & Access Code is to:

- (a) ensure safe and efficient access to the road network for all users, including drivers, passengers, pedestrians and cyclists;
- (b) ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;
- (c) ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;
- (d) ensure parking areas are designed and located in conformity with recognised standards to enable safe, easy and efficient use and contribute to the creation of vibrant and liveable places;
- (e) ensure access and parking areas are designed and located to be safe for users by minimising the potential for conflicts involving pedestrians, cyclists and vehicles; and by reducing opportunities for crime or anti-social behaviour;
- (f) ensure that vehicle access and parking areas do not adversely impact on amenity, site characteristics or hazards:
- (g) recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking;
- (h) provide for safe servicing of use or development by commercial vehicles.

This report addresses access issues only, on-site parking matters will be addressed as part of the building and siteworks documentation. Therefore (b), (c) & (d) above are not considered in this report, only the following sections of the E6.0 Parking and Access Code are applicable to this development.

- E6.7.2 Design of Vehicular Accesses
- E6.7.3 Vehicular Passing Areas Along an Access
- E6.7.6 Surface Treatment of Parking Areas
- E6.7.14 Access to a Road



5.1 E6.7.2 Design of Vehicular Accesses

Objective:

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

It is considered that the existing/proposed accesses arrangement to this site adequately satisfies the objectives of E6.7.2 of the scheme. The following table summarises how the access complies with the Acceptable Solution A1 of E6.7.2 of the Scheme.

	- Design of vehicle access points at comply with all of the following:	Compliance
(a)	in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;	The existing/proposed access location complies with the requirements of AS2890.1 2004 Parking facilities, Off-Street Car Parking. The existing access has been constructed in accordance with LGAT Standard Drawing TSD-R09-v1 and provides good sight distance in both directions
(b)	in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	Not applicable to this site



5.2 E6.7.3 Vehicular Passing Areas Along an Access

Objective:

To ensure that:

- (a) the design and location of access and parking areas creates a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists;
- (b) use or development does not adversely impact on the safety or efficiency of the road network as a result of delayed turning movements into a site.

It is considered that the existing/proposed accesses arrangement to this site adequately satisfies the objectives of E6.7.3 of the scheme. The following table summarises how the access complies with the Acceptable Solution A1 of E6.7.3 of the Scheme.

A1 -	- Vehicular passing areas must:	Compliance
(a)	be provided if any of the following applies to an access:	
	(i) it serves more than 5 car parking spaces;	N/A
	(ii) is more than 30 m long;	The proposed internal access driveway is in excess of 30m in length and passing bays have been provided accordingly.
	(iii) it meets a road serving more than 6000 vehicles per day;	N/A
(b)	be 6 m long, 5.5 m wide, and taper to the width of the driveway;	Details of passing bays to be incorporated into final driveway design plans
(c)	have the first passing area constructed at the kerb;	Details of passing bays to be incorporated into final driveway design plans
(d)	be at intervals of no more than 30 m along the access.	Details of passing bays to be incorporated into final driveway design plans



5.3 E6.7.6 Surface Treatment of Parking Areas

Objective:

To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users

It is considered that the existing/proposed accesses arrangement to this site adequately satisfies the objectives of E6.7.6 of the scheme. The following table summarises how the access complies with the Acceptable Solution A1 of E6.7.6 of the Scheme.

A1 – Parking spaces and vehicle circulation roadways must be in accordance with all of the following (unless the road from which access is provided to the property is unsealed);		Compliance	
(a)	paved or treated with a durable all- weather pavement where within 75m of a property boundary or a sealed roadway;	The driveway serving the new stratum unit will be sealed from the back of the existing driveway apron to (and including) the parking area adjacent to the new unit.	
(b)	drained to an approved stormwater system	A council stormwater drainage system passes through the site and the driveway will be appropriately drained to this system.	

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5.4 E6.7.14 Access to a Road

Objective:

To ensure that access to the road network is provided appropriately.

It is considered that the existing/proposed accesses arrangement to this site adequately satisfies the objectives of E6.7.14 of the scheme. The following table summarises how the access complies with the Acceptable Solution A1 of E6.7.14 of the Scheme.

A1 – Access to a road must be in accordance with the requirements of the road authority.	Compliance
	The existing driveway gains access from French Street, a Council maintained local road. All works will be undertaken in accordance with Glamorgan Spring Bay Council requirements.

5.5 Design of Domestic Driveways

The design of domestic driveways must comply, where possible, with AS2890.1:2004 Parking Facilities – Off-Street Car Parking, LGAT Standard Drawing TSD-R09-v1 and any specific local Council requirements.

The design must satisfy width and gradient requirements as specified in clause 2.6 of AS 2890.1 and construction details as per TSD-R09-v1.



6. Site Servicing

This section of the report addresses Item 2 of Councils correspondence dated 29/10/2019.

The plans in Appendix 'A' show the proposed water, sewer and stormwater servicing of the new development.

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7. Property Boundary

This section of the report addresses Item 5 of Councils correspondence dated 29/10/2019.

The plans in Appendix 'A' confirms that the boundary shown on the original development plan was intended as an indicative location of the future Stratum boundary. This boundary will be subject to final site survey and compliance with the provisions of the *Glamorgan Spring Bay Interim Planning Scheme 2015*.

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8. Building Area

This section of the report addresses Item 6 of Councils correspondence dated 29/10/2019.

The plans in Appendix 'A' depict the location of the building area covenant as plotted from title ref CT 168707/1. The plans also indicate the location of native vegetation outside the building area. Please note that no vegetation is to be removed as part of the proposed strata unit construction.

