



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
MONDAY 4 DECEMBER 2017  
1.00pm**

# City of Launceston

COUNCIL AGENDA

Monday 4 December 2017

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Notice is hereby given that the Ordinary Meeting of the City of Launceston Council will be held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 4 December 2017

Time: 1.00pm

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## Section 65 Certificate of Qualified Advice

### Background

Section 65 of the *Local Government Act 1993* requires the General Manager to certify that any advice, information or recommendation given to Council is provided by a person with appropriate qualifications or experience.

### Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the Agenda Items for this Meeting.



**Michael Stretton**  
General Manager

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24 November 2017

Mr Michael Stretton  
General Manager  
City of Launceston  
PO Box 396  
**LAUNCESTON TAS 7250**

Dear Michael,


## **COUNCIL MEETING**

In accordance with regulation 4 of the *Local Government (Meeting Regulations) 2015* which states:

4. *Convening meeting of council*
  - (1) *The mayor of a council may convene council meeting.*

I request that you make the necessary arrangements for the next Ordinary Meeting of Council to be convened on Monday, 4 December 2017 commencing at 1.00pm in the City of Launceston Council Chamber, Town Hall, St John Street, Launceston.

Yours sincerely



**Alderman A M van Zetten**  
**MAYOR**

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**1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES****2 DECLARATIONS OF INTEREST**

*Local Government Act 1993 - Section 48*

*(A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.)*

**No Declarations of Interest were identified as part of this Agenda**

**3 CONFIRMATION OF MINUTES**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 35(1)(b)*

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 20 November 2017 be confirmed as a true and correct record.

**4 DEPUTATIONS**

**No Deputations have been identified as part of this Agenda**

**5 PETITIONS**

*Local Government Act 1993 - Sections 57 and 58*

**No Petitions have been identified as part of this Agenda**

**6 COMMUNITY REPORTS**

*(Community Reports allow an opportunity for Community Groups to provide Council with a three minute verbal presentation detailing activities of the group. This report is not intended to be used as the time to speak on Agenda Items; that opportunity exists when that Agenda Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Aldermen.)*

**No Community Reports have been registered with Council as part of this Agenda**

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**7 PUBLIC QUESTION TIME**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 31*

**7.1 Public Questions on Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(1)*

*(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question on Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)*

**No Public Questions on Notice have been identified as part of this Agenda**

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**7.2 Public Questions without Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(2)(b)*

*(Members of the public who ask Questions without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer cannot be provided at the Meeting, the question will be treated as a Question on Notice. A response will be provided at the next Council Meeting.)*

**7.2.1 Public Questions on Notice - Mr Basil Fitch - Council Meeting - 20 November 2017**

**FILE NO:** SF6381

**GENERAL MANAGER:** Michael Stretton (General Manager)

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**QUESTIONS and RESPONSES:**

The following questions were asked by Mr Basil Fitch at the Council Meeting of 20 November 2017 and responses have been provided.

**Question:**

1. How much is received in sponsorship for the York Park Precinct?

**Response:**

*Mr Bruce MacIsaac (Director Facilities Management)*

Council received sponsorship income associated with the York Park Precinct of approximately \$450,000 in 2016/2017 from a number of sponsors. The individual sponsorship agreements are 'commercial in confidence' including the Naming Rights agreement. This agreement runs from 2017-2021 and is based on a market assessment of the commercial value of the exposure for the sponsor.

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**Question:**

2. Will Council consider traffic issues at Kings Meadows?

**Response:**

*Mr Michael Stretton (General Manager)*

The Council is currently investigating options to improve traffic issues along Hobart Road in Kings Meadows. These investigations involve thorough discussions between the Council and the Department of State Growth. It is intended that improvements will be identified and acted upon as soon as possible.

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**7.2.2 Public Question on Notice - Mr Jim Dickenson - Council Meeting - 20 November 2017****FILE NO:** SF6381**GENERAL MANAGER:** Michael Stretton (General Manager)

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**QUESTION and RESPONSE:**

The following question was asked by Mr Jim Dickenson at the Council Meeting of 20 November 2017 and a response has been provided by Mrs Leanne Hurst (Director Development Services).

**Question:**

1. How can the Council sign off on the toilet facilities if there is not a Tasmanian Heritage Council report available?

**Response:**

Mr Dickenson's question relates to DA0466/2017 for construction of an amenities block on the western side of Civic Square. Following a request from Mr Dickenson a *draft* copy of the planning assessment report and recommendation was forwarded to him. The version sent was prepared prior to the receipt of the Tasmanian Heritage Council 'Notice of Heritage Decision'. Upon receipt of the Tasmanian Heritage Council the independent consultant planner's report and recommendation was updated to incorporate the Tasmanian Heritage Council decision in the permit conditions. The application was determined under delegation and a copy of the decision, including the 'Notice of Heritage Decision' was provided to Mr Dickenson.

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Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 8 - Planning Authority.

## **8 PLANNING AUTHORITY**

### **8.1 1 Gee Street, South Launceston - Residential - multiple dwellings; demolition of a shed and construction of a second dwelling with access over adjoining laneway beside 1 Gee Street (part of Gee Street road reserve)**

**FILE NO:** DA0373/2017

**AUTHOR:** Maria Chledowska (Town Planner)

**DIRECTOR:** Leanne Hurst (Director Development Services)

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#### **DECISION STATEMENT:**

To consider and determine a development application pursuant to the Land Use Planning and Approvals Act 1993.

#### **PLANNING APPLICATION INFORMATION:**

Applicant:	Wilkin Design & Drafting
Property:	1 Gee Street, South Launceston
Zoning:	General Residential
Receipt Date:	1/08/2017
Validity Date:	4/08/2017
Further Information Request:	10/10/2017
Further Information Received:	25/10/2017
Deemed Approval:	4/12/2017
Representations:	4

#### **PREVIOUS COUNCIL CONSIDERATION:**

N/A

#### **RECOMMENDATION:**

That in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted by the Council, for DA0373/2017 Residential - multiple dwellings; demolition of a shed and construction of a second dwelling with access over adjoining laneway beside 1 Gee Street (part of the Gee Street road reserve) at 1 Gee Street, South Launceston subject to the following conditions:

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## **1. AMENDED PLANS REQUIRED**

Prior to the commencement of any work and use, amended plans must be submitted to the satisfaction of the Manager Planning Services to replace plans annotated as "Amended Plans Required" and attached to the Permit. The amended plans must show:

- a. reference to the stormwater structure described as "2 x 7.0m long x 600 diameter Poly pipes installed side by side at 1:100 grade with nominal horizontal offset..." from Site Plan 01 of 05 dated 01/08/2017 , Revision 1, dated 10/10/2017 to be deleted.
- b. a revised location of waste and recycling bin storage areas that are not visible from the frontage.
- c. a revised location of mailboxes to be provided on the Gee Street frontage servicing both dwellings.
- d. privacy screens for three windows on the upper floor of the western elevation of the proposed dwelling as shown on the drawing "Annexure A" to the permit.

Once approved, these amended plans will be endorsed by the Manager Planning Services and will then form part of the Permit.

## **2. LANDSCAPING**

The landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed prior to the use commencing.

## **3. TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2017/01242-LCC) (attached).

## **4. FENCING**

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (i.e. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of at least:

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m elsewhere when measured from the highest finished level on either side of the common boundaries.

## **5. PRIVACY SCREEN**

The window screening required by condition 2(d) must be installed prior to the occupancy of the dwelling and maintained at all times.

## **6. MULTIPLE DWELLINGS - SERVICE FACILITIES**

Prior to the commencement of the use, the following site facilities for multiple dwellings must be installed:

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
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- b. Each multiple dwelling must be provided with a minimum 6m<sup>3</sup> exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

## **7. ENDORSED PLANS & DOCUMENTS**

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Council modified by a condition of the Permit:

- a. Site Plan, prepared by Wilkin Design, Job No. DA-17099, Page 01 of 05, Dated 01/08/2017, Revision 1 dated 10/10/17. **Plan to be amended.**
- b. Site Plan, prepared by Wilkin Design, Job No. DA-17099, Page 01 of 05, Dated 01/08/2017, Revision 2 dated 31/10/17.
- c. Landscaping Site Plan, prepared by Wilkin Design, Job No. DA-17099, Page 02 of 05, Dated 01/08/2017, Revision 1 dated 10/10/17.
- d. Floor Plan, prepared by Wilkin Design, Job No. DA-17099, Page 03 of 05, Dated 01/08/2017, Revision 1 dated 10/10/17.
- e. Elevations, prepared by Wilkin Design, Job No. DA-17099, Page 04 of 05, Dated 01/08/2017, Revision 1 dated 10/10/17. \f. Site Contour East to West, prepared by Wilkin Design, Job No. DA-17099, Page 05 of 05, Dated 01/08/2017, Revision 1 dated 10/10/17.
- g. Memo re: On Site Detention Construction at 1 Gee Street, South Launceston, prepared By Consulting Engineer Hydrodynamica , Dated 10/10/2017.

## **8. LEGAL TITLE**

All development and use associated with the proposal must be confined to the legal title of the subject land except construction of access from the street.

## **9. HOURS OF CONSTRUCTION**

Construction works must only be carried out between the hours of:

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

## **10. DRIVEWAY CONSTRUCTION**

Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must;

- a) Be properly constructed to such levels that they can be used in accordance with the plans,
- b) Be surfaced with an impervious all weather seal,
- c) Be adequately drained to prevent stormwater being discharged to neighbouring property,
- d) Be line-marked or otherwise delineated to indicate each car space and access lanes,

Parking areas and access lanes must be kept available for these purposes at all times.

## **11. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)**

On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level

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of development for a 1 in 5 year storm event of 1 hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site for the same event with the site developed to a level of 85% impervious.

The on-site detention storage system is to be designed by a civil engineer eligible for membership of IE Aust or equivalent for storm event from 1/5 to 1/100 AEP. Prior to the commencement of works, the plans and calculations must be submitted to the Director Infrastructure Services for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

## **12. DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

## **13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;
- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.

## **14. AMENITY**

The construction of the development permitted by this permit must not adversely affect the amenity of the site and the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin, or otherwise.

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## 15. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

## 16. DEMOLITION

The Developer must:

- a) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- b) not undertake any burning of waste materials on site;
- c) remove all rubbish from the site for disposal at a licensed refuse disposal site;
- d) dispose of any asbestos found during demolition in accordance with the Worksafe Tasmania 'How to Safely Remove Asbestos' Code of Practice 2012 or any subsequent versions of the document

### Notes

#### A. Building Permit Required

Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2016. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

#### B. Occupancy Permit Required

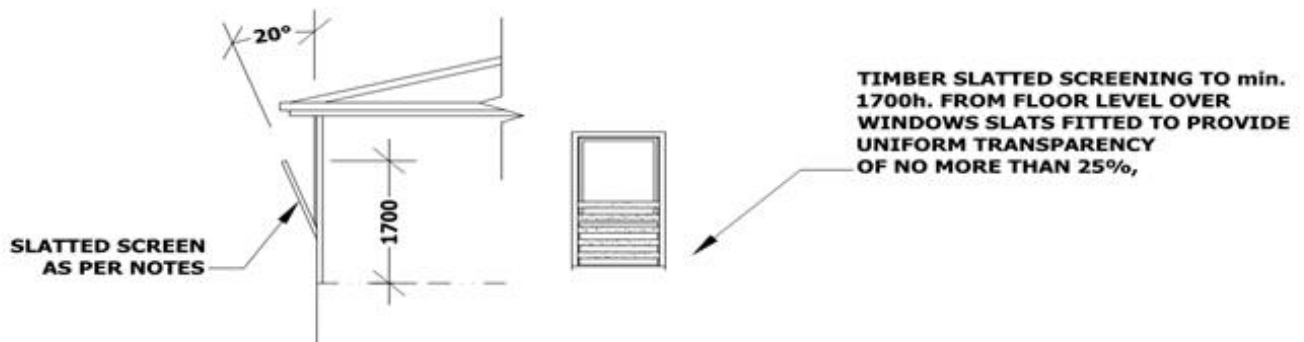
Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2016. Section 225. A copy of this planning permit should be given to your Building Surveyor.

#### C. Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2016. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

#### D. Annexure A

Proposed windows screening for the windows of the dining room, stairwell and bedroom on the western side of the proposed dwelling





**E. General**

*This permit was issued based on the proposal documents submitted for DA0373/2017. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

*This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.*

**F. Restrictive Covenants**

*The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant.*

*If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.*

**G. Appeal Provisions**

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.*

*A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.*

*For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au) <<http://www.rmpat.tas.gov.au>>*

**H. Permit Commencement**

*If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.*

**I. Street addresses for Multiple Dwellings**

*Residential addressing is undertaken in accordance with Australian Standard AS4819. The development has been assessed according to the standard and the following addresses allocated:*

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<i>Dwelling No</i>	<i>Strata lot number</i>	<i>Street Address</i>
<i>Existing dwelling</i>	<i>1</i>	<i>1/1 Gee Street</i>
<i>Proposed dwelling</i>	<i>2</i>	<i>2/1 Gee Street</i>

*The above addresses are to be adhered to when identifying the dwellings and their associated letterboxes.*

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## REPORT:

### 1. THE PROPOSAL

The proposal is for the construction of an additional two bedroom dwelling behind the existing house at 1 Gee Street in South Launceston.

An existing shed and structures at the rear of the site are to be demolished.

The proposed two storey dwelling will be located at the rear of the site and will have a total floor area of 180.3m<sup>2</sup> plus 12.9m<sup>2</sup> of the deck and private open space of greater than 60m<sup>2</sup>. The dwelling will consist of an open plan lounge, dining, kitchen area with bathroom and two bedrooms on the first floor. A bathroom, rumpus/bedroom and a double garage will be on the ground floor. An outdoor entertainment area/alfresco area extends to the north of the dwelling and is accessed from the living room.

Access to the second dwelling will be via the adjacent laneway over which the lot has a right of way. The lane is not fully constructed and will need to be upgraded to a sealed standard. The applicant has indicated that the developer has been liaising with the neighbour at 3 Gee Street, who is purchasing the lane from Council, to upgrade the lane.

The site is located within the combined drainage system. TasWater have provided advice that the system is at capacity and additional measures have to be undertaken to accommodate further development. Therefore on-site detention of stormwater is proposed. Additional information has been sought from the applicant with a report provided by Hydrodynamica providing a design solution. The applicant has updated the drawing to show a location for the detention structure to the north of the second dwelling (as shown) on the site plan dated 10/10/2017. This location was modified and the detention now is to be located to the south of the proposed dwelling.

A range of landscaping measures are proposed around the site including a mix of plant species ranging in mature height from 1m to 3 metres.

### 2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the northern side of the street, just east of the intersection with Mulgrave Street. The neighbouring properties are primarily developed as single dwellings both single and double storey.

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The site is rectangular shape with an area of 663m<sup>2</sup>. There are not any uses in the area that may cause environmental harm.

Access to the site is via an existing crossover in the south-western corner to Gee Street as well as to the rear of the lot via the right of way across the adjacent Council owned laneway that forms part of the Gee Street road reserve. As mentioned above, the owner of 3 Gee St is seeking to purchase the lane, the lane providing ROW access to five properties.

The site is relatively flat but does fall slightly from east to west and is largely clear of vegetation with the exception of some plantings around the boundary at the rear of the lot. The site is developed with an existing single storey dwelling located in the front half of the lot. Car parking for this dwelling is located to the rear of the dwelling and access is provided via a driveway adjacent to the western boundary.

The street is sealed and drained to Council standard.

The site is connected to full reticulated services.

### **3. PLANNING SCHEME REQUIREMENTS**

#### **3.1 Zone Purpose**

##### 10.0 General Residential Zone

##### 10.1.1 Zone Purpose Statements

10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.

10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.

##### **Consistent**

The proposal to construct an additional dwelling adjacent to the existing dwelling at 1 Gee Street, South Launceston, contributes to the provision of a range of dwelling types within the suburban area. Whilst the predominant dwelling type in the area is single dwelling, there are some examples of multiple dwellings within the neighbourhood.

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**10.4 Development Standards**

10.4.1 Residential density for multiple dwellings

<p>Objective: To provide for suburban densities for multiple dwellings that:</p> <ul style="list-style-type: none"> <li>(a) make efficient use of suburban land for housing; and</li> <li>(b) optimise the use of infrastructure and community services.</li> </ul>
<p><b>Consistent</b> The proposed additional dwelling will promote the efficient use of the suburban land for housing and will connect to existing available services, thus promoting their optimum use.</p>
<p>A1 Multiple dwellings must have a site area per dwelling of not less than:</p> <ul style="list-style-type: none"> <li>(a) 325m<sup>2</sup> or</li> <li>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</li> </ul>
<p><b>Complies</b> The subject property is 663m<sup>2</sup> and accordingly the site area per dwelling will be approximately 331m<sup>2</sup>.</p>

10.4.2 Setbacks and building envelope for all dwellings

<p>Objective: To control the siting and scale of dwellings to:</p> <ul style="list-style-type: none"> <li>(a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and</li> <li>(b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and</li> <li>(c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and</li> <li>(d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.</li> </ul>
<p><b>Consistent</b> The visual impact of the proposed dwelling to the rear will be minimal when viewed from the street frontage. The proposed dwelling is not anticipated to result in an unreasonable degree of overshadowing to the neighbouring dwellings or private open space areas. The proposal is consistent with the objective for this standard through compliance with the standards in this clause.</p>
<p>A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</li> <li>(b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</li> <li>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</li> </ul>

<p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>
<p><b>Complies</b> The frontage setback of the existing dwelling on the site will be maintained at 5.2 m. The proposed dwelling will be located to the rear of the existing dwelling and therefore the front setback will not be reduced.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and</li> </ul> <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</li> </ul>
<p><b>Relies on Performance Criteria</b> The proposed dwelling will be two storeys and be setback from the western side boundary by 1.65m. A small portion of the western part of the building is outside of the prescribed building envelope.</p>
<p>P3 The siting and scale of a dwelling must:</p> <p>(a) not cause unreasonable loss of amenity by:</p> <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</li> <li>(iii) overshadowing of an adjoining vacant lot; or</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</li> </ul> <p>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</p>
<p><b>Complies</b> The siting and scale of the building is considered to be acceptable when assessed against the matters to be considered under the performance criteria as follows:</p> <p>(a)(i) Whilst there will be some reduction in sunlight to a habitable rooms of the adjacent dwellings on 39 and 41 Mulgrave Street, it is considered that the protrusion beyond the permitted building envelope is minor and that even if the dwelling complies with the building envelope in A3, that some loss of sunlight to the dwelling on 39 Mulgrave Street would still occur. The shadow diagrams provided by the applicant demonstrate that the overshadowing occurs prior to midday on the 21st June and that the adjacent dwellings will still receive afternoon sunlight.</p> <p>(ii) 39 Mulgrave Street will be most impacted in terms of overshadowing of private open space but as with loss of sunlight it is considered that the level of</p>

overshadowing that would result would occur even if the proposed second dwelling met the permitted standard. It is again noted that the overshadowing only occurs prior to midday and that the open space to the rear of the lot will still receive some late morning sun.

