



Application for Planning Approval

Land Use Planning and Approvals Act 1993

APPLICATION NO.

DA2023/224

LOCATION OF AFFECTED AREA

15 FISHER DRIVE, HERDSMANS COVE

DESCRIPTION OF DEVELOPMENT PROPOSAL

BRICK FENCE

A COPY OF THE DEVELOPMENT APPLICATION MAY BE VIEWED AT www.brighton.tas.gov.au AND AT THE COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH, BETWEEN 8:15 A.M. AND 4:45 P.M., MONDAY TO FRIDAY OR VIA THE QR CODE BELOW. ANY PERSON MAY MAKE WRITTEN REPRESENTATIONS CONCERNING AN APPLICATION UNTIL 4:45 P.M. ON **04/01/2024**. ADDRESSED TO THE GENERAL MANAGER AT 1 TIVOLI ROAD, OLD BEACH, 7017 OR BY EMAIL AT development@brighton.tas.gov.au.

REPRESENTATIONS SHOULD INCLUDE A DAYTIME TELEPHONE NUMBER TO ALLOW COUNCIL OFFICERS TO DISCUSS, IF NECESSARY, ANY MATTERS RAISED.

JAMES DRYBURGH
General Manager



Brighton
going places



Danielle Gray, Principal Consultant
Gray Planning
224 Warwick Street
West Hobart TAS 7000

23 November 2023

Ms Emily Taylor
Core Collective
Long House
6 Evans Street
Hobart TAS 7000

Dear Ms Taylor,

I refer to my recent discussions with you in relation to the provision of town planning assistance and advice for a proposed fence at 15 Fisher Drive at Herdsman Cove.

I refer to the proposal plans dated 22 November 2023 prepared by architect Christopher Clinton and the front fence proposed under Elevation A (North West Section to Unit 1).

While the proposed fence acts in all purposes as a side boundary fence, the fact it directly adjoins Crown (NRE) land at Lamprill Circle (title reference CT-17698/1) means that technically the fence is a 'front fence' and must be assessed under clause 8.4.7 standards for Frontage Fences under the State Planning Provisions:



23 November 2023

8.4.7 Frontage fences for all dwellings

Objective:	The height and transparency of frontage fences: (a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the road and the dwelling; and (c) is reasonably consistent with that on adjoining properties.	
	Acceptable Solutions	Performance Criteria
	A1 No Acceptable Solution. ¹	P1 A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must: (a) provide for security and privacy while allowing for passive surveillance of the road; and (b) be compatible with the height and transparency of fences in the street, having regard to: (i) the topography of the site; and (ii) traffic volumes on the adjoining road.

There is no Acceptable Solution for Frontage Fences in the General Residential zone (this does not apply to fences otherwise exempt under Exemptions).

On that basis, the fence must be assessed under the P1 Performance Criteria.

I do not consider any amendments are necessary to the brick fence as proposed in the plans dated 22 November 2023. The fence starts at 1800mm in height above NGL and due to the gradient of the land increases in height to a maximum of 2400mm in height above NGL. The bulk and height of the fence has been reduced from being higher by stepping down the gradient.

The proposed brick fence is intended to be for both security and privacy for the intended residents and given the residential use approved for the site, I do not consider the proposed fence to be problematic under P1(a). The brick fence directly adjoins a 2.1m high fence and gate and given the multiple dwelling use of the site, there will still be adequate passive surveillance of the Crown Reserve from the subject site overall. Passive surveillance onto Fisher Drive as the primary frontage for the subject site at 15 Fisher Drive will be entirely unaffected.

In terms of P1(b), I offer the following comments:

In terms of height and transparency, the surrounding area displays a variety of fence heights. Nearby 21 Fisher Drive has a solid paling fence along all frontage boundaries including Fisher Drive. I estimate this fence to be around 1.8m in height.



23 November 2023

Likewise, at 17 Fisher Drive, there is a high solid paling fence on frontage boundaries, including on the primary frontage boundary onto Fisher Drive. I estimate this paling frontage fence to be at least 1.8m high.

Across the road at 10 Fisher Drive, there is no frontage fence at all while at 12 Fisher Drive there is a steel mesh frontage fence around 1.3m in height.

Further up the road at 27 Lamprill Circle, there is a dwelling under construction that also has a high frontage fence that wraps around the Lamprill Circle and Fisher Drive frontage boundaries, is constructed of solid sheet metal and varies in height between approximately 1.5 and 1.8+m in height above NGL.

Other houses in the surrounding area have a variety of frontage fence constructions of varying heights while many properties have no frontage fences at all.

On that basis, there is no prevalent frontage fence type in terms of height, transparency or construction in the surrounding area.

‘Compatible’ means to be in ‘harmony with’. Recent RAMPAT/TASCAT rulings have considered that ‘compatible’ does not mean ‘consistent’ (the ‘same’).

The proposed brick frontage fence at 15 Fisher Drive is considered to be ‘in harmony with’ frontage fences in the area surrounding the subject site as there is a wide variety of frontage fences in terms of height, materials of construction, finishes and degrees of transparency.

The topography of the subject site as it steps down toward south has resulted in the proposed brick fence increasing in height to a maximum of 2400mm and contributes to the resulting brick fence height. I find the bulk is reduced by the fence stepping down the gradient.

Traffic volumes (as per P1(b)(ii)) is not relevant as the location of the proposed brick fence is not directly adjacent a road in terms of a functioning road network that accommodates vehicles. The proposed brick fence is adjacent a Crown Reserve and would not experience any vehicular traffic. I do however consider that land adjacent to a Crown Reserve where the public are able to frequent as desired does present potential security concerns and therefore the height of the proposed brick fence is warranted and further complies with P1(a).

It is my view that given the lack of consistent character of frontage fences in the area surrounding the subject site, the proposed brick fence is acceptable when considered against the triggered P1 Performance Criteria. It is further my view that Council should consider the function and general accessibility of the adjacent public land and the potential privacy and security risk associated.

Council should also consider that the proposed fence, in effect, acts as a side boundary fence, rather than being a frontage fence onto a street where streetscape will be visually impacted and passive surveillance adversely impacted. Neither passive surveillance or the streetscape will be detrimentally affected and therefore it is my view the proposed brick fence is appropriate for approval as proposed.



Should you wish to discuss the above, I may be contacted on 0439 342 696.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA
Principal Consultant, Gray Planning