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9. Discussion

Residential accesses are normally designed to ensure that the design and location satisfies the following:

- Achieves a good standard of urban design.
- Creates a safe environment for users at all times.
- Enables easy and efficient use.
- Protects the role and function of nearby roads.

The above dot points are addressed below.

- Achieves a good standard of urban design.
 The proposed access location complies with the requirements of clause 3.2 of AS2890.1 2004 Parking facilities, Off-Street Car Parking. The existing access has been constructed in accordance with LGAT Standard Drawing TSD-R09-v1.
- Creates a safe environment for users at all times.

 The location of the existing access to/from the site has good visibility in both directions and its location occurs at the bend in French Street. Because of the relatively tight radii on the road alignment and the nearby cul-de-sac the speed of the approaching vehicles are relatively low thus offering a safer exit arrangement for the access onto the Council road.
- Enables easy and efficient use.

 French Street approaching the existing access location is a straight alignment, this combined with the low speeds and good sight distance result in easy and efficient entry and exit conditions.
- Protects the role and function of nearby roads.

 The function of the adjacent roadways will not be adversely affected by the proposed access. Slow vehicle speeds on the Council road will permit safe entry and exit manoeuvres.

The properties in French Street are residential allotments. The proposed driveway is located close to the tangent point of the bend in French Street and thus speeds are likely to be lower than in a longer straight section of the roadway.

9.1 Traffic Safety

9.1.1 Sight Distance

The available sight distance for vehicles entering and exiting the proposed driveway satisfies AS2890.1 Figure 3.2 for a speed environment of 50 km/hr ie greater than 40m in all directions.

9.1.2 Access Location & Separation

French Street is a cul-de-sac and the speed environment at the proposed access location is estimated to be approximately 40km/hr. Because of the low speed environment and the good sight distance in all directions, the proposed driveway is not considered to cause any adverse safety impacts on the road users.

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9.1.3 Internal Manoeuvring

Clause 3.2.2 of AS2890.1 states that reversing movements to public roads shall be prohibited wherever possible.

A turning facility has been provided on-site to ensure that all entry and exit manoeuvres at the proposed access can be undertaken in a forwards direction.

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10. Conclusion & Recommendations

It is considered that the proposed access location satisfies the requirements of AS2890.1:2004 Parking Facilities-Off-Street Car Parking, LGAT Standard Drawing TSD-R09-v1 and Council standards.

Sevicing of the proposed development can be readily achieved by upgrading/relocating existing sewer, water and stormwater lot connections. Also no native vegetation is to be removed under this development application.

It would appear that modification to the Building Area covenant may be required to construct the new strata unit. It is presumed that the required changes can be included as a condition of the Planning Permit.

It is therefore recommended that the driveway and associated servicing be approved by Glamorgan Spring Bay Council.

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Appendix A

DRAWING No. DRAWING TITLE

H19078-01 Locality Plan

H19078-02 Overall Site Plan

H19078-03 Proposed Access & Services Plan

H19078-04 Building Area & Native Vegetation Plan

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ACCESS TO PROPOSED STRATUM UNIT

14 FRENCH ST, ORFORD

FOR D. LEMM & J. LEMM

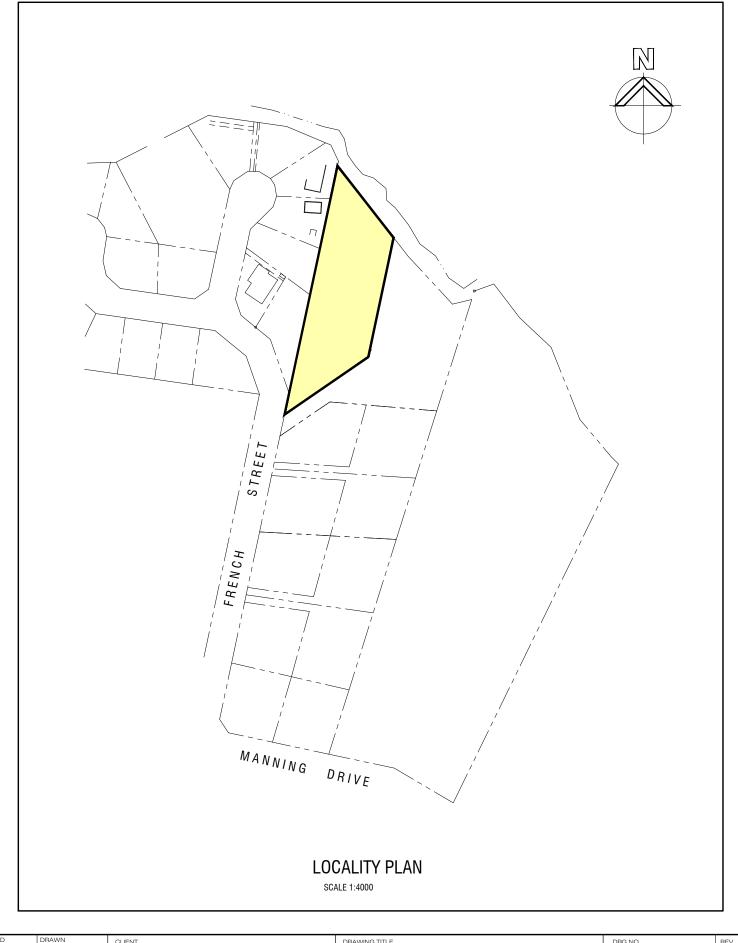
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LOCALITY PLAN H19078-01