(iii) N/A

(iv) The property likely to be most impacted visually from the development is 39 Mulgrave Street, which itself is a two storey dwelling.

(b) The separation between dwellings is consistent with that which occurs on surrounding lots. It is noted that three of the immediately adjoining or opposite lots at 35 and 37 Mulgrave Street and 3 Gee Street have built areas that are not dissimilar to the resultant built area from this development. This surrounding area generally contains a mixture of single and multiple dwellings at varying levels of density.

10.4.3 Site coverage and private open space for all dwellings

Objective:

To provide:

- (a) for outdoor recreation and the operational needs of the residents; and
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight.

**Consistent**

The proposed dwelling is consistent with the objective through compliance with the acceptable solution. The existing dwelling satisfies the performance criteria in relation to access to sunlight to private open space.

A1 Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and
- (b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) a site area of which at least 25% of the site area is free from impervious surfaces.

**Complies**

The subject site has an area of 663m<sup>2</sup>, the existing dwelling has a footprint of 214.45m<sup>2</sup> and the proposed dwelling has a footprint of 95.8m<sup>2</sup>. This results in a site coverage of 47%. The impervious areas (roofs, driveways and footpaths) totalling 371m<sup>2</sup> and results in 44% of the site being free from impervious surfaces.

A2 A dwelling must have an area of private open space that:

- (a) is in one location and is at least:
  - (i) 24m<sup>2</sup>; or
  - (ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (b) has a minimum horizontal dimension of:
  - (i) 4m; or
  - (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom);

- and
- (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and
  - (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and
  - (f) has a gradient not steeper than 1 in 10; and
  - (g) is not used for vehicle access or parking.

**Relies on Performance Criteria**

The proposed dwelling is provided with a 60m<sup>2</sup> area of private open space that is directly accessible from the kitchen/living/lounge area via a 12.9m<sup>2</sup> alfresco deck. The private open space for this dwelling is located to its north and therefore complies with the Acceptable Solution.

The existing dwelling will be provided with a compliant area of private open space to its rear (32m<sup>2</sup>) but it is not directly accessible from a habitable room and therefore the application must be assessed against the performance criteria in relation to the existing dwelling only.

P2 A dwelling must have private open space that:

- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:
  - (i) conveniently located in relation to a living area of the dwelling; and
  - (ii) orientated to take advantage of sunlight.

**Complies**

The existing dwelling currently does not have direct access from a habitable room to its private open space with the two exits from the house being via the hallway to the front and an entry alcove to the rear. The proposed development does not change this outcome and given the rear private open space is located less than 2 metres from the kitchen, can be accessed via the entry porch from the kitchen, and is located north to the dwelling, it is considered to meet the performance criteria.

10.4.4 Sunlight and overshadowing for all dwellings

Objective:

To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

**Consistent**

The additional dwelling on the site has been designed and located on the site to receive maximum sunlight to habitable rooms. Compliance is achieved through reliance either on acceptable solutions or performance criteria.

A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).

**Relies on Performance Criteria**

The proposed dwelling has windows facing between 30 degrees west of north and 30 degrees east of north to its open plan kitchen/dining/lounge area and therefore

<p>complies. The existing dwelling does not have a habitable room window which complies with the acceptable solution and therefore must be assessed against the performance criteria.</p>
<p>P1 A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).</p>
<p><b>Complies</b> The application must be assessed against the performance criteria in relation to the existing residence only. Given this residence is existing and no development to it is proposed, it is considered that the existing configuration with habitable room windows east facing is acceptable. The proposed addition of the second dwelling will result in no change to the level of sunlight that penetrates this window.</p>
<p>A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> <li>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):             <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the window; and</li> <li>(ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> </li> <li>(b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.</li> <li>(c) That part, of a multiple dwelling, consisting of:             <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</li> </ul> </li> </ul>
<p><b>Complies</b> Complies with A2. The new dwelling will be sited 9 metres to the north of the existing dwelling.</p>
<p>A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> <li>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):             <ul style="list-style-type: none"> <li>(i) at a distance of 3 m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> </li> <li>(b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21 June.</li> <li>(c) That part, of a multiple dwelling, consisting of:             <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4 m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</li> </ul> </li> </ul>
<p><b>Complies</b> The new dwelling is setback 9 metres overall from the existing dwelling and 5 metres from the private open space associated with that dwelling.</p>



10.4.6 Privacy for all dwellings

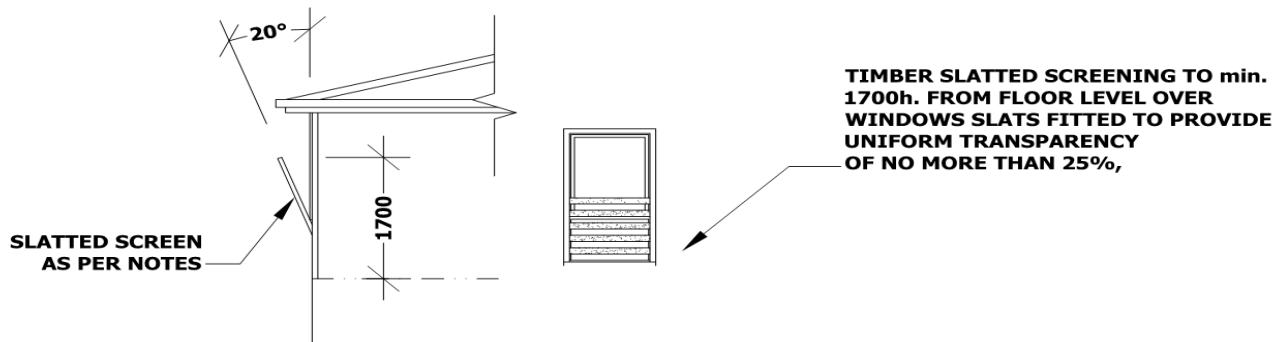
<p><b>Objective:</b> To provide reasonable opportunity for privacy for dwellings.</p>
<p><b>Consistent</b> The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.</p>
<p>A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:             <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</li> </ul> </li> </ul>
<p><b>Complies</b> While the alfresco dining area on the northern side of the proposed dwelling is elevated above 1 m above natural ground level it complies with the acceptable solutions as it is setback: (a) 4 m from the rear boundary and (b) more than 3m from the side boundaries.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <ul style="list-style-type: none"> <li>(a) The window or glazed door:             <ul style="list-style-type: none"> <li>(i) is to have a setback of at least 3m from a side boundary; and</li> <li>(ii) is to have a setback of at least 4m from a rear boundary; and</li> <li>(iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> </ul> </li> <li>(iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</li> <li>(b) The window or glazed door:             <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</li> <li>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul> </li> </ul>
<p><b>Relies on Performance Criteria</b> The non-compliant windows are to the dining room, stairwell and bedroom on the western side of the proposed dwelling.</p>

P2 A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- (a) window or glazed door, to a habitable room of another dwelling; and
- (b) the private open space of another dwelling; and
- (c) an adjoining vacant residential lot.

**Complies**

Following receipt of representations during the advertising period, the applicant has submitted plans demonstrating how these windows can be screened to a height of 1.7 metres above floor level with a transparency of no more than 25% as per the image below:



A condition of permit is recommended requiring amended plans to be submitted with the above screening measures included. Subject to these amended plans, it is considered that the P2 will then be met as the direct views from the windows will be partially obscured and the acceptable solution would then be complied with.

10.4.8 Waste storage for multiple dwellings

Objective:

To provide for the storage of waste and recycling bins for multiple dwellings.

**Consistent**

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:

- (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or
- (b) in a communal storage area with an impervious surface that:
  - (i) has a setback of at least 4.5m from a frontage; and
  - (ii) is at least 5.5m from any dwelling; and
  - (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.

<p><b>Relies on Performance Criteria</b> There are no bin storage areas shown on the plans.</p>
<p>P1 A multiple dwelling development must provide storage, for waste and recycling bins, that is:</p> <ul style="list-style-type: none"> <li>(a) capable of storing the number of bins required for the site; and</li> <li>(b) screened from the frontage and dwellings; and</li> <li>(c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</li> </ul>
<p><b>Complies</b> A condition of permit will require amended plans to be submitted showing waste and recycling bin storage areas that are not visible from the frontage. It is considered there is adequate room on each of the proposed strata lots to provide bin storage areas that meet these requirements.</p>

#### 10.4.9 Site facilities for multiple dwellings

<p>Objective: To provide adequate site and storage facilities for multiple dwellings.</p>
<p><b>Consistent</b> The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.</p>
<p>A1 Each multiple dwelling must have access to 6 cubic metres of secure storage space not located between the primary frontage and the facade of a dwelling.</p>
<p><b>Complies</b> The proposed dwelling has a 4m<sup>3</sup> area of storage in the garage and additional linen storage adjacent to the kitchen (2.6m<sup>3</sup>) and therefore complies with the acceptable solution. There is a 5.9m<sup>2</sup> room at the rear of the existing dwelling that is not labelled on the plans but is of a shape and configuration such it would be suitable for storage.</p>
<p>A2 Mailboxes must be provided at the frontage.</p>
<p><b>Relies on Performance Criteria</b> There are no mailboxes shown on the plans.</p>
<p>P2 Mailboxes must be provided for each dwelling, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the convenience and safety of the location; and</li> <li>(b) the siting and access needs for mail delivery.</li> </ul>
<p><b>Complies</b> A condition of permit will require amended plans mailboxes to be provided on the Gee Street frontage servicing both dwellings. Therefore, subject to permit condition, compliance can be achieved.</p>

10.4.10 Common property for multiple dwellings

Objective: To ensure that common areas are easily identified.
<b>Consistent</b> The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.
A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.
<b>Complies</b> The site drawings clearly delineate private and common areas, driveways, landscaping and parking spaces but do not show bin storage or mailboxes. As stated in the assessment against clause 10.4.8 (A1) and 10.4.9 (A2), a permit condition will require amended plans to be submitted detailing mailbox storage and waste storage locations. It is considered that there is sufficient room on site to accommodate both of these and therefore subject to compliance with the permit condition, the application can satisfy A1.

10.4.12 Earthworks and retaining walls

A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must: (a) be located no less than 900mm from each lot boundary; (b) be no higher than 1m (including the height of any batters) above existing ground level; (c) not require cut or fill more than 1m below or above existing ground level; (d) not concentrate the flow of surface water onto an adjoining lot; and (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.
<b>Complies</b> The proposed works do not require cut or fill more than 600mm within 900mm of a property boundary nor does it require cut or fill that exceeds 1 metre.

10.4.13 Location of car parking

Objective: To: (a) provide convenient car parking for residents and visitors; (b) protect residents from vehicular noise within sites; and (c) minimise visual impact on the streetscape.
<b>Consistent</b> The proposed car parking is consistent with the objective through compliance with the acceptable solutions.
A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.

<p><b>Complies</b> There are no shared driveways within 1.5 metres of a window of a habitable room.</p>
<p>A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage.</p>
<p>A2.2 Turning areas for vehicles must not be located within the primary front setback.</p>
<p><b>Complies</b> There is no car parking proposed to be located within the front setback.</p>

## E6.0 Parking and Sustainable Transport Code

<p>E6.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> <li>(a) ensure that an appropriate level of parking facilities are provided to service use and development;</li> <li>(b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;</li> <li>(c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;</li> <li>(d) ensure that parking does not adversely impact on the amenity of a locality;</li> <li>(e) ensure that parking spaces and accesses meet appropriate standards; and</li> <li>(f) provide for the implementation of parking precinct plans.</li> </ul>
<p><b>Consistent</b> The proposal is consistent with the objective through compliance with the acceptable solution.</p>

## E6.5 Use Standards

### E6.5.1 Car parking numbers

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p><b>Consistent</b> The proposal is consistent with the objective through compliance with the acceptable solution.</p>
<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> <li>(a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or</li> <li>(b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or</li> <li>(c) not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or</li> <li>(d) be in accordance with an acceptable solution contained within a parking precinct plan.</li> </ul>
<p><b>Complies</b> The proposed dwelling is provided with three car parking spaces with one space being a visitor parking. The existing dwelling is provided with two car parking space. Visitor parking for this dwelling will be as a tandem space.</p>

## E6.6 Development Standards

### E6.6.1 Construction of parking areas

Objective: To ensure that parking areas are constructed to an appropriate standard.
<b>Consistent</b> The proposal is consistent with the objective through compliance with the acceptable solution.
A1 All parking, access ways, manoeuvring and circulation spaces must: (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.
<b>Complies</b> The parking, access ways, manoeuvring and circulation spaces comply with (a) (c) (d) and (e) in that they have a gradient of 10% or less, can be drained to the public stormwater system (albeit there is some on-site detention required), will be sealed and will be clearly delineated by changes in surface type.

### E6.6.2 Design and layout of parking areas

Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.
<b>Consistent</b> The proposal is consistent with the objective through compliance with the acceptable solution.
A1.1 Car parking, access ways, manoeuvring and circulation spaces must: (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are 3 or more car parking spaces; and (e) have a vertical clearance of not less than 2.1 metres above the parking surface level. A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building. A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more. A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.

<p><b>Relies on Performance Criteria</b>                  Each dwelling will accommodate on-site parking for up to three vehicles and vehicles are not able to enter and exit the site in a forward direction.</p>
<p>P1 Car parking, access ways, manoeuvring and circulation spaces must be convenient, safe and efficient to use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the characteristics of the site;</li> <li>(b) the proposed slope, dimensions and layout;</li> <li>(c) vehicle and pedestrian traffic safety;</li> <li>(d) the nature and use of the development;</li> <li>(e) the expected number and type of vehicles;</li> <li>(f) the nature of traffic in the surrounding area; and</li> <li>(g) the provisions of Australian Standards AS 2890.1 - Parking Facilities, Part 1: Off Road Car Parking and AS2890.2 Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</li> </ul>
<p><b>Complies</b>                  The car parking arrangements for the existing dwelling will not be altered and no additional traffic will be generated. The proposed dwelling will have a crossover from the access lane that will provide a primary access only for the proposed dwelling. Other properties that have rights of way over this lane have the primary accesses from either Gee Street or Mulgrave Street. The lane provides manoeuvring area that allows vehicles to enter and leave the site in forward direction.</p>

## 4. REFERRALS

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditional consent provided. Conditions recommended.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	N/A
<b>EXTERNAL</b>	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2017/01242-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

## 5. REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 1 November 2017 to 16 November 2017. Four representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised they should be read in conjunction with the representations received which are attached to this report.

Issue	Planning comment
Close proximity of development to rear yard and living room of 39 Mulgrave Street	The proposed dwelling is 1.65m from the western side boundary and it is approximately 7 metres from the dwelling on 39 Mulgrave Street. Relevant issues are discussed below.
Height of the proposed building will cause issues of overlooking into rear yard and living room of 39 Mulgrave Street	Overlooking from the windows of the dining room, stairwell and bedroom on the upper floor of the proposed dwelling is to be mitigated by the installation of a screen a minimum height of 1.7m above the floor level over each window to comply with the acceptable solution. A relevant condition is recommended.
The alfresco area will cause overlooking issues into the rear yard and living room of 39 Mulgrave Street and cause noise nuisance.	Concerns are acknowledged however the proposal complies with the acceptable solutions as the alfresco area is more than 3 metres from the western side boundary
Impact of overshadowing on 39 Mulgrave Street.	39 Mulgrave Street will be the most impacted by the proposal. There will be reduction in sunlight to habitable rooms of dwelling on this site. The applicant provided shadow diagrams following the advertising period to provide a visual representation of the shading due to the proposed dwelling. The diagrams demonstrate that the overshadowing occurs prior to midday on the 21st June and that the adjacent dwellings will still receive afternoon sunlight. This is compatible with the scheme expectation that private open space receives a minimum of three hours of sunlight to at least 50% of its area.
The developer should consider the setback to the western side boundary as a primary boundary and the setback should be increased significantly.	The subject site has a primary boundary/frontage to Gee Street. The boundary adjacent to 39 Mulgrave is a side boundary.



