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26 September 2023

Ms Mary McNeill
Senior Planner
Kingborough Council

Dear Ms McNeill,

Proposed Development/Use – Storage Container and Upgrades Including Deck, Retaining Wall, Steps, and Seating Area at 35 Woodbridge Hill Road, Woodbridge

I refer to Council's request for additional information regarding the above proposal. It is disappointing that such an extensive request was issued regarding a relatively minor proposal to provide facilities at a community sports facility, particularly as the proposal includes work that is in the masterplan for the site that was recently endorsed by Council. Many aspects of the request do not relate to relevant planning matters or are not relevant to the proposal given its limited scope. The request has caused unnecessary delay in the delivery of a project that will provide urgently needed facilities for the local community. This delay is particularly frustrating for the proponents given that none of the issues raised in the request were mentioned when advice was sought from Council's planning section prior to the application being lodged.

A response to Council's request for additional information is as follows:

- 1) *Please provide additional information demonstrating compliance with the Use Standards under Clauses 18.3.1, A1 and A2, 18.3.3 A1 and 18.3.4 A1 of the Kingborough Interim Planning Scheme 2015 (the Scheme).*

Clause 18.3.1 is not relevant as no change in the approved hours of operation are proposed. Nothing in the limited works proposed suggests a change in operating hours on the site so there is no justification for Council's request for a demonstration of compliance with this standard. It is debatable whether acceptable solution A1 for the clause applies, as the only land within 50m of the site, other than land within the Recreation Zone, is within the Rural Living Zone. The Rural Living Zone is not usually considered to be a "residential zone" as referred to by acceptable solution A1. There is no acceptable solution A2 for this clause as suggested in Council's request.

Clause 18.3.3 is not relevant as no additional external lighting is proposed. External lighting is not shown on the submitted plans so there is no justification for Council's request for a demonstration of compliance with this standard.

Clause 18.3.4 is not relevant as no change in the approved hours of operation for commercial and patron vehicle movements are proposed. Nothing in the application suggests that a change in these hours is proposed so there is no justification for Council's request for a demonstration of compliance with this standard.

- 2) *The subject site is located within the Woodbridge Heritage Precinct. Accordingly, please provide a brief Statement of Compliance addressing the Historic Heritage Code under the Scheme, suitable for application advertising purposes.*

Statement of Compliance

Clause 13.8.2

P1

Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.

P3

Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.

The proposed buildings and works have been designed and sited to ensure that they do not result in detriment to the cultural heritage significance of the Woodbridge Heritage Precinct. The proposed buildings and works are minor and limited to either landscaping or a small storage container. The container has been sited to the rear of the existing sports facility building, adjacent to existing water tanks, and would therefore generally not be visible from public areas within the precinct. The container would be painted a darker colour (Ironstone – a dark blue grey) to ensure that it visually merges with the surrounding semi-rural environment. The proposed storage container would therefore not result in detriment to, or detract from, the historic cultural heritage significance of the precinct.

The materials intended for the proposed landscaping works include sandstone, timber, and exposed aggregate concrete that are all considered to be sympathetic to the precinct. Sandstone and timber are materials used in the late Victorian and Federation buildings that contribute to the aesthetic appeal of the precinct. While exposed aggregate concrete is a more modern material, it is similar in appearance to sandstone and the other natural rock used in the foundations of heritage buildings within the precinct. The proposed landscaping would generally be at ground level and not overtly visible within the precinct. Therefore, the proposed landscaping would not result in detriment to, or detract from, the historic cultural heritage significance of the precinct.

- 3) *It is acknowledged that some information on the trees on site has been submitted, however, Council's records and a recent site visit indicate that there is a large Eucalyptus tree on the subject site towards the western boundary, and it is unclear from the submitted documentation if this tree is intended for removal or retention.*

Further, it would appear that this tree may be impacted upon as a result of the proposed development, including associated works, including during construction and potential bushfire hazard management requirements.

To verify the potential impact of the development on this tree, determine whether the tree is of high conservation value or a priority species and demonstrate compliance with Clause 18.4.8, please submit an amended site plan which:

- (a) shows the tree species and diameter at breast height (DBH);*
- (b) includes an individual tree identification number;*
- (c) shows the tree protection zone (TPZ); and*
- (d) clearly shows whether the tree is intended for removal or retention.*

I understand that a revised site plan has been submitted by the project architect that demonstrates the distance between the large Eucalypt tree on the site and the proposed works. I also understand that Council has accepted that this information satisfies this aspect of the request. However, it is worth noting that the tree is on the opposite side of sports facility building from where the landscaping works are proposed and more than 30m from where the proposed storage container would be located. Therefore, it is difficult to imagine how this request was ever considered justified or reasonable. The request does not refer to an applicable planning scheme provision and it is therefore not clear why the information was required in order to allow Council to assess the proposal against the scheme.

- 4) *While there is a low likelihood of an extension of bushfire hazard management requirements, the proposed shipping container is within 6m of a habitable building, and therefore has the potential to result in an extension of the existing bushfire hazard management area of the existing building.*

Accordingly, please submit written confirmation from an accredited bushfire practitioner or a building surveyor confirming that the proposed development will not trigger bushfire requirements at the building stage.

Similarly to above, this request does not refer to an applicable planning scheme provision. As Council should be aware, the Bushfire Prone Areas Code does not apply to development other than subdivision or development involving hazardous or vulnerable uses. A subdivision is clearly not proposed and a community sports facility is clearly not a hazardous or vulnerable use as defined in the code. The request therefore has no relevance to an applicable provision within the scheme. Nevertheless, to avoid any doubt regarding whether a bushfire hazard assessment is required for the proposal, the separation between the building on the site and the proposed storage container has been increased to 6m (please refer to the attached further revised architectural plans).

- 5) *The application has been referred to Aboriginal Heritage Tasmania (AHT). Any further information required by AHT under the Aboriginal Heritage Act 1975 will be sent under separate cover.*

Council's advice that AHT does not require further information is appreciated, although if any request for further information from AHT was to be sent via separate cover, why was the above included in Council's request for additional information regarding the proposal?

I trust that the above information addresses Council's request for additional information regarding the proposal. The proponents look forward to the application being advertised without further unnecessary delay.

Yours sincerely,


ADAM SMEE
PLANNING CONSULTANT