H19078-02 OVERALL SITE PLAN

H19078-03 PROPOSED ACCESS & SERVICES PLAN

H19078-04 **BUILDING AREA & NATIVE VEGETATION PLAN**



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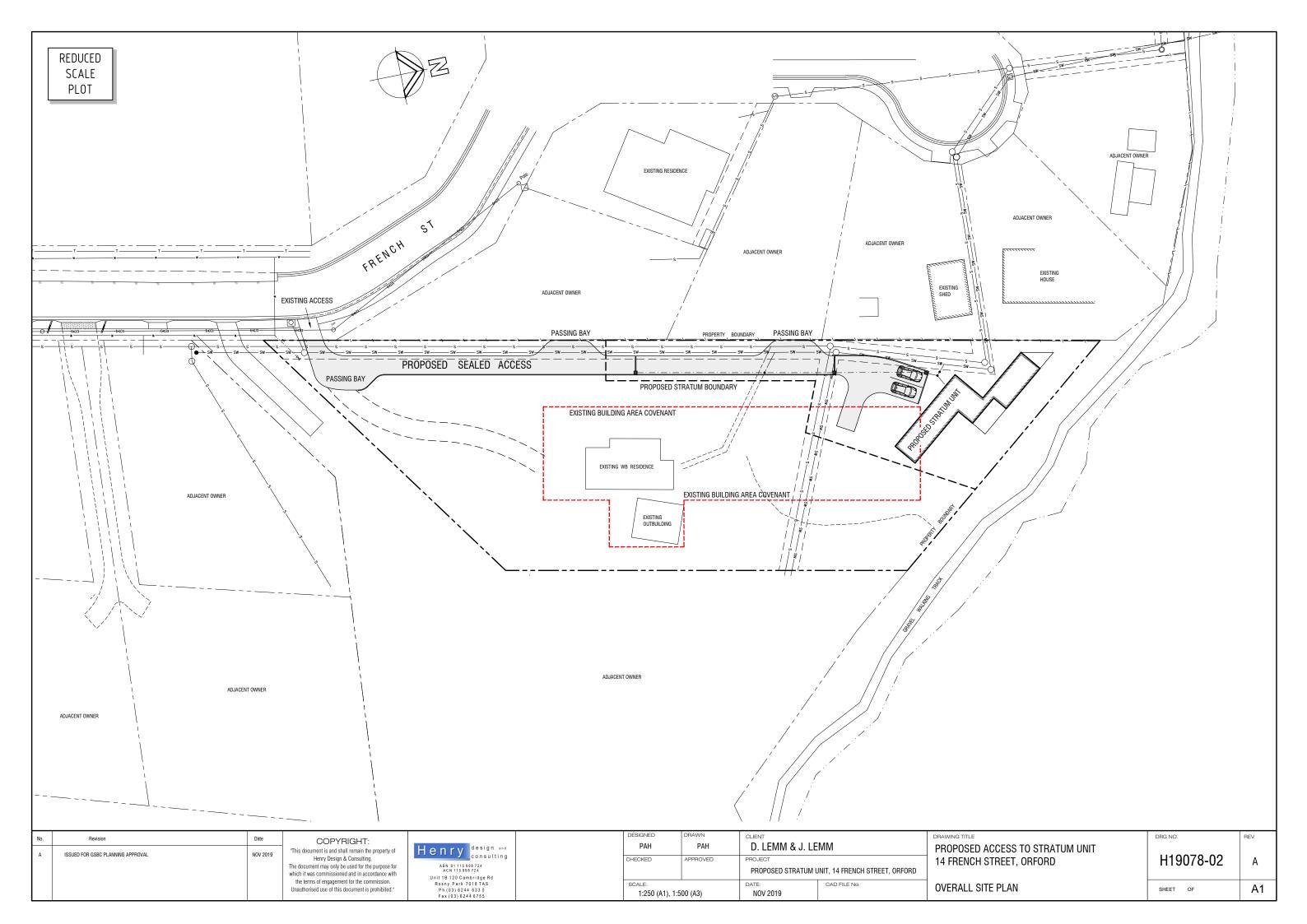
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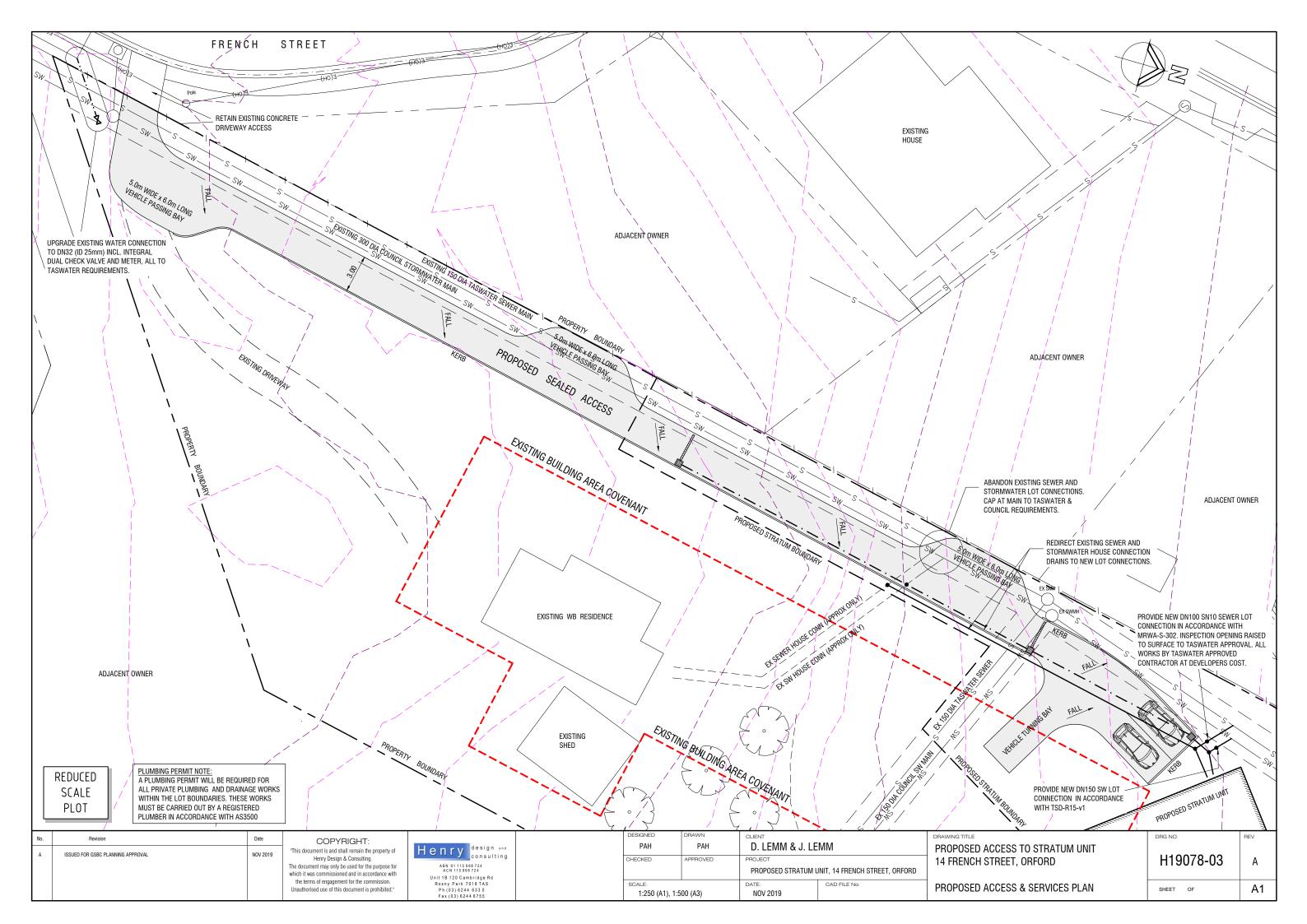
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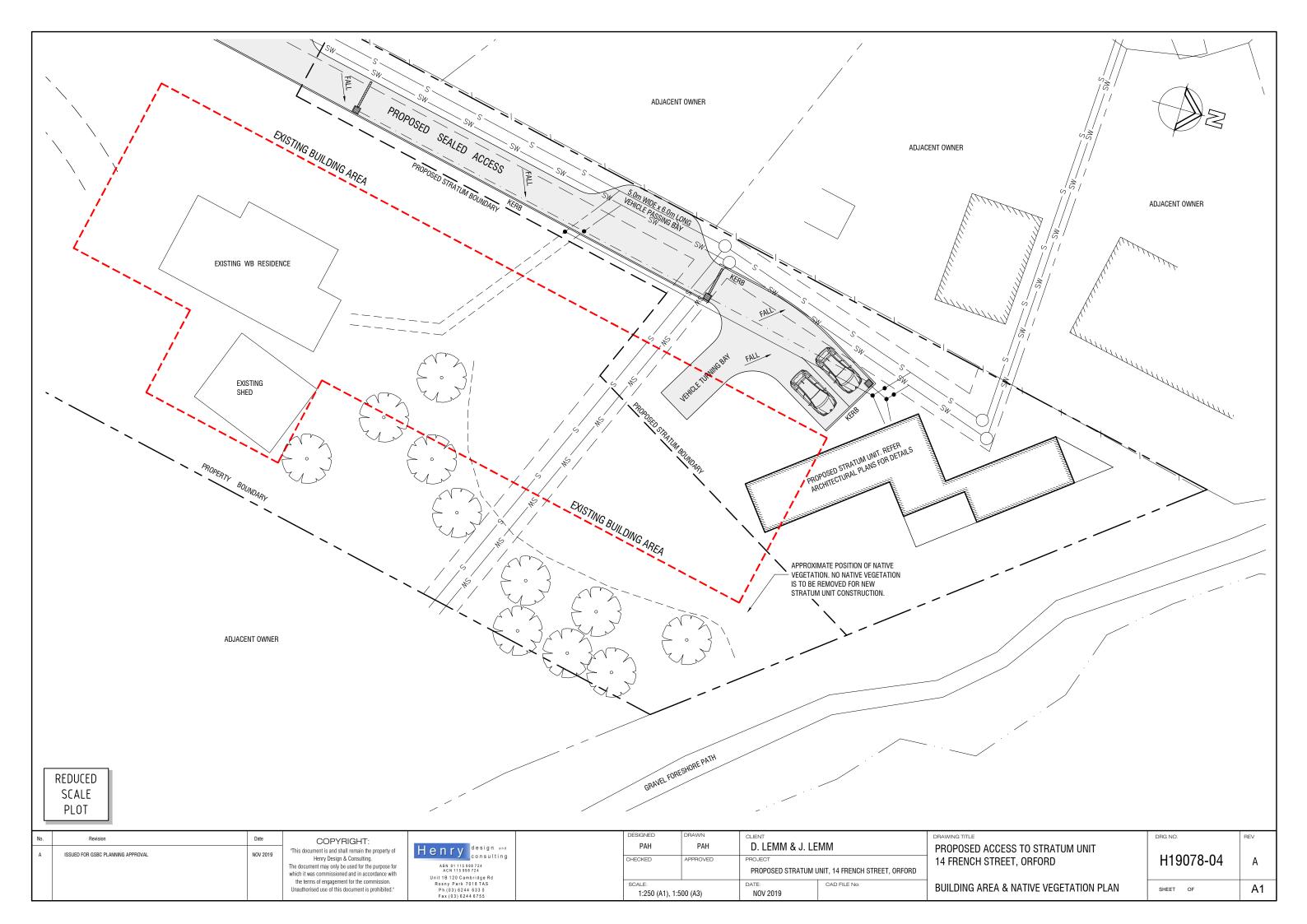