<b>Issue</b>	<b>Planning comment</b>
The visual impact of development having no architectural character.	There are no provisions in the scheme to assess the merits of the proposed design.
Loss of privacy (due to second storey) to 41 Mulgrave St.	The dwelling and its windows on 41 Mulgrave Street are offset horizontally more than 1.5m from the proposed dwelling and the acceptable solution is met.
Reduction in sunlight to 41 Mulgrave Street and resulting build-up of moss on the walls and paths.	Shadow diagrams show that there will be no significant impact on 41 Mulgrave Street as more than 50% of the private open space is free from shadow from this dwelling by 11am on 21 June.
Loss of view from 41 Mulgrave Street to surrounding hills and trees.	Impact on existing view lines, whilst not strictly a planning issue, would be only minimal.
Increase in noise in the area due to the second storey.	The second storey will not impact on noise in the area.
Development is out of character with the area and will impact the property value of adjacent properties.	There are other two storey dwellings in the area. Property value is not a planning ground.
Suggested that the dwelling be reduced to a single level and be repositioned to the other end of the lot.	Not relevant to the proposal. Council is required to assess the proposal as submitted.
Queries whether there was Licensed removal of Asbestos from the current dwelling on the site and whether the plans for these renovations were submitted to Council.	Not relevant to the proposal.
Queries the number of parking spaces, is there safe turning allowed for and the negative impact that increased traffic will have on Gee and Mulgrave Streets.	Parking for the existing dwelling is unchanged. Vehicles from the proposed dwelling can enter and leave in a forward direction.
Loss of privacy due to second storey and proximity to side boundary (37 Mulgrave)	Concerns acknowledged however the proposal meets the acceptable solutions for this issue.
Impact of stormwater overflow onto adjoining properties and does it allow for future development of 3 Gee Street.	Development of 3 Gee Street is not relevant to this application and would be appropriately conditioned is an application is received.
Old sewage lines could break under increased demand.	The management and maintenance of public sewage infrastructure is matter for Taswater. The application has been referred to Taswater who have assessed and imposed appropriate conditions on the proposed development.

Issue	Planning comment
Increased stormwater runoff could impact on building foundations.	The stormwater will be connected to the existing combined drainage system and has been required to provide on- site detention to mitigate increased flows due to the development.
Overshadowing impacts (37 Mulgrave Street)	Shadow diagrams show that there will be no impact on 37 Mulgrave Street.
The new dwelling is not in keeping with the existing streetscape.	The proposed dwelling is located behind the existing dwelling and will have no incompatible impact on the streetscape.
Sets a precedence for future development.	Every application is assessed on its merits.
Intrusive noise of new buildings air conditioning units.	Modern air-conditioning units do not make significant noise. A Standard amenity condition will be applied.
Development will add to traffic and parking issues in Mulgrave and Gee Streets. The plans are deceptive in relation to the number of bedrooms for the existing dwelling to reduce car parking requirements.	Two car parking spaces are required for two or more bedroom dwellings. Each dwelling is provided with three car parking spaces. No on-street car parking is required.
Section 71 of the <i>Land use Planning and Approvals Act 1993</i> states that 'use and development of the land can be a condition of a planning permit' the new owner has verbally stated he is building this residence for his daughter in law with a future reference to move into the current building. If he was to leverage the first home buyers incentive to finance the new building and allow his daughter in law to move into the new dwelling the representor believes this is illegal and misleading both financially and ethically.	Not relevant to the assessment of the application.
Queries the description of access to the development being via a formed right of way. Representor does not believe it is a formed right of way and that the accessway in question extends from the rear of properties fronting Peddar Street, then across Gee Street to Tyson Street, then across to properties fronting Melbourne Street. This accessway and the responsibility for maintaining it has been controversial in the past, to say the least.	Land in question which runs approximately N-S from Gee Street between 1 Gee Street and 3 Gee Street (CT 121007/1) is part of 'road' title which includes Gee Street. The title has existing rights of ways that benefit neighbouring lots. These rights are being retained. The other land to which the representor refers is part of 53 Mulgrove Street and held in private ownership.

<b>Issue</b>	<b>Planning comment</b>
<p>There is a problem with stormwater services on the subject land. This area, including the row of adjoining houses fronting Mulgrave Street, is filled land, once described as a refuse tip. Mulgrave Street for the length of Coronation Park, was significantly raised in level, using the spoil from the significant excavation of the roadway along 51-59 Mulgrave Street when the substantial bluestone retaining wall was erected c1890s. The area including this proposed development site and extending eastward into the valley once occupied by Chung Gong's Market Gardens, was subsequently backfilled in later years, over the old watercourse than ran through there. The houses built over this filled area have suffered from periodic subsidence.</p>	<p>The stormwater services for the proposed dwelling are addressed via appropriate conditions. The stormwater on -site is required to mitigate increased flows due to the proposed dwelling. The subject site is not within landslide area. Any subsidence issues would be part of the engineering solution.</p>
<p>If approval is granted will the developer be responsible for the proper construction and sealing of the accessway off Gee Street and whether it will be drained.</p>	<p>The recommended 'Driveway Construction' condition is recommended requiring the access lane to be sealed. The plans recently submitted to Council for the construction of the lane include stormwater solution.</p>

## 6. CONCLUSION

Subject to the recommended conditions, it is considered that the proposal complies with the Scheme and it is appropriate to recommend for approval.

### ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

### ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

**SOCIAL IMPACT:**

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

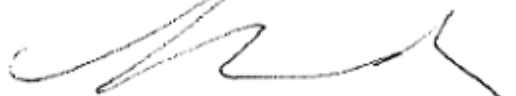
**BUDGET & FINANCIAL ASPECTS:**

N/A

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. 1 Gee Street South Launceston - Locality Map (electronically distributed)
  2. 1 Gee Street South Launceston- Plans of Proposal (electronically distributed)
  3. 1 Gee Street South Launceston - TasWater Span (electronically distributed)
  4. 1 Gee Street South Launceston - Representations (electronically distributed)
  5. 1 Gee Street South Launceston - Overshadowing Plans (electronically distributed)
  6. 1 Gee Street South Launceston - Proposed screening (electronically distributed)
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**8.2 9 Goodwin Street, Invermay - Residential - single dwelling; construction of an ancillary dwelling****FILE NO:** DA0502/2017**AUTHOR:** Brian White (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

**PLANNING APPLICATION INFORMATION:**

Applicant:	Laura Kim Moore
Property:	9 Goodwin Street, Invermay
Zoning:	Inner Residential
Receipt Date:	3/10/2017
Validity Date:	4/10/2017
Further Information Request:	25/10/2017
Further Information Received:	25/10/2017
Deemed Approval:	11/12/2017
Representations:	4

**PREVIOUS COUNCIL CONSIDERATION:**

DA0283/2006 - Construct one and use two multiple dwellings (withdrawn)

DA0384/2017 - Residential - ancillary dwelling; construction of an ancillary dwelling (withdrawn)

**RECOMMENDATION:**

That in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted, for DA0502/2017 - Residential - single dwelling; construction of an ancillary dwelling at 9 Goodwin Street, Invermay subject to the following conditions:

**1. ENDORSED PLANS AND DOCUMENTS**

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Council unless modified by a condition of the Permit:

- a. Site Plan, Prepared by MV Consulting, Drawing No. A02, Sheet 2 of 13
  - b. Proposed Floor Plan, Prepared by MV Consulting, Drawing No. A03, Sheet 3 of 13 (Plan to be amended).
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- c. Elevations, Prepared by MV Consulting, Drawing No. A04, Sheet 4 of 13 (Plan to be amended).
- d. Section, Slab Layout, Prepared by MV Consulting, Drawing No. A05, Sheet 5 of 13 (Plan to be amended).
- e. Drainage/ Services Plan, Prepared by MV Consulting, Drawing No. A07, Sheet 7 of 13.
- f. Shadow Diagrams 1, Prepared by MV Consulting, Drawing No. A12, Sheet 12 of 13.
- g. Shadow Diagrams 2, Prepared by MV Consulting, Drawing No. A13, Sheet 13 of 13.
- h. Planning Submission, Prepared by MV Consulting.

## **2. AMENDED PLANS REQUIRED**

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Manager of Planning Services to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by the Council and will then form part of the Permit. The amended plans must show:

- a. The exterior cladding is to be of timber weatherboards with a traditional profile consistent with those used on the original cottages along Frank Street.
- b. The design of windows and doors which will be visible from any street is to be amended to include timber frames and traditional forms such as double hung windows and four panel doors with sills and architraves consistent with those used on the original cottages along Frank Street.
- c. The door and window proposed to the ground floor of the western elevation are to be replaced by double timber doors with an entry canopy over, so as to be more compatible with the scale of the garage door opening and the detailing of entries found along Frank Street.
- d. The garage door is to be of a 'panel-lift' type with timber (or timber look) cladding, similar to that which has been installed at the neighbouring property at 2 Frank Street, to the satisfaction of the Manager Planning Services.
- e. A 1.7m high privacy screen must be indicated for at least 1.5m of the deck facing the east. This must have a transparency of no more than 25% and must be designed to be sympathetic to the heritage character of the area.

## **3. FLOOD EMERGENCY MANAGEMENT PLAN**

Prior to building permits being issued, a Flood Emergency Management Plan (FEMP) must be provided to the satisfaction of the Manager Planning Services. This should consider evacuation and shutting down of the building's services.

## **4. FLOOD RESILIENCE MEASURES**

The lower wall finishes must be constructed of flood resilient materials and electrical services must be located on the first floor. This must be shown in a schedule of materials/colours to the satisfaction of the Manager Planning Services.

## **5. SHUTTERS ON BLINDS**

The fixed shutters shown on the endorsed plans to the living room must not be removed without the approval of Council.

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**6. USE LIMITATION**

This permit allows the use of the building as an ancillary dwelling to the existing residential use. Further approvals may be required to use the dwelling for visitor accommodation.

**7. SCHEDULE OF MATERIALS/COLOURS**

Prior to the commencement of the works, a schedule of external building materials, finishes and colours, including details of cladding and roofing materials, must be submitted for approval by the Manager Planning. The colours must be muted and compatible with the colour schemes of the surrounding area and not stand out unnecessarily in any view field. Once approved, the schedule will be endorsed to form part of the planning permit.

**8. FENCING**

The proposed picket fence described on the endorsed plan must match the existing timber fence on the site as far as possible.

**9. TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2017/01590-LCC) (attached).

**10. LEGAL TITLE**

All development and use associated with the proposal must be confined to the legal title of the subject land.

**11. HOURS OF CONSTRUCTION**

Construction works must only be carried out between the hours of:

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

**12. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)**

On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows from the site, to that generated by the site at its current level of development for a 1 in 5 year storm event of 1 hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site for the same event with the site developed to a level of 85% impervious.

The on-site detention storage system is to be designed by a civil engineer eligible for membership of IE Aust or equivalent for storm event from 1/5 to 1/100 AEP.

Prior to the commencement of works, the plans and calculations must be submitted to the Director Infrastructure Services for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

**13. DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be

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liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

#### **14. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;
- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.

#### **15. AMENITY**

The construction of the development permitted by this permit must not adversely affect the amenity of the site and the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin, or otherwise.

#### **16. DEMOLITION**

The Developer must:

- a) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- b) not undertake any burning of waste materials on site;
- c) remove all rubbish from the site for disposal at a licensed refuse disposal site;
- d) dispose of any asbestos found during demolition in accordance with the Worksafe Tasmania '*How to Safely Remove Asbestos*' Code of Practice 2012 or any subsequent versions of the document

#### **Notes**

##### **A. Building Permit Required**

*Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2016. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.*

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**B. Occupancy Permit Required**

*Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2016. Section 225. A copy of this planning permit should be given to your Building Surveyor.*

**C. Plumbing Permit Required**

*Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2016. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.*

**D. General**

*This permit was issued based on the proposal documents submitted for DA0502/2017. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

*This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.*

**E. Restrictive Covenants**

*The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant.*

*If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.*

**F. Appeal Provisions**

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.*

*A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.*

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For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au) <<http://www.rmpat.tas.gov.au>>

**G. Permit Commencement.**

*If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.*

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**REPORT:**

**1. THE PROPOSAL**

The applicant is seeking approval for the construction of a two (2) bedroom ancillary dwelling at 9 Goodwin Street. The ancillary dwelling will be to the rear of the existing dwelling but will have a separate frontage and access onto Frank Street. The ancillary dwelling is to be two (2) storeys with a (single) garage and an attached carport on the ground floor and the living areas (habitable rooms) and uncovered decking area on the first floor. The first floor is to be accessed via an external staircase.

The dwelling is to have a maximum height of approximately 7.3m.

The dwelling is to be clad with weatherboard or weatherboard like exterior cladding and the roof is to be constructed of Colorbond. The attached car port has a maximum height of approximately 3m and will have a Colorbond roof. Due to the requirements of the Invermay/ Inveresk Flood Inundation Area Code; the ancillary dwelling will have floor areas of habitable rooms above 3.7m AHD. This is approximately 3m above ground level.

Access to the proposed dwelling is to be via an existing crossover from Frank Street.

Ancillary Dwelling

Ancillary dwelling is defined at Clause 4.1 of the Interim Scheme as *an additional dwelling*:

- (a) *with a floor area not greater than 60m<sup>2</sup> ;*
- (b) *that is appurtenant to a single dwelling; and*
- (c) *that shares with that single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters.*

Gross floor area is defined as "*the total area of the building measured from the outside of the external walls or the centre of the common wall*". Therefore, the bottom level of the dwelling, decking area and the external staircase do not contribute to gross floor area as they are not fully enclosed by external walls. The dwelling will share access and parking (the access is existing and the parking will be shared between the dwellings) as well as connections and meters (the connections are being upgraded).

The proposed dwelling therefore meets (a), (b) and (c) of the definition.

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## **2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The site is located towards the southern end of Goodwin Street approximately 40m from the Lindsay Street intersection. It is located in a pocket of inner residentially zoned land containing a collection of 19<sup>th</sup> Century workers cottages.

The site is slightly irregular in shape and has an area of approximately 400m<sup>2</sup>. It has frontages to both Goodwin Street and Frank Street. The site is low lying and is subject to the Invermay/ Inveresk Flood Inundation Code.

The existing dwelling on the site is orientated toward Goodwin Street. The proposed dwelling is to be orientated towards Frank Street.

The existing dwelling on the site is listed on the Tasmanian Heritage Register (ID: 4332) as it has been deemed to have historic cultural heritage significance pursuant to section 16(1) due to meeting one or more of the criteria in section 16(2) of the Historic Cultural Heritage Act 1995.

The existing dwelling is also listed as a Local Heritage Place under Table E13.2.5 (Invermay) of the Local Historic Cultural Heritage Code so is subject to compliance with that code pursuant to clause E13.2.1 (b) of that code.

The site is surrounded by heritage listed properties to the north, south and west. The properties on the other side of Frank Street are zoned commercial and are developed with sheds and other structures mostly clad in Colorbond.

The Launceston Heritage Study of 2007 has described Goodwin and Frank Street as typical of the larger Inveresk Precinct and are:

*characterised by the predominance of narrow streets, small regular lot sizes, small timber cottages interspersed with several unusual elements such as terraces, conjoined cottages and now the mix of industrial development that was once encouraged by zoning of the area'.*

Goodwin Street has an almost entirely residential character with all buildings being constructed between the late 19<sup>th</sup> and early 20<sup>th</sup> centuries and all except the 'Art Hostel' fronting Lindsay Street being single storey. All of these buildings have either timber weatherboard, or replacement 'weatherboard look' panelling as wall cladding.

Frank Street has a less consistent character. The eastern side includes an even mix of small timber cottages built up to the street frontage and rear fences and outbuildings which service properties which front Goodwin Street, while the western side is almost entirely built up with bulky commercial and industrial structures clad in corrugated steel and lacks all the character described above. This is the street to which the proposed development will have its frontage

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**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

**11.0 Inner Residential Zone**

**11.1.1 Zone Purpose Statements**

11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

11.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

11.1.1.3 To allow increased residential densities where it does not significantly affect the existing residential amenity, ensure appropriate location of parking, and maintain vehicle and pedestrian traffic safety.

11.1.1.4 To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.

11.1.1.5 To provide for development that provides a high standard of amenity and contributes to the streetscape.

**Consistent**

The use is associated with an existing residential use which has a no permit required status in the zone. The Planning Authority is not required to have regard to zone purpose statements for uses with a no permit required use status pursuant to clause 8.10.2 of the Interim Scheme.

**11.4 Development Standards**

**11.4.1 Setback from a frontage for single dwellings**

**Objective:**

To ensure that the setback from frontages:

- (a) assist in the establishment of the streetscape character;
- (b) enhance residential amenity;
- (c) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and
- (d) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.

**Consistent**

The proposal complies with the performance criteria. The reduced frontage setback is required to comply with the development standards of the Local Historic Cultural Heritage Code.

Where there is conflict between a code and a zone; the code provision prevails pursuant to clause 7.3.4 of the Interim Scheme.

Nonetheless, the frontage setback is consistent with the established streetscape character.

A1 Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback from a frontage that is:

- (a) no less than 4.5m from a primary frontage; and
- (b) no less than 3m to a frontage other than a primary frontage; or
- (c) a distance which is no more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or
- (d) no less than the existing dwelling setback if less than 4.5m.

