

Tuesday, 7 March 2023

Kingborough Council  
Civic Centre, 15 Channel Highway  
Kingston, TAS, 7050  
kc@kingborough.tas.gov.au

**Attention:** Kingborough Council Planning Department

**Subject:** DA-2023-32

Proposed Development / Use  
Change of use from General Retail and Hire to a Yacht Club  
5 Ferry Road, Kettering (Kettering Yacht Club)

To Whom It May Concern,

Please accept the following statement herewith pertaining to the Change of Use Application for the Kettering Yacht Club at 5 Ferry Road, Kettering in response to Kingborough Council Request for Further Information dated February 20, 2023.

**Item 1.**

*It appears there may be errors on the submitted plans.*

- (a) *Whilst the application and description of the plans submitted with the proposal is for a change of use, annotations on the plans indicate proposed works (Dwg. A.02, A.03 & A.04). No details of the proposed works have been provided. Accordingly, please provide further information regarding the nature and extent of the proposed works. If no works are proposed, please remove this annotation from the drawings.*
- (b) *On the Cover Sheet, and Dwgs. A.04 and A.05, the zone is incorrectly identified as General Business. The proposed Kettering Yacht Club is located in the Port and Marine Zone under the Kingborough Interim Planning Scheme 2015 (the Scheme). Accordingly, this should be corrected on the plans.*

Please refer to drawings **A.01-A.05** with **Revision B**, noting amendments clouded Red. No 'Works' are proposed as part of this application. This application is for the Change of Use to a Yacht Club only.

**Item 2.**

*Under Clause 31.3.1 A1 of the Scheme, hours of operation within 100m of a residential zone must be within:*

*Hours of operation of a use within 100 m of a residential zone must be within:*

- (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;*
- (b) 9.00 am to 5.00 pm Saturdays;*
- (c) nil Sundays and Public Holidays.  
except for office and administrative tasks.*

*As the proposed hours are outside of those required under the Acceptable Solution, please provide additional information that demonstrates compliance with the Performance Criteria 31.3.1 P1 as follows:*

*Hours of operation of a use within 100 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.*

Proposed Hours of Operation:

Wednesday:	6.00pm – 10.00pm
Friday:	6.00pm – 10.00pm
Saturday:	6.00pm – 11.00pm
Sunday:	2.00pm – 4.00pm

The Yacht Club hosts several minor events/series throughout the year:

- Wednesday Evening Twilight Races (approx. 24 during daylight savings)
- Winter Long Distance Races (approx. six per year)
- Summer Long Distance Races (approx. six per year)
- Friday – Sunday Races (approximately six per year)

The conclusion of these events is held at the Yacht Club, where those participants gather for refreshments and presentation ceremonies for the days racing. The nature of these events has no unreasonable impact on the ongoing amenity of the adjacent residential zone, whereby the extended hours of operation are to account for those events which for on-water and weather particulars are required to go for a longer duration than would typically take place.

The location of the Yacht Club is sited topographically well below Ferry Road behind a vegetated belt allows for the buffering of any potential noise or vehicle movements to impact on the nearby residential area; Ferry Road itself, being a busy thoroughfare to Bruny Island also aids in significant separation in this regard, further reducing any impact the Yacht Club might detrimentally impact on the area.

The day to day running of the Bruny Island Ferry Service and the noise omitted from the various types of marine and aquatic industry in the immediate precinct would generate more ongoing noise than the few events held by the yacht club throughout the year; the very nature of a marina typifies 24hr usage by it's various patrons coming and going to their respective vessels.

The club being a volunteer ran entity requires no commercial vehicle movements for its day to day operation, or any associated plant or equipment. Any vehicle movements of a commercial nature, should they be required to service the building during its use will be concerned within the permitted hours of operation only as stated in the scheme.

There is significant precedent in the area for business ventures operating outside these hours and in similar proximity to Residential Zones:

Seawall Café

9.30am – 4.00pm (Wed – Thurs, Sun)

9.30am – 7.00pm (Fri – Sat)

Kettering Café

7.00am – 7.00pm (Mon, Fri, Sat, Sun)

7.00am – 3.00pm (Thurs)

Oyster Cove Inn:

12.00pm – 8.00pm (Mon – Thurs)

12.00pm – 10.00pm (Fri)

12.00pm – 8.30pm (Sat)

12.00pm – 6.00pm (Sun)

The Kettering Yacht Club is homogenous with the Kettering Community, with many members of the community active participants and members within the club both on and off the water, the ability for the club to run at these extended hours allows the club to become a communal gathering space for days when boating events are taking place, and further exemplifies the desirable village lifestyle afforded in such an area.

**Item 3.**

*The following Use Standards must be addressed under the Scheme, as the proposed use is located within 50m of a residential zone. Accordingly, please provide additional information demonstrating compliance with the Acceptable Solutions of the applicable standards as follows:*

*31.3.2 Noise - A2 External amplified loud speakers or music must not be used within 50 m of a residential zone.*

No external amplified loudspeakers or the like is proposed as part of this application.

*31.3.3 External Lighting - A1 External lighting within 50 m of a residential zone must comply with all of the following:*

- (a) be turned off between 10.00 pm and 6.00 am, except for security lighting;*
- (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone*

All external lighting other than security lighting will be turned off between 10.00pm and 6.00am, any security lighting will be baffled and / or positioned in such a way to not cause any light emission outside the Port and Marine Zone.

The Topographical constraints of the site being significantly below Ferry Road already acts as a barrier to the elevated residential zone beyond.

*31.3.4 Commercial Vehicle Movements - A1 - Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of:*

- (a) 7.00 am to 7.00 pm Mondays to Saturdays inclusive;*
- (b) 9.00 am to 5.00 pm Sundays and Public Holidays.*

*For Advice: This includes wastewater removal.*

No Commercial Vehicle Movements are proposed as part of this application. The nature of the use of the building does not require any such daily activity. Where and if required during the operation of the building any commercial vehicle movements including wastewater removal will be undertaken within the approved hours of operation as stated in the scheme.

*31.3.5 Outdoor Work Areas - A1 - Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilation fans must not be located within 50 m of a residential zone.*

*Should the Acceptable Solution not be met, the corresponding Performance Criteria must be addressed.*

No Outdoor Work Areas are proposed as part of this application, the building has an existing residential heat pump installed which would not be uncommon within the residential zone and therefore poses no new or unwarranted impact on the zone.

**Item 4.**

*Please provide an amended site plan providing details of any allocated parking spaces for the use of Kettering Yacht Club.*

The building subject to the Change of Use Application is on Crown Land Currently leased to the Oyster Cove Marina; the Yacht Club is a volunteer ran entity whose members have their boats moored / berthed at the Marina and therefore utilise the carparking provided throughout the site belonging to the Oyster Cove Marina, as such there is no carparking proposed to be directly associated with the Yacht Club as part of this application.

We hope the above satisfies the Kingborough Council's Request given the nature of this application, if however, there are any concerns regarding any aspect of this application, please don't hesitate to contact us for further discussion.

Kind Regards

*Ryan Cawthorn*

Ryan Cawthorn  
For the Kettering Yacht Club  
0400 883 754