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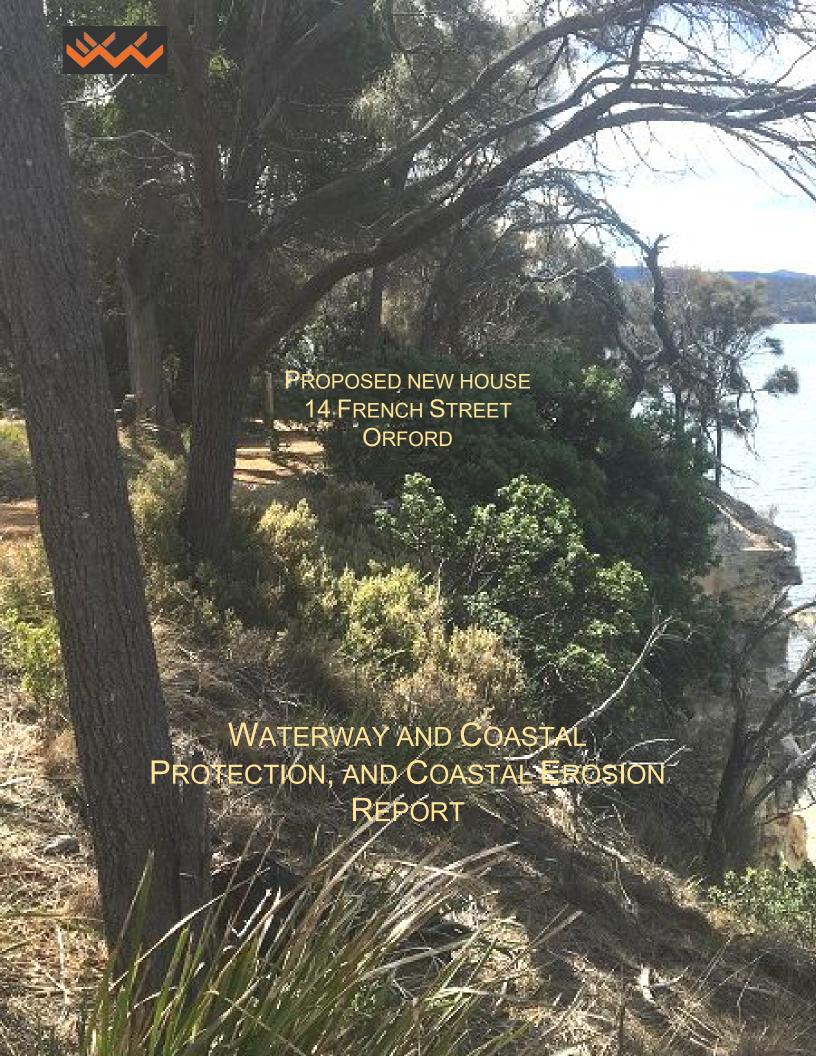
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View northwest from the walking track connecting East Shelly and Spring Beaches, 16 November 2019. The proposed development at 14 French Street is off-sight to the left of the photo, at the rear of Triassic sandstone cliffs up to about 20m high (at right of photo). Image by Bill Cromer