<p><b>Relies on Performance Criteria</b></p> <p>The dwelling is to be setback 1.5 metres from the Frank Street frontage (secondary) so fails to meet (b). Therefore, the performance criteria must be relied upon to comply with the clause.</p>
<p>P1 The setback from frontage must:</p> <ul style="list-style-type: none"> <li>(a) provide transitional space between the road and private dwelling allowing mutual passive surveillance;</li> <li>(b) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site;</li> <li>(c) provide measures to ensure that noise generated by traffic will not adversely impact on residential amenity and vehicular egress provides for the safe use of the road; and</li> <li>(d) have regard to streetscape qualities or assist the integration of new development into the streetscape.</li> </ul>
<p><b>Complies</b></p> <p>The frontage setback of the proposed dwelling will be consistent (and therefore compatible) with the existing dwellings on Frank Street which are generally built up the frontage. It is considered that the proposed frontage setback therefore has regard to streetscape qualities and integrates with the existing development in the streetscape. As noted, the reduced frontage setback is required to comply with the requirements of the Local Historic Cultural Heritage Code (in particular clause E13.6.6 (P1)). The provisions of a code prevails over a zone in the event of a discrepancy.</p> <p>The proposal complies with P1.</p>
<p>11.4.2 Site coverage and rear setback for single dwellings</p>
<p><b>Objective:</b></p> <p>To ensure that the location and extent of building site coverage:</p> <ul style="list-style-type: none"> <li>(a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity;</li> <li>(b) assists with the management of stormwater;</li> <li>(c) provides for setback from the rear boundary; and</li> <li>(d) has regard to streetscape qualities.</li> </ul>
<p><b>Consistent</b></p> <p>The proposal complies with the acceptable solutions so is therefore consistent with the objective of the clause.</p>
<p>A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.</p>
<p><b>Complies</b></p> <p>The resulting site coverage is to be approximately 38.3%.</p>
<p>P1 Site coverage must:</p> <ul style="list-style-type: none"> <li>(a) provide for useful areas of open space for gardens and outdoor recreation purposes;</li> <li>(b) allow areas to be retained for the absorption of rainwater into the ground; and</li> <li>(c) have regard to streetscape qualities.</li> </ul>
<p><b>Complies</b></p>

11.4.3 Building envelope for single dwellings

**Objective:**

To ensure that the siting and scale of single dwellings:

- (a) allows for flexibility in design to meet contemporary dwelling requirements;
- (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and
- (c) has regard to streetscape qualities.

**Consistent**

The proposal complies with the performance criteria. The building envelope of the proposed dwelling is partially outside the as-of-right requirement. It is considered that the site and scale of the dwelling is consistent with the objective of the clause as measures have been put in place to reduce amenity impacts on neighbouring properties and will also be consistent with the existing height and scale of the existing dwelling at 2 Frank Street

A1 All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes:

- (a) determined by a setback of no less than 3m from side boundaries and no less than 4m from the rear boundary and a building height of no more than 5.5m; or
- (b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to a building height of no more than 8.5m above natural ground level (see Figures 11.4.3 A and 11.4.3 B); and walls are setback:
  - (i) no less than 1.5m from a side boundary; or
  - (ii) less than 1.5m, provided the wall is built against an existing boundary wall or the wall or walls have a total length of no greater than 9m or one third of the boundary with the adjacent property, whichever is the lesser.

**Relies on Performance Criteria**

The proposed dwelling is unable to meet the required building envelope stipulated by (a) as it has a height greater than 5.5m and has side setbacks less than 3m.

The proposed dwelling is also unable to meet (b) as it protrudes into the required building envelope on the northern side facing 8 Frank Street (as illustrated in Figure 11.4.3 A of the clause).

The external staircase meets the definition of a minor protrusion under clause 4.1 of the Interim Scheme:

*means awnings, steps, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services.*

Therefore the external staircase is exempt from consideration under the building envelope standard.

The performance criteria must be relied upon to comply with the standard.

- P1 The siting and scale of single dwellings must be designed to:
- (a) ensure there is no unreasonable loss of amenity on adjoining lots by:
    - (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21 or by increasing existing overshadowing where greater than above;
    - (ii) overlooking and loss of privacy; and
    - (iii) visual impacts when viewed from adjoining lots: and
  - (b) take into account steep slopes and other topographical constraints; and
  - (c) have regard to streetscape qualities.

**Complies**

The key concerns the performance criteria seeks to address are: amenity and streetscape qualities.

It must be found that an unreasonable loss of amenity on adjoining lots must not occur in order for the performance criteria to be met. It must also then be found that the siting and scale of the building has taken consideration of streetscape qualities.

The key terms are defined below:

*Amenity is defined in the scheme as "...means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant, or enjoyable".*

*Streetscape is not defined in the Launceston Interim Planning Scheme unlike other Schemes in Tasmania. The Oxford Dictionary defines Streetscape as "...a view or scene of streets, especially in the city".*

*Unreasonable is defined in the Oxford Dictionary as "...not guided by or based on good sense" and "...beyond the limits of acceptability or fairness".*

*Scale is defined in the Oxford Dictionary of Architecture as "...the proportions of a building or its parts with reference to the module or unit of measurement".*

The applicant has submitted shadow diagrams showing that the overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots will not be less than three hours between 9:00am and 5:00pm on June 21. Therefore, (a)(i) is met.

The discretion relates to the northern side boundary and to the upper level of the proposed dwelling. The upper level facing the northern boundary has three (3) windows, an external staircase (minor protrusion) and a decking area (with a finished floor level of approximately 3m) facing the northern side boundary. The decking area has a 1.7m high security screen with uniform transparency of no more than 25% and two (2) of the three windows have permanent shutters which prevent overlooking. The third window to the bedroom of the dwelling has a sill height of approximately 1.5m which is considered appropriate for reducing overlooking.

It is therefore considered that the extent of overlooking is unlikely of causing an unreasonable loss of amenity for the adjoining lots. Therefore, (a)(ii) is met subject to conditions.

In regard to visual impacts, the proposed dwelling will be visible from adjoining properties more than a single storey dwelling. There is an example of a dwelling of similar bulk and scale at 2 Frank Street (approved in 2006) which adjoins the property. This dwelling has a height of approximately 7m which is slightly less than what is proposed and has a similar scale.

It can be seen that there are examples of similar siting and scale of (residential) development with similar visual impacts on adjoining lots which have been previously

approved. It should also be noted that adjacent the site there are a number of large Colorbond sheds given the Commercial zoning. These sheds have a considerable bulk and scale and therefore are likely to detract from the visual amenity experienced by the residents along Frank Street.

The (visual) amenity experienced by residents on Frank Street is therefore already slightly compromised due to the siting and scale of this adjacent and adjoining development. It is considered that the visual impact of the proposed dwelling will not result in a loss of amenity that is unfair and without reason given the nature of this adjoining and (mixed use nature of) adjacent development.

Therefore, (a)(iii) is met.

The site is relatively flat so P1 (b) bears no weight in the assessment.

P1(c) requires that regard must be had to streetscape qualities.

The view looking north (on Frank Street) from the subject site is characterised by the dominant bulk of the Colorbond sheds on the left and the existing pattern of single storey dwellings on the right. The view to the south is dominated by the existing 7m dwelling approved in 2006. The precedence that this existing dwelling sets in terms of bulk and scale cannot be ignored as part of the assessment.

Therefore the streetscape (the view along the street) contains buildings of similar height and scale. Accordingly, it is therefore considered that the site and scale of the dwelling has had regard to the streetscape qualities of Frank Street. Conditions apply requiring that the materials to be used on the dwelling and some design features are implemented to allow compatibility with the heritage significance of the place.

Accordingly, P1 (b) is met subject to conditions.

The proposal therefore complies with P1 subject to conditions.

11.4.4 Frontage setback and width of garages and carports for single dwellings

Objective:

To ensure that the location and size of garages or carports:

- (a) do not dominate the facade of the dwelling or dominate the streetscape;
- (b) do not restrict mutual passive surveillance of the road and dwelling; and
- (c) provides for safe vehicular access to and egress from the site.

**Consistent**

The proposal complies with the performance criteria. It is considered that the proposed garage is consistent with the established setbacks for garages on Frank Street.

Conditions apply requiring that the garage door be finished in manner which is consistent with the existing dwelling at 2 Frank Street and the general characteristics of the area.

A1 Garages or carports within 12m of the frontage whether free-standing or part of the dwelling:

- (a) must have a total width of openings facing the primary frontage of no greater than 6m or half the width of the frontage, whichever is the lesser; and
- (b) must have:
  - (i) a setback from frontage measured to the door, post or supporting column no less than required for a single dwelling in 11.4.1 A1; or
  - (ii) a setback from the primary frontage no less than 0.5m if the ground slopes up or down for 10m from the frontage at more than 1:5.



<p><b>Relies on Performance Criteria</b>                  The garage and carport do not face the primary frontage so (a) has no application. In regard to (b), the garage cannot meet the frontage setback requirement in Clause 11.4.1 (A1)(b). The performance criteria must be relied upon to comply with the standard.</p>
<p>P1 The siting and design of garages and carports must:</p> <ul style="list-style-type: none"> <li>(a) complement the character of the dwelling;</li> <li>(b) not dominate the frontage of the lot through location and visual bulk;</li> <li>(c) retain mutual passive surveillance between dwelling and road;</li> <li>(d) provide for safe vehicular movements between road and site; and</li> <li>(e) have regard to streetscape qualities.</li> </ul>
<p><b>Complies</b>                  The garage is similar to that at 2 Frank Street and is not overly bulky (being only wide enough for one (1) vehicle). it is not considered that any vehicle safety will be jeopardised as a result of the setback discretion. A condition will require that the garage door is a 'Panel Lift' type with timber or timber lock finish. Again it must be noted that the setback of the dwelling to the frontage is required to comply with the Heritage Code (which trumps the zone standards in an event of a discrepancy).                  Therefore P1 is met subject to conditions.</p>

11.4.5 Privacy for single dwellings

<p><b>Objective:</b>                  To ensure that the location and design of windows of habitable rooms, balconies, decks, roof gardens, parking spaces and carports maintain residential amenity by minimising the potential for overlooking between neighbours.</p>
<p><b>Consistent</b>                  The proposal complies with the performance criteria. Discretion is triggered due to the decking and the windows on the upper level of the dwelling facing the northern side boundary. The potential for overlooking into this property has been reduced by various measures which will ensure residential amenity is maintained.</p>
<p>A1 Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level greater than 1m above natural ground level must have a side setback of no less than 3m and a rear setback of no less than 4m.</p>
<p><b>Relies on Performance Criteria</b>                  The way that the lot is orientated means there is no rear boundaries; only side boundaries. The proposed decking has a finished floor level of approximately 3m and is setback approximately 2.4m from the northern side boundary with 8 Frank Street so cannot comply with A1. The decking is to be approximately 4m from the northern side boundary with 11 Goodwin Street so complies with A1. The external staircase does not trigger assessment as it is a minor protrusion. The performance criteria must be therefore relied upon to comply with the standard in regard to the decking and external staircase facing the property at 8 Frank Street.</p>
<p>P1 The potential for direct overlooking from balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) with a finished surface or floor level more than 1m above natural ground level on one lot to the habitable rooms and balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation or offset or by use of solid or translucent screening.</p>

<p><b>Complies</b></p> <p>The applicant has proposed a 1.7m high privacy screen with a maximum transparency of 25% facing the northern boundary which will avoid and minimise direct overlooking into the habitable rooms and private open space of the dwelling to the north. A condition will require that amended plans be provided to show a 1.7m high privacy screen also be shown on the decking facing the east (returning along the deck for at least 1.5m). This will minimise direct overlooking into the property at 8 Frank Street. It is therefore considered that P1 is satisfied subject to conditions.</p>
<p>A2 Windows of habitable rooms which have a floor level greater than 1m above natural ground level must:</p> <ul style="list-style-type: none"> <li>(a) have a side setback of no less than 3m; or</li> <li>(b) be offset no less than 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or</li> <li>(c) have a window sill height of no less than 1.7m.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The windows of the habitable rooms on the upper level of the dwelling facing the northern boundary cannot meet A1 as they are within 3m of the boundary. The performance criteria must be therefore relied upon to comply with the standard in regard to overlooking from the windows facing the north.</p>
<p>P2 The potential for direct overlooking from windows of habitable rooms with a finished surface or floor level more than 1m above natural ground level on one lot to the windows of habitable rooms, balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation and offset or by use of solid or translucent screening.</p>
<p><b>Complies</b></p> <p>The performance criteria requires that it is demonstrated that 'direct' overlooking is avoided or minimised through separation or offset by screening. The windows into the living room are to contain permanent shutters which are angled to allow light entry but will avoid and minimise direct overlooking into the habitable rooms of the dwelling to the north. This is considered sufficient to comply. The window into the bedroom has a sill height of approximately 1.5m. Therefore direct overlooking into the habitable windows of the adjoining lot is avoided and minimised. P2 is met subject to conditions.</p>

11.4.6 Frontage fences for single dwellings

<p><b>Objective:</b></p> <p>To ensure that the height and design of frontage fences:</p> <ul style="list-style-type: none"> <li>(a) provides adequate privacy and security for residents while allowing for mutual passive surveillance of the road and dwelling; and</li> <li>(b) enhances streetscapes.</li> </ul>
<p><b>Consistent</b></p> <p>The proposal complies with the acceptable solution and is therefore consistent with the objective of the clause.</p>
<p>A1 The building height of fences on and within 4.5m of a frontage must be no greater than:</p> <ul style="list-style-type: none"> <li>(a) 1.2m if solid; or</li> <li>(b) 1.8m provided that the part of the fence above 1.2m has openings which provide a minimum 50% transparency.</li> </ul>

**Complies**

The proposal includes a 1.2m high picket fence so complies.

**11.4.21 Outbuildings and swimming pools****Objective:**

To ensure that outbuildings and swimming pools:

- (a) do not detract from the character of the surrounding area;
- (b) are appropriate to the site and respect the amenity of neighbouring lots; and
- (c) dwellings remain the dominant built form.

**Consistent**

The proposal complies with the acceptable solution and is therefore consistent with the objective of the clause.

A1 The combined gross floor area of outbuildings is no greater than 42m<sup>2</sup> ; and

- (a) have a wall height no greater than 2.7m, and
- (b) have a building height no greater than 3.5m.

**Complies**

The proposal includes the demolition of two (2) existing outbuildings on the site which will result in there being no outbuildings on the site.

**E6.0 Parking and Sustainable Transport Code**

E6.1 The purpose of this provision is to:

- (a) ensure that an appropriate level of parking facilities are provided to service use and development;
- (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;
- (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;
- (d) ensure that parking does not adversely impact on the amenity of a locality;
- (e) ensure that parking spaces and accesses meet appropriate standards; and
- (f) provide for the implementation of parking precinct plans.

**Consistent**

The proposal includes two (2) parking spaces to be accessed over an existing crossover from Frank Street. It is considered that the parking and access meet the relevant acceptable solutions and are therefore consistent with the intent of the code.

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**E6.5 Use Standards**

E6.5.1 Car parking numbers

<p><b>Objective:</b> To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p><b>Consistent</b> The proposal complies with the acceptable solution and is therefore consistent with the objective of the clause.</p>
<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> <li>(a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or</li> <li>(b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or</li> <li>(c) not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or</li> <li>(d) be in accordance with an acceptable solution contained within a parking precinct plan.</li> </ul>
<p><b>Complies</b> Table E6.1 of the Interim Scheme requires one (1) space per bedroom or two (2) spaces per three (3) bedrooms. The propose dwelling has two (2) bedrooms so requires two (2) spaces. These are able to be provided in the garage and the car port so complies.</p>

**E6.6 Development Standards**

E6.6.1 Construction of parking areas

<p><b>Objective:</b> To ensure that parking areas are constructed to an appropriate standard.</p>
<p><b>Consistent</b> The proposal complies with the acceptable solution and is therefore consistent with the objective of the clause.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> <li>(a) have a gradient of 10% or less;</li> <li>(b) be formed and paved;</li> <li>(c) be drained to the public stormwater system, or contain stormwater on the site;</li> <li>(d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and</li> <li>(e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.</li> </ul>
<p><b>Complies</b> The parking areas are to be have a gradient of 10% or less, be formed and paved and also be drained to a public stormwater system so comply.</p>

## E6.6.2 Design and layout of parking areas

**Objective:**

To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.

**Consistent**

The proposal complies with the acceptable solution and is therefore consistent with the objective of the clause.

**A1.1 Car parking, access ways, manoeuvring and circulation spaces must:**

- (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;
- (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;
- (c) have parking space dimensions in accordance with the requirements in Table E6.3;
- (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are 3 or more car parking spaces; and
- (e) have a vertical clearance of not less than 2.1 metres above the parking surface level.

A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.

A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more.

A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.

**Complies**

The proposed access and parking spaces comply noting that the dimensions of the spaces comply and the combined access and manoeuvring width are also appropriate (greater than 6.4m).

## E13.0 Local Historic Cultural Heritage Code

**E13.1 The purpose of this provision is to:**

- (a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts;
- (b) encourage and facilitate the continued use of these places;
- (c) encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and
- (d) ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the historic cultural heritage significance of the places and their settings.

**Consistent**

Before discussing whether the development is consistent with the purpose of the code a discussion of the historic cultural heritage significance ('HCHS') is required.

The term is defined in the Interim Scheme as follows:

*means significance in relation to a local heritage place or heritage precinct, and its value in regard to:*

*(a) its role in, representation of, or potential for contributing to the understanding of: (i) local history; (ii) creative or technical achievements; (iii) a class of building or place; or (iv) aesthetic characteristics; or*  
*(b) its association with: (i) a community or cultural group for social or spiritual reasons; or (ii) the life or works of a person, or group of persons of importance in Launceston's history.*

In the Launceston Heritage Study of 2007, the Inveresk precinct was generally seen to be significant for its unique contribution to understanding the early working class housing in a Victorian style on small lots and narrow streets.