Refer to this report as

Cromer, W. C. (2019). Waterway and Coastal Protection, and Coastal Erosion Report, proposed new house, 14 French Street, Orford. Unpublished report for D. Lemm by William C. Cromer Pty. Ltd., 23 November 2019.

Important Notes

New geotechnical information may be contained in this report. The information may be useful to regulators and other geotechnical practitioners. Dissemination of such knowledge ought to be encouraged by practitioners and regulators.

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WATERWAY AND COASTAL EROSION REPORT

1. Background

A new house is proposed on land at 14 French Street, Orford (Attachments 1 and 2).

In a letter to the proponent D. Lemm dated 29 October 2019, Glamorgan Spring Bay Council noted that with respect to its *Interim Planning Scheme 2015* the proposed development is subject to:

- E11 Waterway and Coastal Protection Code, and requested justification that the development complies with E11.7.1 P1 Building and Works, and
- E16 Coastal Erosion Hazard Code, and requested justification that the development complies with E16.7.1 P1 Building and Works.

This report addresses both issues.

2. Site investigations

2.1 Scope

To address Council's request, the scope of investigations included:

- a desk-top review of the topography, geology, and coastal erosion hazard and waterway coastal protection overlays, of the property and environs, and
- on-site inspection and photography on 17 November 2019.