The relevant policy recommendations suggested in the Heritage Study of 2007 for the Inveresk Precinct were that additions to dwellings are to have regard to the value of the place and the streetscape. Additions are to be modest and single storey unless the two storey form does not impact on the cohesive single storey quality of the area.

The THC data sheet for the property states that the property meets the criteria listed in section 16(2)(d) and (f) of the *Historic Cultural Heritage Act 1995* due to:

- its ability to demonstrate a characteristic of a class of place in Tasmania's history (Victorian Georgian Cottage); and
- its association with a community for social reasons (townscape associations regraded as important to the community's sense of place).

Therefore, in regard to the code, the impact of the development on the understanding of a class of building and to a sense of place will be assessed as this is what gives the place and its setting its historic cultural heritage significance.

It is considered that the proposed development is consistent with the intent of the code (subject to conditions) as its form and location will not detract from the heritage value of the existing building on the site, adjoining lots or the setting. It is also considered that the development responds to the site constraints (flooding) has been designed to be as sympathetic as possible to the historic significance of the place and its setting.

The approval of the dwelling at 2 Frank Street has set precedence for similar bulk and form of development as that proposed.

The Tasmanian Heritage Council has granted its consent to the issuing of the planning permit subject to conditions.

Further discussion of compliance will be contained within the assessment of the relevant clauses.

**E13.6 Development Standards**

E13.6.1 Demolition

Objective: To ensure that the demolition or removal of buildings and structures does not impact on the historic cultural heritage significance of local heritage places and their setting.
<b>Consistent</b> The proposal complies with the performance criteria. The proposal includes the demolition of two (2) small existing outbuildings. It is considered that the outbuildings have little heritage significance so their removal will not cause impacts on heritage matters.
A1 No acceptable solution.
<b>Relies on Performance Criteria</b>
P1 Buildings or parts of buildings and structures may be demolished, provided there is no unreasonable impact on the historic cultural heritage significance of the local heritage place and setting, having regard to: (a) the physical condition of the local heritage place; (b) the extent and rate of deterioration of the building or structure; (c) the safety of the building or structure; (d) the streetscape or setting in which the building or structure is located; (e) the cultural heritage values of the local heritage place; (f) the need for the development; (g) any options to reduce or mitigate deterioration; (h) whether demolition is the most reasonable option to secure the long-term future of a building or structure; and (i) any overriding economic considerations.
<b>Complies</b> The two (2) existing outbuildings appear to have been constructed after the heritage listed property. The THC data sheet for the property makes no mention of the outbuildings as contributing to the historic cultural heritage significance of the place or its setting. It should also be noted that the outbuildings are not considered to be aesthetically pleasing. Therefore the demolition of the outbuildings will have little impact upon the heritage significance of the place or its setting.

E13.6.4 Site coverage

Objective: To ensure that site coverage is compatible with the historic cultural heritage significance of local heritage places.
<b>Consistent</b> The proposal complies with the performance criteria. The proposed site coverage is consistent with the historic cultural heritage significance of the local heritage places and their settings as there are examples of similar site coverages in nearby proximity.
A1 No acceptable solution.
<b>Relies on Performance Criteria</b>

P1 The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to:

- (a) the topography of the site;
- (b) the cultural heritage values of the local heritage place and setting;
- (c) the site coverage of buildings on sites in the surrounding area; and
- (d) the pattern of development in the surrounding area.

**Complies**

In recent decisions of the Resource Management and Planning Appeals Tribunal (see *Henry Design and Consulting v Clarence City Council & Ors [2017] & M Flood v George Town Council [2016] TASRMPAT 34*), compatible has been established as being consistent with, in harmony with, and being able to co-exist with (something else).

In *C Healey v Hobart City Council [2016] TASRMPAT 32* (at paragraph 51) the Tribunal was dealing with compatibility in a heritage sense and defined it as "... suitability and focuses on an outcome which avoids loss of heritage value".

These definitions will inform the remainder of the assessment against the relevant clauses.

As has been established, the historic cultural heritage significance of the place and its setting primarily revolves around its unique contribution to understanding the early working class housing in a Victorian style on small lots and narrow streets.

There is also no mention of site coverage in the 2007 Heritage Study or the THC factsheet for the property (as contributing to significance). There are other examples of similar site coverage (and similar lot shape) in the surrounding area as can be seen at 15 and 17 Goodwin Street. It should be noted that the lot is unique as it has not been subdivided with a dwelling on both frontages (unlike the majority of the lots on Goodwin and Frank Street). Therefore the site coverage as a result of the proposal may actually be more consistent with the character of the surrounding area. The proposal complies with P1.

E13.6.5 Height and bulk of buildings

**Objective:**

To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

**Consistent**

The proposal complies with the performance criteria. The historic cultural heritage significance of the place and its setting is primarily concerned with its unique contribution to understanding the early working class housing in a Victorian style on small lots and narrow streets. It is acknowledged that the dominant height and bulk of buildings in the surrounding area is single storey cottages. However, the proposed dwelling will implement design and materials assist in achieving consistency with the height and bulk of buildings nearby (such as at 2 Frank Street) and the streetscape. Conditions apply.

A1 No acceptable solution.

**Relies on Performance Criteria**



P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the character and appearance of the existing building or place;
- (c) the height and bulk of other buildings in the surrounding area;
- (d) the historic cultural heritage significance of adjacent places; and
- (e) the streetscape.

**Complies**

At the outset it must be acknowledged that there is a dwelling with similar height (7m) and bulk (the mass of something) at 2 Frank Street. The proposed development is therefore also able to be considered to be of an acceptable height and bulk for this area. The double level form proposed is able to fit in with the more eclectic character of Frank Street, which includes a mix of smaller and larger scale buildings with a variety of fences which contain the back yards of properties which front Goodwin Street and also fences and walls to the commercial and industrial properties which lie between Frank and Holbrook Streets.

The dwelling at 2 Frank Street fundamentally sets precedence in terms of height and bulk. Therefore to say that the height and bulk of this dwelling is not consistent with the height and bulk of other buildings in the surrounding area (c) and the streetscape (e) would be incorrect.

It is also considered that the proposed dwelling is setback sufficiently from the existing dwelling on the site (a single storey cottage) so as not to have a detrimental impact on the historic cultural heritage significance of the subject place, or the residential amenity of adjoining residences.

In regard to streetscape, it has already been established that streetscape relates to the 'view' of a street. The view from the subject site along Frank Street is dominated by the existing dwelling at 2 Frank Street, existing Colorbond sheds adjacent and the existing single storey cottages. It is therefore considered that the height and bulk of the proposed dwelling is consistent with and able to coexist with the established streetscape and the heritage significance of the place and its setting.

The proposal complies with P1 subject to conditions.

E13.6.6 Site of buildings and structure

Objective:

To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

**Consistent**

The proposal complies with the performance criteria. The dwelling has been sited so as not to have a detrimental impact on the heritage character or significance of the subject place and its setting. The setback from the frontage is in keeping with the historic cultural heritage significance of the place and its setting (dwellings built towards the frontage with slight variations). The side setbacks are also consistent with that found in the surrounding area.

A1 No acceptable solution.

**Relies on Performance Criteria**

P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the topography of the site;
- (c) the size, shape, and orientation of the lot;
- (d) the setbacks of other buildings in the surrounding area;
- (e) the historic cultural heritage significance of adjacent places; and
- (f) the streetscape.

**Complies**

It should be noted that the lot is rather irregularly shaped so that the part of the lot which abuts. The proposed dwelling has been sited so to be as sympathetic as it can be to the established significance of the place and its setting in regard to the dominant siting of dwellings.

The frontage setback of the dwelling is consistent with the surrounding area (dwellings built close to the frontage with slight variations). The orientation of the building on the lot is not identical with the surrounding area but there is only a slight variation (approximately 3 degrees) so is considered to be able to co-exist with the siting of dwellings on lots in the surrounding area (there are similar, slight variations in the surrounding area).

It is therefore considered that the siting of the dwelling complies with P1.

E13.6.7 Fences

Objective:

To ensure that fences are compatible with the historic cultural heritage significance of local heritage places and their setting.

**Consistent**

The proposal complies with the acceptable solution subject to conditions.

A1 New fences must be designed and constructed to match existing original fences on the site.

**Complies**

A 1.2m high picket fence is proposed. A condition will require that it be constructed to match the existing timber fence on the site.

E13.6.8 Roof form and materials

Objective:

To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.

**Consistent**

The proposal complies with the performance criteria. The proposed roofing is considered to be compatible with the historic cultural heritage significance of the local heritage place at 9 Goodwin Street and its setting given that the predominant roofing type is hipped and clad of Colorbond. Conditions apply.

A1 No acceptable solution.

**Relies on Performance Criteria**

P1 Roof form and materials are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the design, period of construction and materials of the dominant building on the site;
- (c) the dominant roofing style and materials in the setting; and
- (d) the streetscape.

**Complies**

The proposal complies with the performance criteria. It is considered that the hipped roof design and the Colorbond roof cladding are consistent with the dominant roof cladding in the surrounding area. A condition will require that a colour and materials schedule be provided to the satisfaction of the Manager Planning Services to ensure compatibility with the surrounding area. The proposal complies with P1 subject to conditions.

E13.6.9 Wall materials

**Objective:**

To ensure that wall materials are compatible with the historic cultural heritage significance of local heritage places and their settings.

**Consistent**

The proposal complies with the performance criteria by conditions. The historic cultural heritage significance of the place and its setting in regard to wall materials are the existing timber cottages. This is a key feature that gives the place its distinct cultural heritage values. Conditions have been placed on the consent to the granting of the discretionary permit by the Tasmanian Heritage Council to require that the wall materials of the dwelling are altered to be sympathetic to the characteristics of the adjoining heritage streetscape. Council have also required that the detailing and finish of the exterior form of the building and especially the Frank Street entry façade is slightly altered to provide better integrity.

A1 No acceptable solution.

**Relies on Performance Criteria**

P1 Wall material for buildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the design, period of construction and materials of the dominant building on the site;
- (c) the dominant wall materials in the setting; and
- (d) the streetscape.

**Complies**

A key feature that makes up the heritage significance of the place and its setting are the existing timber cottages. There is an existing timber cottage on the site and the adjoining site to the north. The property to the south that contains the existing two (2) storey dwelling is also finished in weather board. On the other side of Frank Street the predominant wall material is Colorbond (associated with use and development in the commercial zone).

It is indicated on the plans that the dwelling is to be clad with weatherboard or weatherboard 'like' cladding. However, the Tasmanian Heritage Council has provided conditions of consent requiring that changes are to be made to the form of the windows and ground floor garage door to incorporate appropriate trims (sills and architraves) that are sympathetic to the characteristics of the adjoining heritage streetscape.

The applicant has attempted to create a built form and material choice that is consistent with the heritage significance of the surrounding area. However some minor changes need to be made which will be required as a condition on the permit.

1. The exterior cladding is to be of timber weatherboards with a traditional profile found in the surrounding streetscape.
2. The design of windows and doors which will be visible from any street is to be amended to include timber frames and traditional forms such as the double hung windows and four panel doors shown on the amended elevation diagram included below.
3. The door and window proposed to the ground floor are to be replaced by double doors with an entry canopy over to be more compatible with the scale of the garage door opening and the detailing of entries found along Frank Street.
4. The garage door is to be of a 'Panel-Lift' type with timber or timber look cladding, similar to that which has been installed at the neighbouring property at 2 Frank Street.
5. The overall colour scheme is to be submitted to the Manager Planning Services for approval and is to include muted colours which are compatible with the colour schemes of buildings in the surrounding area and not to stand out unnecessarily in any view field.

It is therefore considered that if the recommended conditions (above) are adhered to that the wall materials of the dwelling will be consistent with the dominant wall materials in the setting and therefore with the historic cultural heritage significance of the place and its setting. The proposal complies with P1 subject to conditions.

**E16.0 Invermay/Inveresk Flood Inundation Area Code**

E16.1 The purpose of this provision is to:

- (a) reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area;
- (b) ensure that new development is sited and designed to minimise the impact of flooding; and
- (c) ensure that consideration is given in the siting, design and emergency response capability of new development on land subject to flood inundation.

**Consistent**

The site is mapped as being within the Inveresk Residential Precinct. It is therefore subject to the provisions of the Invermay/ Inveresk Flood Inundation Code pursuant to clause E16.2.1 of the Interim Scheme.

It is considered that the proposed development is sited and designed to minimise the impact of flooding and conditions will be imposed based on the recommendation of the Launceston Flood Authority ('The Authority').

The application has been referred to The Authority pursuant to section 18(5) of the *Launceston Flood Risk Management Act 2015* as the site is within the area of *development interest* to The Authority.

The subject site has an AHD of between approximately 1.25m and 1.5m. The Authority has stated (in its comment on the development) that:

*if there is a levee overtopping of failure, the resultant water level will be approximately 3.8m AHD (the level of the outlet at the River Street/ Murphy Street intersection), thus, although unlikely, there is potential for inundation to a depth of approximately 2.5m above the existing ground level.*

The finished floor level of the first floor is at least (approximately) 4.05m AHD. This results in all habitable rooms being above the 1 in 100 flood level.

**E16.6 Use Standards**

E16.6.1 Unacceptable uses

**Objective:**

To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.

**Consistent**

The proposal complies with the acceptable solution and is therefore consistent with the objective of the clause.

**A1 Must not be:**

- (a) Education and occasional care, except in the Inveresk Cultural precinct;
- (b) Emergency services; or
- (c) Hospital services.

**Complies**

The use is residential so complies.

**A2 Must not be Residential, unless:**

- (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts;
- (b) a multiple dwelling in the Invermay Residential Precinct; or
- (c) associated with and supporting the educational activities within the Inveresk Cultural precinct.

**Complies**

The residential use is existing and is in the Inveresk Residential precinct so complies.

**A3 Must not be Community meeting and entertainment in the Riveredge Industrial or Inveresk Residential precincts.**

**Complies**

The development is associated with an existing residential use.

**E16.7 Development Standards**

E16.7.1 Intensification of residential development

<p><b>Objective:</b> To limit the intensification of residential development in areas subject to, or isolated by, flood inundation.</p>
<p><b>Consistent</b> The proposal complies with the acceptable solution and is therefore consistent with the objective of the clause.</p>
<p>A1 Except within the Invermay Residential Precinct, new residential development or extensions of existing residential buildings:                  (a) must not increase the gross floor area of individual dwellings or total gross floor area by 10% more than that existing or approved on the 1st January 2008;                  (b) must not result in more than 200m<sup>2</sup> of gross floor area on a single title; or                  (c) must be for residential uses associated with the educational activities within the Inveresk Cultural Precinct.</p>
<p><b>Complies</b> The site is within the Inveresk Residential precinct the must comply. The proposal will result in a total increase in gross floor area on the lot of greater than 10% more than that existed or approved on the 1st January 2008 so cannot comply with (a). The proposal will result in a total gross floor area of approximately 139m<sup>2</sup> on site so complies with (b). Therefore, A1 is met.</p>

E16.7.2 Flood Impact

<p><b>Objective:</b> To ensure that new buildings and infrastructure are sited and designed to avoid or mitigate the risk and minimise the impact of flooding.</p>
<p><b>Consistent</b> The proposal complies with the acceptable solution and is therefore consistent with the objective of the clause.</p>
<p>A1 Floor levels of all habitable rooms within the Residential use class must be at least 3.7m AHD.</p>
<p><b>Complies</b> The floor levels of the proposed habitable rooms are to be approximately 4.05m AHD. Therefore A1 is met.</p>
<p>A2 No acceptable solutions.</p>
<p><b>Relies on Performance Criteria</b></p>

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditional consent provided. Conditions recommended in relation to damage to council infrastructure, works within/occupation of the road reserve and onsite detention.
Environmental Health	Conditional consent provided. Conditions recommended relating to amenity and demolition.
Heritage/Urban Design	<p>Conditions apply as follows:</p> <ol style="list-style-type: none"> <li>1. The exterior cladding is to be of timber weatherboards with a traditional profile found in the surrounding streetscape.</li> <li>2. The design of windows and doors which will be visible from any street is to be amended to include timber frames and traditional forms such as the double hung windows and four panel doors shown on the amended elevation diagram included below.</li> <li>3. The door and window proposed to the ground floor are to be replaced by double doors with an entry canopy over to be more compatible with the scale of the garage door opening and the detailing of entries found along Frank Street.</li> <li>4. The garage door is to be of a 'Panel-Lift' type with timber or timber look cladding, similar to that which has been installed at the neighbouring property at 2 Frank Street.</li> <li>5. The overall colour scheme is to be submitted to the Manager Planning Services for approval and is to include muted colours which are compatible with the colour schemes of buildings in the surrounding area and not to stand out unnecessarily in any view field.</li> </ol>
Building and Plumbing	Notes provided.

<b>EXTERNAL</b>	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2017/01590-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	Conditional consent granted on the 22 November 2017 pursuant to section 39(6)(a) of the <i>Historic Cultural Heritage Act 1995</i> .
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A
Launceston Flood Authority	The Launceston Flood Authority provided comment requiring that a Flood Emergency Management Plan be provided as well as other resilience measures.

## 5. REPRESENTATIONS

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period from 28 October 2017 to 13 November 2017. Four (4) representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised they should be read in conjunction with the representations received which are attached to this report.

<b>Issue</b>	<b>Response</b>
Overlooking and loss of privacy from the deck	It should be noted that the dwelling must be designed as double storey due to flood constraints (floor levels of habitable rooms must be above the 1 in 100 flood level). The applicant has stated this in their response to the representations. The applicant will provide a 1.7m high privacy screen facing the northern boundary eliminating overlooking into 8 Frank Street. A 1.7m high privacy screen will also be erected facing the east to minimise overlooking into private open space of 11 Goodwin Street. The privacy screens will be required to be finished in a manner which is sympathetic to the heritage values of the site and surrounds. This will be reflected as a condition on the permit.
Overlooking and loss of privacy from the windows facing north	The applicant has provided permanent shutters on the living room window to minimise overlooking into the habitable windows of the property at 8 Frank Street. The planning scheme requires that 'direct overlooking' is 'avoided or minimised'. It is considered that the applicant has achieved this. The window from bedroom one has a sill height of approximately 1.5m which is considered appropriate to 'minimise' 'direct overlooking'. A condition on the permit will require that the shutters must not be removed.



Issue	Response
Loss of amenity from extern light on external stair case	The applicant has stated that they the staircase will be fitted with a censor light so will not be permanently illuminated.
Overlooking and loss of privacy from the external staircase	The external staircase meets the definition of a minor protrusion under Clause 4.1 of the Interim Scheme. Therefore an assessment under the building envelope and privacy provision is not required. It should also be noted that the landing will be used only in a transient and low frequency manner.
Stability of the ground on neighbouring properties	The Planning Authority is bound by the planning scheme and its ordinance. The site is not subject to a code which requires compliance with additional provisions (over and above zone provisions). The site is not subject to a code which requires that land stability be addressed. Therefore this issue has no relevance to the planning assessment.
Detracting from heritage significance	As has been discussed in the report Frank Street is not 'purely' residential. It has also been established that the 'place' has heritage significance due to its unique contribution to understanding the early working class housing in a Victorian style on small lots and narrow streets. There are non-heritage listed properties adjacent in the commercial zone which is developed with buildings of varying scales and bulk (many of which are clad in Colorbond). There is also an existing dwelling at 2 Frank Street of similar height, bulk and scale as that which is proposed which ultimately sets precedence for this type of development. The applicant has also attempted to design the dwelling to be sympathetic to the heritage characteristics of the place (and adjoining lots). The Tasmanian Heritage Council has provided consent to approve the application subject to conditions requiring that the finish and materials of certain external elements of the dwelling are altered to be more sympathetic to the heritage significance of the surrounding area. The application has also been found to comply with the Heritage Code of the Interim Scheme subject to conditions requiring that external changes are made (such as the exterior cladding be timber weatherboards with a traditional profile and the garage door being a 'panel-lift' type). Detrimental impacts on the streetscape are not expected as a result of the development. Therefore it is considered that the application complies with the Heritage Code of the Interim Scheme and the <i>Historic Cultural Heritage Act 1995</i> .
Noise and access during construction	Council have standard conditions requiring that construction is undertaken between certain times and that the amenity of adjoining properties is not impacted upon by the construction.

Issue	Response
Queries with the definition of 'granny flat'.	<p>'Granny flat' is not defined in the scheme. The proposal is for an ancillary dwelling. The proposal meets the definition of an ancillary dwelling as has been established in the planning report. It has a gross floor area less than 60m<sup>2</sup> and is appurtenant to the single dwelling. The dwelling also shares connections. In regard to parking and access; the access from Frank Street is existing whilst the parking for the ancillary dwelling and the existing dwelling is shared (in that it is on the same title) and can therefore be shared between the dwellings.</p> <p>Taswater has confirmed that no new connections or meters are being proposed. Rather, existing meters and connections are being upgraded.</p> <p>Conditions apply restricting the use to an ancillary dwelling.</p>
Overshadowing of adjoining properties	The submitted shadow diagrams show that the proposal meets clause 11.4.3 (P1)(a)(i) which deals with overshadowing in that there will not be less than 3 hours sunlight between 9:00am and 5:00pm on 21 June to the habitable rooms and private open space of adjoining lots.
Economic impacts on resale of adjoining properties	This is not a matter the planning authority is bound to address in the planning scheme.
Inadequate parking to serve the use	The proposal provided two (2) additional parking spaces which is required by the planning scheme.
Compliance with clause E16.7.1 (A1)	Clause E16.7.1 (A1) requires compliance with (a); or (b); or (c). The proposal has been found to comply with (b).

## 6. CONCLUSION

Subject to the recommended conditions, it is considered that the proposal complies with the Scheme and it is appropriate to recommend for approval.

### ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

### ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

**SOCIAL IMPACT:**

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

N/A

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. 9 Goodwin Street, Invermay - Locality Map (electronically distributed)
  2. 9 Goodwin Street, Invermay - Plans of Proposal (electronically distributed)
  3. 9 Goodwin Street, Invermay - Further information request report (electronically distributed)
  4. 9 Goodwin Street, Invermay - TasWater SPAN (electronically distributed)
  5. 9 Goodwin Street, Invermay - Notice of Heritage Decision (electronically distributed)
  6. 9 Goodwin Street, Invermay - Representations (electronically distributed)
  7. 9 Goodwin Street, Invermay - Applicant Response to Representations (electronically distributed)
  8. 9 Goodwin Street, Invermay - Flood Authority Response (electronically distributed)
-

**9 ANNOUNCEMENTS BY THE MAYOR****9.1 Mayor's Announcements****FILE NO:** SF2375

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**Tuesday 21 November 2017**

- Attended Network Event with S Group & Rebecca White MP at S Group

**Wednesday 22 November 2017**

- Attended Kings Meadows High School Arts Evening "Connect" at the Princess Theatre

**Thursday 23 November 2017**

- Attended Kings Meadows High School Redevelopment Opening New Global Learning Centre
- Officiated at the Historical Society Prize Presentations at the Town Hall
- Attended Champions of Tourism 2017 at the Tamar Valley Resort

**Friday 24 November 2017**

- Attended the White Ribbon Breakfast at the Launceston Fire Brigade
- Attended the Grand Opening of the Northern Suburbs Community Centre Inc.'s new building in Newnham
- Attended the Launceston College Concert Esk Band Program at the Albert Hall

**Saturday 25 November 2017**

- Assisted with judging the 2017 Apex Christmas Parade in the city
- Attended the Vietnam Veteran's sub branch Launceston Christmas dinner at the Launceston RSL

**Sunday 26 November 2017**

- Attended City of Launceston Choir Performance, Vox Harmony at Scotch Oakburn Performing Arts Centre

**Monday 27 November 2017**

- Attended "Let's Celebrate Christmas" with the Country Club Casino Executive Team & Board of the Federal Group at the Country Club Casino
-

**Wednesday 29 November 2017**

- Attended the Southern Cross 2017 Christmas Party at the Penny Royal Wine Bar
- Attended Launceston College's Performance of Dance Fever at the Door of Hope

**Thursday 30 November 2017**

- Officiated at Civic function to mark the 60th anniversary of the City of Launceston Lions Club at the Town Hall

**Friday 1 December 2017**

- Attended Cluster Lunch with NTDC Council Leaders and NTDC Board at Pierres
- Attended the Opening ceremony for Finney Funeral Services new funeral premises on Hobart Road

**Saturday 2 December 2017**

- Officiated at the Opening of Kid I Am at the Launceston Silverdome
- Attended REMADE 2017 Event at the Annexe Theatre Inveresk
- Attended the New Horizon Gala Summer Fiesta at Boags Brewery

**Sunday 3 December 2017**

- Attended the House of Prayer Thanksgiving Service at Rocherlea
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**10 ALDERMEN'S REPORTS**

*(This item provides an opportunity for Aldermen to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)*

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**11 QUESTIONS BY ALDERMEN****11.1 Questions on Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 30*

*(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)*

**11.2 Questions without Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 29*

*(Questions without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)*

**No Aldermen's Questions without Notice have been identified as part of this Agenda**

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**12 COMMITTEE REPORTS****12.1 Heritage Advisory Committee Meeting - 20 November 2017****FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Design and Heritage Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To receive and consider a report from the Heritage Advisory Committee Meeting held on 20 November 2017.

**RECOMMENDATION:**

That Council receives the report from the Heritage Advisory Committee Meeting held on 20 November 2017.

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**REPORT:**

At its meeting on 20 November 2017, the Heritage Advisory Committee was given a presentation by Mr John Dent, as a representative of a community group which has an interest in the potential future adaptive re-use of the Commissariat Store at Paterson Barracks.

The Committee also discussed the following items:

- CBD Facades and how these can be enhanced through the City Heart Project
- Significant Heritage development applications
- Continued discussion of the 2018 Heritage Awards
- Confirmed meeting dates for 2018.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024  
Priority Area 8 - A secure, accountable and responsive Organisation  
Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders  
Key Direction -  
1. To develop and consistently use community engagement processes.

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



**Leanne Hurst: Director Development Services**

**12.2 Northern Youth Coordinating Committee Meeting - 2 November 2017****FILE NO:** SF0136**AUTHOR:** Claudia Garwood (Youth Development Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To receive and consider a report from the Northern Youth Coordinating Committee.

**RECOMMENDATION:**

That Council receives the report from the Northern Youth Coordinating Committee Meeting held on 2 November 2017.

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**REPORT:**

The Northern Youth Coordinating Committee (NYCC) met on Thursday, 2 November 2017 and the following business was conducted:

- A presentation on the Little Bird Building Resilience school program; part of a locally run business that has been operating for seven years focusing on increasing young girls' and boys' resilience, empowerment, belonging and positive identity.
- A presentation on City of Launceston's Resilient Youth Australia Project; an online survey delivered in 14 Launceston based schools that measured across eight well-being domains including; connectedness to adults, educational engagement, empowerment, positive values, boundaries, social skills, community engagement and positive identity. The regional report was shared with committee members and included a brief overview of the local student data.
- The committee awarded funding for two committee member projects; \$600 was awarded to Working It Out for a Queer Youth Ball; a celebratory event aimed at LGBTI young people between the ages of 13 and 25. Working It Out service will provide young people the opportunity to gain skills in coordinating an inclusive socially responsible, safe and accessible community space and event. An amount of \$800 was also awarded to Little Bird Building Resilience program for implementation in two Launceston based schools.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

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**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Consideration contained in the report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

Priority Area 4 - A diverse and welcoming City of Launceston

Key Direction -

4. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community

Youth Engagement Framework 2016-2019

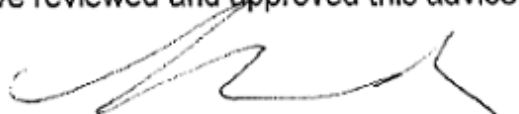
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



**Leanne Hurst: Director Development Services**

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## 13 COUNCIL WORKSHOPS

Council Workshops conducted on 27 November 2017 were:

- Amendments to the *Local Government (General) Regulations 2015*
  - Selection Criteria for Food Vans
  - CBD Building Heights
  - Rail Presentation
  - Northern Suburbs Community Hub Project
  - Fragrance Group
  - Tamar Estuary Management Taskforce - City Deal
  - Aldermen Briefing
-

**14 NOTICES OF MOTION**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 16(5)*

**14.1 Notice of Motion - Alderman E K Williams - A Clear Vision to Develop a Sustainable City (EcoCity)**

**FILE NO:** SF5547

**AUTHOR:** Anthea Rooney (Committee Clerk)

**GENERAL MANAGER:** Michael Stretton (General Manager)

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**DECISION STATEMENT:**

To consider a clear vision to developing a sustainable City (EcoCity).

**RECOMMENDATION:**

That Council requests the General Manager to prepare a policy paper for consideration at a future Workshop to identify a pathway for Launceston to become a Sustainable City (EcoCity).

This includes:

1. Identifying a pathway for the City of Launceston to be carbon neutral by 2050;
  2. Identifying projects to reduce the City of Launceston's carbon footprint by 50% by 2030;
  3. Developing a tree renewal strategy for a changing climate for our parks and gardens; and
  4. Promoting green infrastructure to improve the health of local waterways, reduce localised flood risk, reduce heat island effects, improve air quality, sequester carbon and promote biodiversity.
- 

**REPORT:**

Urban areas account for nearly 75% of humanity's carbon emissions. Reaching global emissions targets depends on our ability to reimagine and reinvent cities to promote economic prosperity, social equity, quality of life and climate resilience. As a signatory to the Paris Agreement, Australia is required to take action on climate change from 2020.

Launceston, and the broader region, has a role to play in international efforts to address the climate crisis. To create and then maintain a modern sustainable city requires a culture shift. The City of Launceston has an opportunity to join a global movement of 'non-state actors' leading climate change and sustainability initiatives at a regional level. This project will establish the City of Launceston as a community leader in sustainability, and

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identify local impacts of global issues such as climate change. It will also explore options for local solutions to mitigate these impacts.

Meaningful statements and goals, as well as on-ground works, are required to reduce carbon emissions and mitigate the global and local effects of climate change.

The motion sees the City of Launceston respond to the need for the community to transition to a position of climate resilience. It provides a measureable suite of steps towards an achievable goal for our city, with benefits for our community and beyond. These initial steps also provide the groundwork for future considerations addressing increased response to the shifts in seasonal variation that Launceston is already experiencing, and associated impacts, for better social and economic outcomes for the community.

**OFFICER COMMENT:**

The Greater Launceston Plan's direction in terms of environmental sustainability is:

- To avoid degradation of natural systems so that human and other needs can be met in the long-term future.
- To ensure that the environmental integrity and high quality liveability of the greater Launceston area is sustained for future generations.

The Notice of Motion also supports Council's Strategic Plan 10 year goal for a City that values its region *'To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards'*.

As an organisation we have achieved some great sustainability projects, such as leading the installation of LED street lights for the region, solar panel installation on many of our buildings, introduction of the food organics and garden organics kerbside service, and cogeneration at the Launceston Waste Centre. However we can achieve more with a coordinated and integrated approach that is consistent with international expectations.

This Notice of Motion, if supported, would see an understanding of and a strategy for reducing our carbon footprint and increasing our community's resilience to predicted climate change. This is a critical step in managing the Council's and community's vulnerability to a carbon constrained environment. Further work would be needed in adaptation planning following the project.

This project could be commenced in January 2018 with a project plan, including methodology and timeframes presented to a workshop in February 2018. At this stage it is believed that the majority of the work could be undertaken utilising internal resourcing.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

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**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024  
Priority Area 8 - A secure, accountable and responsive Organisation  
Ten-year goals - To seek and champion collaboration to address major issues for Northern Tasmania  
Key Directions -  
1. To develop and consistently use community engagement processes

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



**Michael Stretton: General Manager**

**ATTACHMENTS:**

1. Notice of Motion - Alderman E K Williams
-

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*Attachment 1 - Notice of Motion - Alderman E K Williams*

## CITY OF LAUNCESTON

### MEMORANDUM

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FILE NO: SF5547 : SF4854  
EW  
DATE: 22 November 2017

TO: Michael Stretton                      General Manager  
c.c.    Committee Clerks

FROM: Emma Williams                      Alderman

SUBJECT:                      **Notice of Motion - A clear vision to develop a Sustainable City  
(Ecocity)**

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In accordance with Clause 16 (5) of the *Local Government (Meeting Procedures) Regulations 2015* please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on Monday 4 December 2017.

#### **Motion**

That the Council request officers to prepare a Policy Paper for consideration at a future Workshop to identify a pathway for Launceston to become a Sustainable City (EcoCity).

This includes:

1. Identifying a pathway for the City of Launceston to be carbon neutral by 2050;
2. Identifying projects to reduce the City of Launceston's carbon footprint by 50% by 2030;
3. Developing a Tree Renewal Strategy for a Changing Climate for our parks and gardens; and
4. Promoting Green Infrastructure to improve the health of local waterways, reduce localised flood risk, reduce heat island effects, improve air quality, sequester carbon and promote biodiversity.

#### **Background**

Urban areas account for nearly 75% of humanity's carbon emissions. Reaching global emissions targets depends on our ability to reimagine and reinvent cities to promote economic prosperity, social equity, quality of life and climate resilience. As a signatory to the Paris Agreement, Australia is required to take action on climate change from 2020.

Launceston, and the broader region, has a role to play in international efforts to address the climate crisis. To create and then maintain a modern sustainable city requires a culture shift. The City of Launceston has an opportunity to join a global movement of 'non-state actors' leading climate change and sustainability initiatives at a regional level. This project will establish the City of Launceston as a community leader in sustainability,

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## CITY OF LAUNCESTON

### MEMORANDUM

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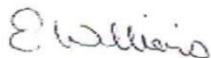
and identify local impacts of global issues such as climate change. It will also explore options for local solutions to mitigate these impacts.

Meaningful statements and goals, as well as on-ground works, are required to reduce carbon emissions and mitigate the global and local effects of climate change.

The motion sees the City of Launceston respond to the need for the community to transition to a position of climate resilience. It provides a measureable suite of steps towards an achievable goal for our city, with benefits for our community and beyond. These initial steps also provide the groundwork for future considerations addressing increased response to the shifts in seasonal variation that Launceston is already experiencing, and associated impacts, for better social and economic outcomes for the community.