Documentation provided by engineer P. Henry on behalf of the proponent included:

- the Council letter of 29 October 2019, and
- drawings dated September 2019 by SKIZZE Building Design including site plans supporting the Development Application to Council

2.2 Brief description of the property

The property covers about 3,600m², is roughly rhombic in shape, slopes very gently seawards, and has a 50m frontage on the popular walking track connecting East Shelly and Spring Beaches at the top of a sandstone sea cliff up to about 20m high (Attachments 2 and 3). The northern property boundary is up to about 10m inland from the cliff top.

The site of the proposed development is cleared to grasses and a vegetable garden (Plates 1 and 2 in Attachment 3).

2.3 Waterway and Coastal Protection Area

The northern third of the property including the site for the proposed new house is in the Waterway and Coastal Protection Area (Attachment 2).





2.4 Coastal erosion hazard band

The northern third of the property including the site for the proposed new house is in the Low Coastal Erosion Hazard Band (Attachment 2).

2.5 Published and observed geology

Published geology

Published geological maps¹ of the district shows the property and environs underlain by Triassic-age sandstone and siltstone bedrock.

Observed geology

Excellent exposures of sandstone and siltstone inferred to be Triassic in age are common in the area, and include the (mainly) sandstone sea cliffs extending from East Shelly to Spring Beaches, rising to the south from sea level to about 40m high.

It is confidently predicted that Triassic sandstone and siltstone bedrock underlie 14 French Street at shallow depth.

3. Discussion

With respect to the *Waterway and Coastal Protection Code*., there is no waterway or any other drainage line on the property, and the area does not contain any wetlands.

With respect to the *Coastal Erosion Hazard Code*., the sandstone of the sea cliffs is regarded as a relatively "hard rock" material with limited vulnerability to coastal erosion. Moreover, the property is some 20mASL and not subject to wave activity.

The projected sea level rise of up to about 0.8m by 2100 will have no unacceptable waterway or coastal erosion issues for 14 French Street and other houses in the vicinity.

Table 1 addresses Performance Criteria P1 in Clause E11.7.1 of the *Waterway and Coastal Protection Code*.

Table 2 addresses Performance Criteria P1 in Clause E16.7.1 of the *Coastal Erosion Hazard Code*.

The Management Plan for this site is to do nothing with respect to either Code, because the site and development complies with Performance Criteria P1 in E11.7.1 and E16.7.1.

W. C. Cromer Principal

23 November 2019

M Comment

¹Blake, F. (1958). Geological Atlas 1 mile series. Zone 7. Sheet 76. *Buckland*. Department of Mines Tasmania, <u>and</u> Forsyth, S. M. *et. al.* (compilers) 2005. *Geology of Southeast Tasmania*. Edition 2012.1. Digital Geological Atlas 1:250,00 Scale Series. Mineral Resources Tasmania.





This report is and must remain accompanied by the following Attachments

Attachment 1. Location and satellite imagery, coastal erosion hazard bands and waterway and coastal protection areas (2 pages)

Attachment 2. Location of proposed dwelling and coastal erosion hazard band (yellow; right) (Note: Waterway and Coastal Protection Area covers same area) (1 page)

Attachment 3. Site photographs (17 November 2019) (1 page)

Table 1. Waterway and Coastal Protection Management Plan for 14 French Street, Orford

Address

14 French Street, Orford

Waterway and Coastal Protection Code

Low

OBJECTIVE: To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values. Section E11.7.1 P1 states that Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

	Buildings and Works must satisfy all of the following Performance Criteria E11.7.1 P1	Is management required?	Management Plan	Comment	
(a)	avoid or mitigate impact on natural values;	No			Development will comply
(b)	mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;			(ie will not impact on natural values, produce adverse erosion or sedimentation issues, or affect riparian or littoral	
(c)	avoid or mitigate impacts on riparian or littoral vegetation;			vegetation)	
(d)	maintain natural streambank and streambed condition, (where it exists);		No		
(e)	maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;				No streambank exists
(f)	avoid significantly impeding natural flow and drainage;			The Management Plan is to do nothing with respect to E11.7.1 P1	
(g)	maintain fish passage (where applicable);			Not applicable	
(h)	avoid landfilling of wetlands;				
(i)	works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided			No wetland exists. Proposed development is inland from sandstone cliffs up to 20m high.	





Table 2. Coastal Erosion Management Plan for 14 French Street, Orford

Address

14 French Street, Orford

Coastal Erosion Hazard Code

Low

OBJECTIVE: To ensure that development in Coastal Erosion Hazard Areas is fit for purpose and appropriately managed based on the level of exposure to the hazard. Section E16.7.1 P1 states that for buildings and works in a Coastal Hazard Zone, there is No Acceptable Solution, and Performance Criteria P1 must satisfy all of the following:

	Buildings and Works must satisfy all of the following Performance Criteria E16.7.1 P1	Is management required?	Management Plan	Comment
(a)	not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure	No	The Management Plan is to do nothing with respect to E16.7.1 P1	Development will comply (ie will not increase the risk)
(b)	Erosion risk from wave run- up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works			No wave run-up or erosion issues will occur and no structural/design mitigation measures are needed.
(c)	Erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering			
(d)	Need for future remediation works is minimised			Development will not increase the need for future mitigation works.
(e)	Health and safety of people is not placed at risk			Development will comply
(f)	Important natural features are adequately protected			Development will comply; no important natural features will be affected by the development
(g)	Public foreshore access is not obstructed where the managing public authority requires it to continue to exist			Development will not compromise existing public foreshore access and therefore will comply
(h)	Access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site			Development will comply
(i)	Provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works			No contribution for mitigation works is required before development
(j)	Not be located on an actively mobile landform			Property is not on a mobile landform