#### **Attachments**

Nil



**Alderman Emma Williams**

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**15 DEVELOPMENT SERVICES DIRECTORATE ITEMS****15.1 Building Surveying Fees****FILE NO:** SF2968**AUTHOR:** David Mullenger (Building Services Coordinator)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To consider the adoption of revised Building Surveying fees.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 12 December 2016 - 15.2 - Permit Authority and Building Surveying Fees  
Council - 20 March 2017 - 20.1 - Council Fees 2017/2018 Financial Year

**RECOMMENDATION:**

That pursuant to section 205 of the *Local Government Act 1993*, Council approves the following Building Surveying Fees Schedule, to take effect from 1 January 2018:

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Line	Details	GST Status	Adopted 2017/18 GST Inclusive	PROPOSAL to COUNCIL 2017/18 GST Inclusive	Fee Change
1	<b>BUILDING SERVICES</b>				
	<b>BUILDING SURVEYING</b>				
	PLEASE NOTE:				
67	FEES WILL BE QUOTED AS A MAXIMUM FEE AND/OR WHERE INDICATED, AN HOURLY RATE. QUOTES WILL BE IN WRITING AND RELEVANT TO DOCUMENTS PROVIDED FOR QUOTATION.				
	BUILDERS ARE ADVISED THAT THEY ARE ENTITLED TO SEEK ALTERNATIVE QUOTES FROM OTHER BUILDING SURVEYING PROVIDERS.				
68	<b>General</b>				
69	Accredited - Hourly Rate	Taxable	\$168.30	\$165.00	-\$3.30
70	Non-Accredited - Hourly Rate	Taxable	\$168.30	\$165.00	-\$3.30
71	Accredited - Additional Inspections (inspections associated with current Certifications and Permits)	Taxable	\$112.20	\$165.00	\$52.80
72	Non-Accredited - Additional Inspections (inspections associated with current Certifications and Permits)	Taxable	\$112.20	\$165.00	\$52.80
73	<b>Domestic</b>				
74	Accredited Practitioner - Demolition (includes up to 1 inspection)	Taxable	\$336.60	\$660.00	\$323.40
75	Accredited Practitioner - Underpinning	Taxable	\$336.60	\$660.00	\$323.40
76	Accredited Practitioner - Shipping Container	Taxable	\$336.60	\$660.00	\$323.40
77	Accredited Practitioner - Swimming Pool (above ground) (includes 1 inspection - pool fence)	Taxable	\$224.40	\$330.00	\$105.60
78	Non-Accredited Practitioner - Swimming Pool (above ground) (includes 1 inspection - pool fence)	Taxable	\$224.40	\$330.00	\$105.60
79	Accredited Practitioner - Swimming Pool (inground) (includes up to 2 inspections)	Taxable	\$448.80	\$495.00	\$46.20
80	Non-Accredited Practitioner - Swimming Pool (inground) (includes up to 2 inspections)	Taxable	\$617.10	\$660.00	\$42.90
81	Accredited Practitioner - Deck (includes up to 2 inspections)	Taxable	\$448.80	\$660.00	\$211.20
82	Non-Accredited Practitioner - Deck (includes up to 2 inspections)	Taxable	\$617.10	\$836.00	\$218.90
83	Accredited Practitioner - Verandah/Pergola (includes up to 2 inspections)	Taxable	\$448.80	\$660.00	\$211.20
84	Non-Accredited Practitioner - Verandah/Pergola (includes up to 2 inspections)	Taxable	\$617.10	\$836.00	\$218.90
85	Accredited Practitioner - Garage/Carport/Shed (includes up to 2 inspections)	Taxable	\$448.80	\$660.00	\$211.20
86	Non-Accredited Practitioner - Garage/Carport/Shed (includes up to 2 inspections)	Taxable	\$617.10	\$836.00	\$218.90
87	Accredited Practitioner - Retaining Wall (includes up to 2 inspections)	Taxable	\$448.80	\$660.00	\$211.20
88	Non-Accredited Practitioner - Retaining Wall (includes up to 2 inspections)	Taxable	\$617.10	\$836.00	\$218.90
89	Accredited Practitioner - 2 Structures (example deck & garage) (includes up to 3 inspections)	Taxable	\$673.20	\$715.00	\$41.80
90	Non-Accredited Practitioner - 2 Structures (example deck & garage) (includes up to 3 inspections)	Taxable	\$897.60	\$935.00	\$37.40
91	Accredited Practitioner - 3 Structures (example deck, garage & carport) (includes up to 4 inspections)	Taxable	\$897.60	\$1,050.00	\$152.40
92	Non-Accredited Practitioner - 3 Structures (example deck, garage & carport) (includes up to 4 inspections)	Taxable	\$1,234.20	\$1,350.00	\$115.80
93	Accredited Practitioner - Addition/Alteration - Less than 35m2 (includes up to 3 inspections)	Taxable	\$561.00	\$770.00	\$209.00
94	Non-Accredited Practitioner - Addition/Alteration - Less than 35m2 (includes up to 3 inspections)	Taxable	\$785.40	\$990.00	\$204.60
95	Accredited Practitioner - Addition/Alteration - 36m2 to 199m2 (includes up to 4 inspections)	Taxable	\$1,009.80	\$1,100.00	\$90.20
96	Non-Accredited Practitioner - Addition/Alteration - 36m2 to 199m2 (includes up to 4 inspections)	Taxable	\$1,234.20	\$1,496.00	\$261.80
97	Accredited Practitioner - NEW Dwelling - Greater than 200m2 (Quote) (includes up to 4 inspections)	Taxable	\$1,122.00	\$1,430.00	\$308.00
97A	Accredited Practitioner - NEW Dwelling & Outbuilding - Dwelling greater than 200m2 (Quote) (includes up to 5 inspections)	Taxable	New Fee	\$1,850.00	
98	Non-Accredited Practitioner - NEW Dwelling - Greater than 200m2 (Quote) (includes up to 4 inspections)	Taxable	\$1,683.00	\$2,090.00	\$407.00
99	Accredited Practitioner - Multi Units - 2 Units - If built simultaneously (includes up to 5 inspections)	Taxable	\$1,346.40	\$1,650.00	\$303.60
100	Non-Accredited Practitioner - Multi Units - 2 Units - If built simultaneously (includes up to 5 inspections)	Taxable	\$1,683.00	\$1,980.00	\$297.00
101	Accredited Practitioner - Multi Units - More than 2 Units (includes up to 5 inspections)	Taxable	to be quoted	to be quoted	-
102	Non-Accredited Practitioner - Multi Units - More than 2 Units (includes up to 5 inspections)	Taxable	to be quoted	to be quoted	-
103	Accredited Practitioner - Certificate of Substantial Compliance	Taxable	to be quoted	to be quoted	-
104	Non-Accredited Practitioner - Certificate of Substantial Compliance	Taxable	to be quoted	to be quoted	-

105	<b>Commercial</b>				
106	Accredited Practitioner - Hourly Rate (H/R) (includes 1 inspection)	Taxable	\$168.30	\$165.00	-\$3.30
107	Non-Accredited Practitioner - Hourly Rate (H/R) (includes 1 inspection)	Taxable	\$168.30	\$165.00	-\$3.30
108	Accredited Practitioner - Demolition (includes up to 1 inspection)	Taxable	\$448.80	\$660.00	\$211.20
109	Accredited Practitioner - Internal fitout - maximum 250m2 (includes 2 inspections)	Taxable	\$673.20	\$660.00	-\$13.20
110	Accredited Practitioner - Internal fitout - 251m2 to 499m2 (includes up to 2 inspections)	Taxable	\$897.60	\$850.00	-\$47.60
111	Accredited Practitioner - Internal fitout - over 499m2 (includes up to 3 inspections)	Taxable	\$1,009.80	\$1,050.00	\$40.20
112	Accredited Practitioner - Takeaway/Café Fitout - less than 20 people (includes up to 2 inspections)	Taxable	\$785.40	\$800.00	\$14.60
113	Accredited Practitioner - Addition/Alteration - Maximum 300m2 (includes up to 3 inspections)	Taxable	\$1,346.40	\$1,350.00	\$3.60
114	Accredited Practitioner - New/Addition/Alteration - Maximum 499m2 (includes up to 3 inspections)	Taxable	\$2,244.00	\$2,296.00	\$52.00
115	Accredited Practitioner - New/Addition/Alteration - Over 499m2 (includes up to 4 inspections)	Taxable	\$2,805.00	\$2,870.00	\$65.00
116	Accredited Practitioner - Certificate of Substantial Compliance	Taxable			
447	Accredited Practitioner - Multi Units - 2 Units (includes up to 5 inspections)	Taxable	\$2,075.70	\$2,123.00	\$47.30
118	<b>Other</b>				
119	Accredited Practitioner - Amended Certifications (Hourly Rate (H/R))	Taxable	\$168.30	\$165.00	-\$3.30
120	Non-Accredited Practitioner - Amended Certifications (Hourly Rate (H/R))	Taxable	\$168.30	\$165.00	-\$3.30
121	Accredited Practitioner - Extension of time (12 months) BS Service contract past 2 years	Taxable	\$295.80	\$330.00	\$34.20
122	Accredited Practitioner - Consultancy Work Hourly Rate (H/R)	Taxable	\$168.30	\$165.00	-\$3.30
123	Accredited Practitioner - Re-Open Expired File - Less than 4 years	Taxable	\$673.20	\$673.20	\$0.00
124	Accredited Practitioner - Re-Open Closed File - Greater than 4 years	Taxable	\$1,009.80	\$1,009.80	\$0.00
125	Accredited Practitioner - Strata Reports - 1 Unit	Taxable	\$504.90	\$550.00	\$45.10
126	Accredited Practitioner - Strata Reports - 2 Units	Taxable	\$673.20	\$700.00	\$26.80
127	Accredited Practitioner - Strata Reports - 3 Units or more	Taxable			
128	Accredited Practitioner - Access Lift	Taxable	\$897.60	\$950.00	\$52.40
129	Accredited Practitioner - Occupancy Permit	Taxable	\$336.60	\$350.00	\$13.40
130	Accredited Practitioner - TOP Certificate (per hour)	Taxable	to be quoted	to be quoted	-
131	Accredited Practitioner - Travel Return to Base per hr or part thereof (when greater than 25km from Launceston CBD)	Taxable	\$1.41 per km when > 50km from CBD	\$198.00	\$57.00

### REPORT:

On 1 January 2017 the new *Building Act 2016* and *Building Regulations 2016* commenced operation. The new regulatory framework provides opportunity for smaller building works to be undertaken with fewer requirements to obtain building certification and permits. At the time of the legislation being declared officers flagged that this may require a review of our budgets and associated fees schedules following a period of operation of the new regulatory framework. In particular, the building surveying services provided by the City of Launceston has been reviewed to ensure that competitive cost neutrality is maintained.

The fees schedule adopted annually by Council applies the following principles:

- The real value of fees should be maintained over time; must increase annually by at least the consumer price index.
- Fees and charges should be commercially appropriate.
  - Competitive in the market (not subsidised by rates)
  - Provide an adequate business return.
- Fees and charges that relate to services provided should be cost reflective.

- Fee concessions should be provided in a consistent and strategic context.
  - Targeted provision of concession.
  - Appropriate relativity between full and concessional fees.
- Structure fees with payment incentives rather than payment penalties (where appropriate).
- Structure fees to assist with the achievement of strategic customer outcomes and behaviours.
- Continued simplification and consolidation of fees wherever possible.
- The appropriate setting of fees is an important way in which the City of Launceston can obtain a wider contribution to regional facilities.

Applying the above principles and as a consequence of a thorough review of the true costs of providing the Building Surveying Service, it is necessary to increase the Building Surveying fees substantially to ensure that the fees are competitive, cost reflective and commercially appropriate.

It is recommended that the fee increases be applied from 1 January 2018 and that the revised Building Surveying Fees Schedule be published immediately following this decision being taken. It is recognised that some fee increases are significant and for this reason existing customers will be contacted directly to communicate the new schedule.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals -

To ensure decisions are made in a transparent and accountable way

To continue to meet our statutory obligations and deliver quality services

Key Directions -

4. To continually improve our service delivery and supporting processes

5. To strategically manage our assets, facilities and services

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**BUDGET & FINANCIAL ASPECTS:**

Consideration contained within the report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



**Leanne Hurst: Director Development Services**

**16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda

**17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda

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**18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS****18.1 Lease - King Billy Play Park****FILE NO:** SF2721**AUTHOR:** Barry Pickett (Manager Natural Environment)**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

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**DECISION STATEMENT:**

To consider leasing an area of land at 7 Ti-Tree Crescent Rocherlea, known as King Billy Park (PID 1594496) to the Northern Suburbs Community Centre Incorporated.

*Under section 178(3) of the Local Government Act 1993 this decision is required to be passed by an absolute majority of Council.*

**RECOMMENDATION:**

That, in accordance with section 178 of the *Local Government Act 1993*, Council resolves to lease public land situated at 7 Ti-Tree Crescent Rocherlea, known as King Billy Park (PID 1594496), to the Northern Suburbs Community Centre Incorporated under the following terms:

- the term shall be five years commencing on 1 February 2018.
  - the lease amount shall be \$1 per annum.
  - tenant to pay all outgoing costs such as:
    - energy costs;
    - volumetric usage and service charges for water;
    - fire service checks;
    - security monitoring fees; and
    - All other service fees and charges associated with maintenance of building and land.
  - tenant shall continuously maintain:
    - building in good and reasonable order;
    - building property insurance; and
    - public liability insurance of at least \$10 million.
- 

**REPORT:**

The Northern Suburbs Community Centre Inc (NSCC) has been part of the northern suburbs community for the past 34 years and employs some 20 staff with over 50 volunteers who drive the organisation. The history of the NSCC shows a willingness to tackle issues relevant to the community and to develop the necessary networks and partnerships to best achieve outcomes wanted by the local community. One such

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successful partnership is with the NSCC Men's Bizz Program 'Men's Shed'. The NSCC Men's Bizz program's current operational base consists of two containers located near the Rocherlea Hall which is also leased to the NSCC. This has been a very restrictive and challenging environment to enable development and growth.

The NSCC expressed an interest to the Council in 2016 wishing to expand the program but needed to source a suitable location for this to occur. King Billy Park was identified as the preferred site to establish a community shed.

King Billy Park is one of three play space areas within the Rocherlea suburb and offers limited play space opportunities with Ti Tree Crescent and Reservoir Road undergoing redevelopment as a result of extensive community consultation and successful grant funding. The proposed lease will allow for the King Billy Park play space to remain as it forms part of the community hub. The remaining park space will provide a suitable location for a new community shed and car parking. The location is also well supported by the NSCC satellite site which is within 50m and provides many services, including outreach programs and many other community activities. This will further increase community connections and assist with the development of the shed into a youth mentoring facility.

The development of the Rocherlea Community Shed will have many advantages for people in the community as the facility will also become a place of learning, connecting people, breaking down barriers of social isolation, building capacity of community and bridging generation gaps. This proposal is supported by the Northern Suburbs project.

The NSCC has been successful in obtaining \$250,000 to develop a community shed with funding from both the City of Launceston and Department of State Growth Community Infrastructure Grants.

Section 179 of the *Local Government Act 1993* requires that the leases of public land that exceed five years be advertised. Given that this lease does not exceed five years, public notice is not required.

**ECONOMIC IMPACT:**

The Community Shed's aim is to become self-sufficient with re-generating income.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

The Men's Shed will provide a safe environment, enabling people to build friendships and support people and families.

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**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

Priority Area 4 - A diverse and welcoming City of Launceston

Ten-year goal - To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities

Key Directions -

1. To understand the needs and requirements of key community service providers and stakeholders
2. To plan services and facilities that recognise the changing demographics of our community
3. To define and communicate our role in promoting social inclusion and equity
4. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community
5. To offer equitable access to services and facilities, including the design of public spaces that are accessible and suited to all abilities
6. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

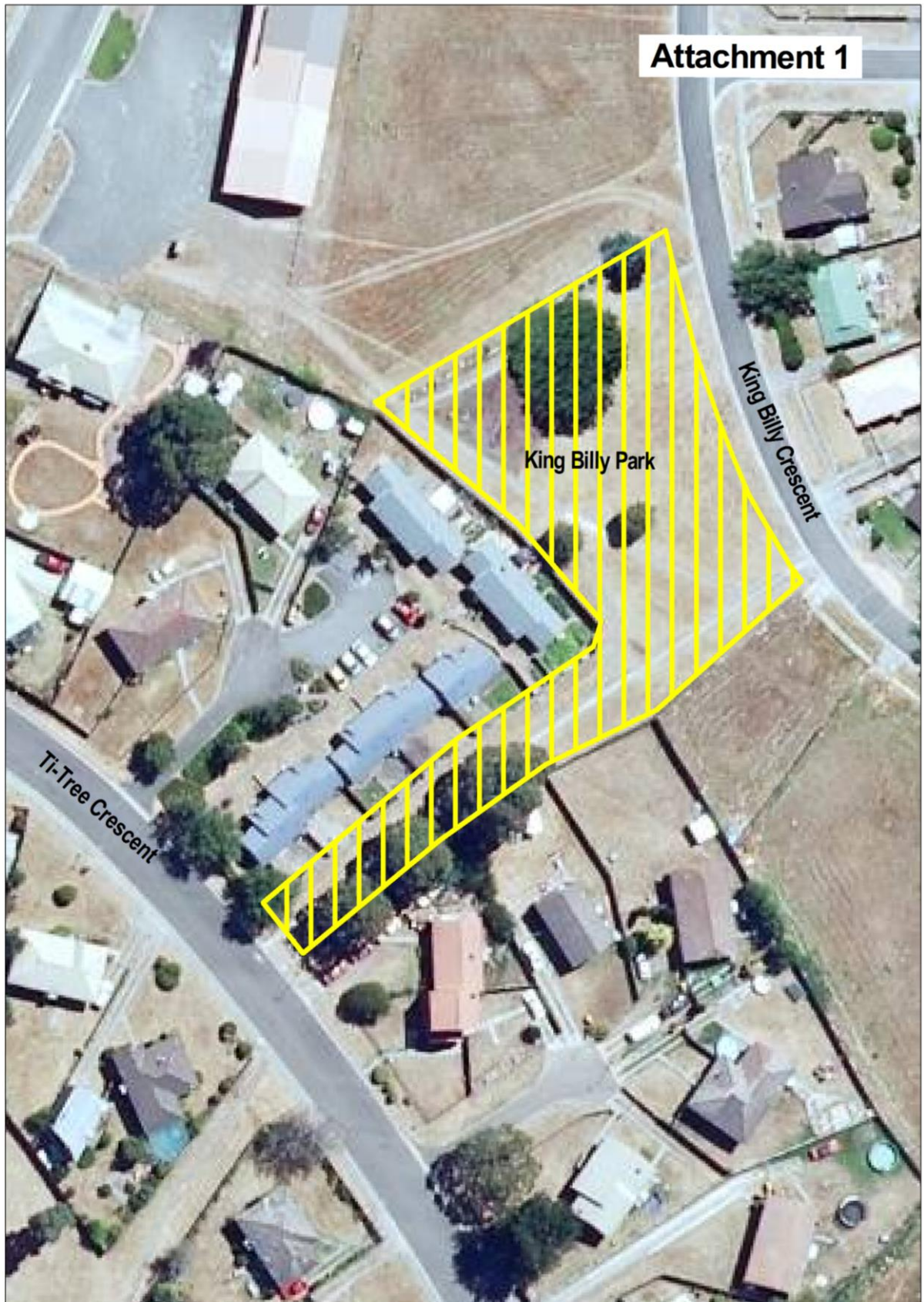
I certify that I have reviewed and approved this advice and recommendation.