Attachment 1

(2 pages)

Location and satellite imagery, coastal erosion hazard bands and waterway and coastal protection areas Source: www.thelist.tas.gov.au









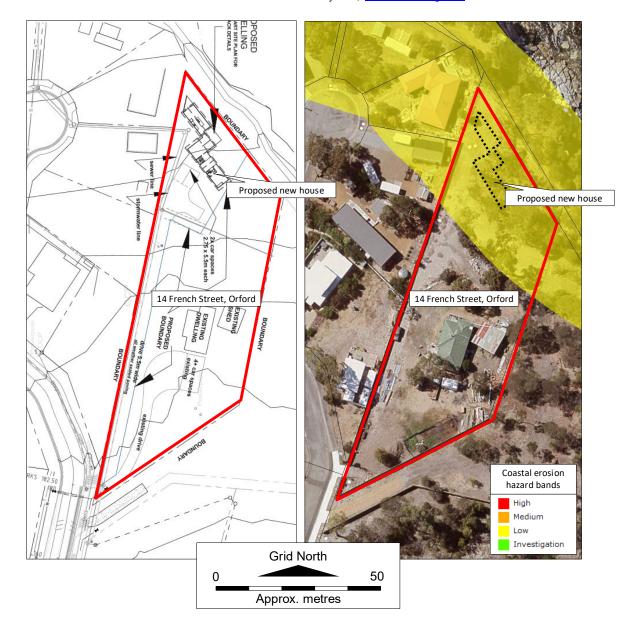




Attachment 2

(1 page)

Location of proposed dwelling and coastal erosion hazard band (yellow; right)
(Note: Waterway and Coastal Protection Area covers same area)
Sources: SKIZZE Job 19068 Sheet of 7 Locality Plan; www.thelist.tas.gov.au







Attachment 3 (1 page) Site photographs (17 November 2019)



Plates 1 (above) and 2 (below). Views south and southeast respectively over 14 French Street, Orford. The proposed house is the middle ground of Plate 1. The gravelled walking track connecting East Shelly and Spring Beaches at the top of the sandstone cliff is evident.





21 January 2020

General Manager Glamorgan Spring Bay Council PO Box 6 TRIABUNNA TAS 7190

Via email: planning@freycinet.tas.gov.au

14 FRENCH STREET, ORFORD OBJECTION TO DEVELOPMENT APPLICATION FOR DWELLING – DA 2019/264

Dear Sir

Please note that this letter is my representation in relation to the abovementioned development application ('the Application').

SUMMARY

object to the Application for the following reasons (which are further detailed in the body of this letter):

- Restrictive covenant on title the location of the proposed dwelling at 14 French Street ('the Property') is not within the building envelope and restrictive covenant area shown on the Survey Plan (SP168707). In regard to the second limb of the restrictive covenant, trees have also previously been removed from the Property other than for access and services, and this should be investigated further.
- 2. Native vegetation previously removed from the Property and public land in preparation for development this needs to be investigated further to ensure that the appropriate approval was obtained from the Glamorgan Spring Bay Council ('Council') prior to this occurring.
- 3. Failure to comply with the performance criteria in clause 10.4.2 P3 of the Glamorgan Spring Bay Interim Planning Scheme 2015 ('the Scheme') in relation to issues of overshadowing, visual impacts and separation between dwellings on adjoining lots the height, size and location of the proposed dwelling at the Property is contrary to the Performance Criteria in clause 10.4.2 P3 of the Scheme.
- 4. Evidence that location of proposed dwelling is on a significant Aboriginal cultural site this requires further investigation with Aboriginal Heritage Tasmania and any other relevant stakeholders.

RESTRICTIVE COVENANT ON TITLE

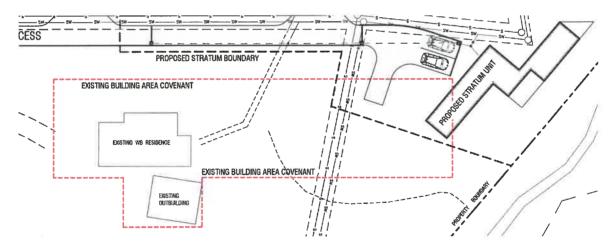
The title search results for Certificate of Title Volume 168707 Folio 1 shows restrictive covenants recorded against the title, which is further detailed in the Schedule of Easements (SP 168707):

RESTRICTIVE COVENANTS:

& the benefit shall be in favour of the said Glamorgan Spring Bay Council

- 1. The owner of lot 1 on the plan covenants with the Glamorgan Spring Bay Council to the intent that the burden of this covenant may run with and bind the covenator's lot and every part thereof to observe the following stipulations:
 - a. Not to construct a residential dwelling outside the area marked ABCDEFGHA on the plan;
 - b. Not to remove any trees except for access and services outside the land marked ABCDEFGHA.
- 2. The owner of lot 2 on the plan covenants, with the Glamorgan Spring Bay Council to the intent that the burden of this covenant may run with and bind the covenator's lot and every part thereof to observe the following stipulations:
 - a. Not to construct a residential dwelling outside the area marked JKLMJ on the plan;
 - Not to remove any trees except for access and services outside the land marked JKLMJ.

The proposed plans in the Application clearly demonstrate that the location of the dwelling is intended to be largely outside the area where a residential dwelling can be constructed:



The applicant should not be able to build a dwelling outside of the restrictive covenant area. Other property owners in the area have been refused approval by the Council previously to build dwellings outside of the restrictive covenant on their property, and a consistent approach by Council is required. The current building envelope as shown on the title provides sufficient space to construct a new dwelling.

Contrary to the second limb of both restrictive covenants on the title – 1(b) and 2(b), trees have also previously been removed from outside the marked area of the Property other than for access and services. Photo 3 in Annexure 1 to this letter demonstrates this, and the removal of vegetation is discussed further below.

NATIVE VEGETATION PREVIOUSLY REMOVED FROM THE PROPERTY AND PUBLIC LAND IN PREPARATION FOR DEVELOPMENT

In recent years, native vegetation has been cleared from the Property. In this regard, please see Annexure 1 to this letter. Photo 1 and Photo 2 shows the rear of the Property before the vegetation removal, and the photos in the *Waterway and Coastal Protection, and Coastal Erosion Report* (Attachment 3 - Page 10) ('the Report') in the Application show what the Property currently looks like after the vegetation removal. Photos 1 and 3 in Annexure 2 also show the Property after the vegetation removal. Photo 3 in Annexure 1 shows what the rear of the Property looked like during the vegetation removal process. This warrants the need to review Council records to verify whether the necessary Council approval was obtained for the clearing of this part of the Property where the dwelling is proposed. In accordance with Council's *Guidelines for Development in Areas within the Glamorgan Spring Bay Council (GSBC) Biodiversity Protection Area or in Areas Containing Native Vegetation*, usually a 'Natural Values Survey Report' (also known as an 'Ecological Assessment' or 'Flora and Fauna Report') accompanied with a development application is needed.

Native vegetation has also been cleared from the Public Open Space area identified on the Plan of Survey (SP168707) in the process of preparing the land for development. In this regard, please refer to all photos in Annexure 1 which shows part of the Public Open Space area before the vegetation removal. These photos should be compared to the photos in the Report (Attachment 3 - Page 10) in the Application, which show part of the Public Open Space area after vegetation removal. In recent years, Council has erected signs in the area indicating that vegetation has been cleared from public land, and this has been an issue for the area.

If the Application is approved as it currently is, and Council approval was not obtained to clear the native vegetation where the dwelling is proposed, there is a concern that this would send a message to property owners in the municipality that clearing vegetation without Council approval is acceptable.

Native vegetation being cleared from public land in preparing the land for development also requires investigation.

ISSUES REGARDING HEIGHT, SIZE AND PROXIMITY TO BOUNDARY – FAILURE TO COMPLY WITH THE PERFORMANCE CRITERIA IN CLAUSE 10.4.2 P3 OF THE SCHEME

The Application presents issues in relation to the abovementioned Performance Criteria, particularly clauses 10.4.2 P3(a)(ii), 10.4.2 P3(a)(iv) and 10.4.2 P3(b) of the Scheme. The height and overall scale of the proposed dwelling would cause unreasonable loss of amenity by overshadowing the private open space of a dwelling on the adjoining lots (P3(a)(ii)) and would result in significant visual impacts when viewed from adjoining lots (P3(a)(iv)) (particularly from the dwelling at For example, the proposed dwelling at the Property would be 8.5 metres in height. This building height is significantly more than other dwellings in the area. The proposed dwelling would also be located just under 2 metres away which demonstrates how a dwelling from the property boundary shared with with that building height would overshadow adjoining dwellings and impact on privacy. Having two dwellings located is such close proximity will also result in significant visual impacts, particularly given the scale of the proposed dwelling. The amenity and views of native vegetation and coastal water will be reduced, and the occupants of both dwellings Street and the proposed dwelling) will constantly be looking at each other.

In relation to the Performance Criteria in clause 10.4.2 P3(b) of the Scheme, the intended location of the proposed dwelling would result in insufficient separation between it and the dwelling at Based on the plans in the Application, these two dwellings would be only metres away from each other. Such little distance between dwellings is not compatible with that prevailing in the surrounding area.

LOCATION OF PROPOSED DWELLING ON SIGNIFICANT CULTURAL ABORIGINAL SITE – EVIDENCE OF ABORIGINAL SHELL MIDDENS

The location of the proposed dwelling on the Property is riddled with a vast amount of Aboriginal shell middens. In this regard, please refer to all of the photos in Annexure 2. Such a significant Aboriginal cultural site needs to be protected and preserved. Contact should be made with Aboriginal Heritage Tasmania and any other relevant stakeholders to have this investigated further.

CONCLUSION

Overall, I object to the Application based on the above reasons.

It is submitted that the Application as it currently stands fails to comply with aspects of the Scheme, and it should be rejected for all of the above reasons.

Thank you for considering my representation in relation to the Application.

Yours faithfully





ANNEXURE 1

PHOTO 1



Photo 1: Looking at the rear of the Property before vegetation was cleared (April 2014)

PHOTO 2



Photo 2: Looking at the rear of the Property before vegetation was cleared (April 2014)

PHOTO 3



Photo 3: Looking at the rear of the Property during the vegetation removal process (April 2014)

ANNEXURE 2

РНОТО 1



Photo 1: Looking at the rear of the Property showing evidence of Aboriginal shell middens (January 2020)

PHOTO 2



Photo 2: A zoomed-in photo, looking at the rear of the Property showing evidence of Aboriginal shell middens (January 2020)

РНОТО 3



Photo 3: Looking at the rear of the Property showing evidence of Aboriginal shell middens (January 2020)

РНОТО 4



Photo 4: A zoomed-in photo, looking at the rear of the Property showing evidence of Aboriginal shell middens (January 2020)