**Shane Eberhardt: Director Infrastructure Services**

**ATTACHMENTS:**

1. Map of lease area.
  2. Letter of lease proposal from Northern Suburbs Community Centre Inc.
-



**ALL VENUES**

Postal Address:  
P.O. Box 143  
Mowbray 7248

**Attachment 2**

ABN 95 017 450 530  
Phone: (03) 63 265506  
Fax: (03) 63 262713

25<sup>th</sup> October 2017

**Expression of Interest for Lease of King Billy Park, Rocherlea**

The Northern Suburbs Community Centre is located across three sites in Mowbray, Newnham and Rocherlea and has been part of these communities since 1983.

**ROCHERLEA MEN AND COMMUNITY SHED PROJECT**

The NSCC (Northern Suburbs Community Centre) Men's Bizz Program is an open age men's group for males of all ages that have the opportunity to take part in the Men's Bizz shed or the Men's Bizz social group (they currently meet twice weekly)

The program offers a -

- Friendly environment
- Link to new opportunities in the community
- Education and Training
- Information and Personal Development

**FUNDING:**

The Rocherlea Men and Community Shed project has been successful to date with funding from both City of Launceston and the Department of State Growth to develop the shed.

**LAND:**

After discussions in late 2016 with Ivan Dean MLC and Barry Pickett Natural Environment Manager at LCC we had an offer of King Billy Park in Rocherlea to be given to the community to support the Men and Community Shed project.

NSCC (Northern Suburbs Community Centre Inc) are now seeking a lease agreement from City of Launceston for King Billy Park. With the development of the shed the site will become the responsibility of NSCC and the Community Shed for water, power and outgoing costs. We would envisage the Community Shed community participants will also take on responsibility for the maintaining of the grounds.

**NEW SHED:**

There are plans from recent Rocherlea community consultations (conducted by NSCC and also from the "Big Ideas" discussions) to further develop the shed into a community/youth mentoring facility (we are already working with East Tamar Primary School students during school terms ie building billy carts, making musical instruments)

N.S. Community Centre Mowbray  
Dover St  
Mowbray, Tas 7248  
Phone: (03) 63 266776

**"ANCORA IMPARO"**  
*I am still learning*

N.S.C.C. Rocherlea  
11 Blackwood Dr.  
Rocherlea, Tas 7248  
Phone: 0473415600

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**ALL VENUES**

Postal Address:  
P.O. Box 143  
Mowbray 7248



49 George Town Road, Newnham

ABN 95 017 450 530  
Phone: (03) 63 265506  
Fax: (03) 63 262713

**NEIGHBOURHOOD HOUSE SATELLITE SITE:**

The NSCC Blackwood Drive Centre has become one of our Satellite sites supporting NHH outreach programs along with Youth, Families and Seniors activities and there will be opportunity for other services to utilise the space as well ie legal, health, government.

We are currently offering from this site 2 PEEPS Youth Programs, Goldies Women's Group, Coffee and Chat Drop-In; Relationships Australia & Catholic Care Counselling and Education Programs; NSCC Twilight Teas and our Baby Bugs playgroup

With our Centre at 11 Blackwood Drive as a satellite site for the neighbourhood house, we look forward to the area once again becoming a fantastic community hub as will our new Centre on George Town Road!

The opportunity to have a Rocherlea Men and Community Shed as part of this hub on King Billy Park will give us further opportunity to build our communities capacity.

NSCC along with the Rocherlea Men and Community Shed look forward to working alongside the City of Launceston with the development of this community driven project.

Yours sincerely

Denise Delphin

NSCC Centre Manager

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N.S. Community Centre Mowbray  
Dover St  
Mowbray, Tas 7248  
Phone: (03) 63 266776

***"ANCORA IMPARO"***  
*I am still learning*

N.S.C.C. Rocherlea  
11 Blackwood Dr.  
Rocherlea, Tas 7248  
Phone: 0473415600

**19 MAJOR PROJECTS DIRECTORATE ITEMS**

**No Items have been identified as part of this Agenda**

**20 CORPORATE SERVICES DIRECTORATE ITEMS****20.1 Facilities By-Law - Resolution to Make****FILE NO:** SF0066**AUTHOR:** Michael Jacques (Senior Corporate Legal Counsel)**DIRECTOR:** Paul Gimpl (Acting Director Corporate Services)

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**DECISION STATEMENT:**

To consider the proposed Facilities and Local Highways By-Law and Regulatory Impact Statement so Council may give notice of its intention to make a By-Law.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 13 November 2017 - Facilities By-Law

**RECOMMENDATION:**

That Council records an intention to make the attached Facilities and Local Highways By-Law under section 156 of the *Local Government Act 1993*.

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**REPORT:**

The main objective of the proposed By-Law is to regulate, control and protect designated malls, parks and gardens and in some instances local highway areas in the Launceston municipal area. The By-Law is also to promote safe and user friendly areas for the public. The controls set out in the By-Law are intended to provide a behavioural framework for members of the public when visiting the Council's land and facilities.

The principal means by which the By-Law will assist in achievement of the above objectives are:

- The detailing of the requirement for written permission to use designated facilities for events, busking, sales of tickets and the like;
  - The creation of deterrents by way of offences for things such as erection of structures, erection of signs, sale of items, distribution of advertising material and organising assemblies without a permit to do so;
  - The creation of deterrents by way of offences relating to damage to Council property and nuisance;
  - Controls on vehicular movements; and
  - Clarifying the processes for infringement notices and the payment of fines associated with offences created under this By-Law.
-

This By-Law will replace four existing By-Laws and will offer simplified provisions with repetitive provisions used in the previous four By-Laws amalgamated in to one By-Law. Changes in the new By-Law, when compared with the prior by-laws include:

- Grammatical alterations.
- Fewer offences overall but differently expressed to cover some gaps and ambiguities.
- Removal of provisions that are adequately covered by amended State laws, such as liquor offences.
- More clarity and simplicity around who is authorised under the by-laws to exercise the powers under the By-Law.
- More powers to deal with nuisance objects including vehicles by defining what constitutes an "Abandoned" article and a "Nuisance Vehicle" in clause 4, then granting Council officers powers in Clause 16 to remove and dispose of abandoned articles like vehicles.

To create the By-Law the following process will occur:

- (1) Council will consider this recommendation to record its intention to make this By-Law. This requires an absolute majority (section 156(1) *Local Government Act 1993*).
- (2) The proposed Regulatory Impact Statement and By-Law will be assessed and certified by the Director Local Government.
- (3) A notice will also be published in the Examiner. This will start a public submission period of at least 21 days. The draft By-Law will also be made available on Council's website. Letters will be sent to identified stakeholders seeking input on the By-Law.
- (4) Council will then consider the public submissions and any revisions it wishes to make as a result of the submissions. Council will then be able to consider a recommendation that it make a Facilities and Local Highways By-Law.
- (5) The By-Law will then be sealed, certified and gazetted in accordance with the *Local Government Act 1993*. The By-Law will commence operation from the date of its gazettal. The By-Law is then provided to the Subordinate Legislation Committee and tabled in both Houses of Parliament.

## **ECONOMIC IMPACT:**

It is unlikely that the by-law will have any economic impact as it essentially deals with the regulation of behaviour in a public place.

## **ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

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**SOCIAL IMPACT:**

The By-Law will promote a safe and user friendly environment for the public.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

Ten-year goal - To promote Launceston as a unique place to live, work, study and play

Key Directions -

1. To continue to offer and attractive network of parks, open spaces and facilities throughout Launceston
2. To support the CBD and commercial areas as activity places during day and night

**BUDGET & FINANCIAL ASPECTS:**

The By-Law provides for fines to be issued. Any fines will be directed back to the Department administering the By-Law.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation



**Paul Gimpl: Acting Director Corporate Services**

**ATTACHMENTS:**

1. Draft Facilities and Local Highways By-Law
  2. Regulatory Impact Statement
-

***Attachment 1 - Draft Facilities and Local Highways By-Law*****LAUNCESTON CITY COUNCIL****FACILITIES AND LOCAL HIGHWAYS  
BY-LAW NO. x of 2017**

**A By-Law made under section 145 of the *Local Government Act 1993* to control, regulate and protect facilities and local highways throughout the municipal area of the Launceston City Council.**

**PART 1 – PRELIMINARY****1. Repeal**

The following By-laws:

- (1) No.1 of 2010 Malls notified in the Tasmanian Government Gazette on the 12<sup>th</sup> day of May 2010;
- (2) No.4 of 2009 Reserves, Parks and Gardens notified in the Tasmanian Government Gazette on the 4<sup>th</sup> day of November 2009;
- (3) No.3 of 2009 Swimming Centres notified in the Tasmanian Government Gazette on the 8<sup>th</sup> day of April 2009; and
- (4) No.6 of 2007 York Park Stadium notified in the Tasmanian Government Gazette on the 23<sup>rd</sup> day of May 2007, are repealed.

**2. Short Title**

This By-Law may be cited as the Facilities and Local Highways By-Law Number x/2017.

**3. Application**

This By-Law applies to all Facilities and Local Highways in the municipal area of the Launceston City Council.

**4. Interpretation**

- (1) This By-Law is not intended to interfere with the cultural activities of the Tasmanian Aboriginal community, nor with the cultural activities of any other peoples.
- (2) In this By-Law, unless the contrary intention appears:

"Abandoned " means

- (a) objects or materials that appear to have been discarded by the owner and that in the opinion of the Authorised Officer have a negligible market value apart from scrap value; and
  - (b) Nuisance Vehicles
    - (i) that have been held for 28 days and the owner cannot be located after a search of available vehicle registration records; or
    - (ii) where the owner is informed of the removal but does not pay the charges required under this By-Law within 14 days of being so informed.
-

"Aquatic Centre" includes Launceston Aquatic, the Lilydale District Swimming Pool, the Basin Swimming Pool, and any other swimming related infrastructure, facility or building controlled or managed by the Council;

"Authorised Officer" means a person authorised in writing by the Council or the General Manager, or a police officer of Tasmania Police;

"CCTV" means any visual surveillance and recording technology system with the capability to monitor environments and activities;

"City of Launceston" means the Launceston City Council;

"Closed Area" means any closed part of a Facility, or Local Highway that has been closed under clause 15,

"Commercial Activity" means any activity which relates to the provision of goods and services and includes:

- (a) the promotion of an undertaking that provides goods and services;
- (b) distributing or arranging to distribute or affixing to any Council property any type of advertisement, book, card, notice, pamphlet, print, paper, sign billboard or placard for any purpose; and
- (c) organised instructing or coaching at an Aquatic Centre;
- (d) the placement of Skip Bins;
- (e) the placement of security fencing, hoarding, shipping container, site office or site amenities associated with the use or development of the adjacent land whether the person is remunerated or not;

"Council" means the Launceston City Council;

"Crossing" means a vehicular crossing or pedestrian path over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway that is intended primarily for ingress or egress from that land.

"Damage" includes:

- (a) to destroy, tamper with, remove, mark, write on, deface or in any other way injure;
  - (b) collect or remove any wood or timber;
  - (c) open or keep open an entrance to a Public Reserve; and
  - (d) place or dump objects or materials,
- without the permission of an Authorised Officer;

"Facility" means a Public Reserve, Mall, Aquatic Centre, or York Park Stadium;

"General Manager" means the General Manager of the Council;

"Liquor" has the same meaning as under the *Police Offences Act 1935*;

"Local Highway" has the same meaning as under the *Local Government (Highways) Act 1982*;

"Mall" means the areas listed in Schedule 2;

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"Nuisance" may include:

- (a) Possessing an open container of liquor or selling or consuming liquor in a manner that would not be lawful under Section 25 of the *Police Offences Act 1935*;
- (b) using indecent and/or offensive language;
- (c) acting in a disorderly or unlawful way.
- (d) throwing a projectile or releasing a projectile from any device,
- (e) causing Damage;
- (f) climbing on to a tree, shrub, roof, seat, fence, fixture, or other structure in a Facility;
- (g) light a fire other than in a fireplace provided by the Council for public use;
- (h) using a camera, video camera, mobile telephone camera or any other device that records still or moving images in any change room or toilet in a Facility; or
- (i) a nuisance as defined by Section 199 of the *Local Government Act 1993*,

where the Council or an Authorised Officer has not given written approval for that activity to occur in a Facility or Local Highway;

"Nuisance Vehicle" means a vehicle or part of a vehicle that is;

- (a) Abandoned;
- (b) left parked or stationary for a period in excess of 24 hours;
- (c) obstructing the public use of a Facility or Local Highway; or
- (d) is parked or used in breach of this by-law;

"Parking Area" means an area at a Facility allocated by Council for parking of vehicles;

"Public Reserve" means a reserve, rockery, area of bushland, planted embankment, nature strip, median strip, plantation, sports ground, park, flood levee, or garden usually open to the public and under the control and management of the Council;

"Polluting Substance" means in any Aquatic Centre:

- (a) blood;
- (b) faeces;
- (c) detergents;
- (d) food and beverages;
- (e) urine;
- (f) vomit; or
- (g) any other substance deemed to be a polluting substance by an Authorised Officer;

"Skip Bin" means any container that has a capacity in excess of 240 litres that is designed primarily for the collection and removal of waste or recyclable materials.

"Vehicle" means a vehicle as defined in Clause 3(1) of the *Traffic Act 1925*;

"York Park Stadium" means the stadium area at York Park within the boundaries as marked on the map in Schedule 3.

## **PART 2 - USE OF FACILITIES**

### **5. Driving of vehicles**

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- (1) Subject to subclause (2), a person must not drive a vehicle in a Facility.

Penalty: a fine not exceeding 5 penalty units.

- (2) This subclause (1) does not apply to a bicycle, trail bike, tricycle, skateboard, skates or other vehicle being used:
- (a) by an emergency service;
  - (b) on a road, parking space, path or track provided for such vehicles unless signs or notice boards indicate that such use is not allowed; or
  - (c) with the written permission of an Authorised Officer.

- (3) Except for emergency vehicles, a person permitted to drive a Vehicle in a Facility must:
- (a) enter or leave by the access point identified by signage, or directed by an Authorised Officer;
  - (b) not cause their vehicle to enter or remain in a closed Parking Area;
  - (c) drive at a safe speed not in excess of 5 kilometres per hour unless otherwise authorised by an Authorised Officer; and
  - (d) not abandon a vehicle.

Penalty: a fine not exceeding 5 penalty units.

## **6. Commercial Activity**

- (1) A person must not engage in Commercial Activity in a Facility or on a Local Highway without written permission from an Authorised Officer.

Penalty: a fine not exceeding 10 penalty units.

- (2) A person must not cause or permit the installation of any furniture, building, booth or other structure that will facilitate Commercial Activity in a Facility or on a Local Highway except under the conditions of a permit or license issued by an Authorised Officer or a Council, or a lease issued by a Council.

Penalty: a fine not exceeding 10 penalty units and for a continuing offence, a further daily fine not exceeding 1 penalty unit.

## **7. Public speaking, concerts and similar activities**

- (1) In a Facility or on a Local Highway, a person must not conduct, arrange, or participate in:
- (a) subject to clause 7(2), a function, party, reception, assembly, concert or informal social gathering;
  - (b) an organised sport, contest, or game;
  - (c) public speaking including preaching;
  - (d) busking, selling raffle tickets or taking up collection of money, without written permission from an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

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- (2) Subject to clause 17, a person may conduct, arrange or participate in an informal social gathering in a Public Reserve without written permission from an Authorised Officer if the gathering does not:
- (a) involve more than 20 people participating at any time;
  - (b) use an area which is notified as, or indicated by signs and barriers to be, a reserved or closed area; and
  - (c) involve the other activities referred to in clause 7(1)

## **8. Dogs and Other Animals**

- (1) A person must not possess or have under his or her control an animal in a Facility, except:
- (a) a dog in a Public Reserve being exercised in conformity with the *Dog Control Act 2000*;
  - (b) a horse being ridden in a Public Reserve area where Council notices or signs state that such use is allowed;
  - (c) a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967*; or
  - (d) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

## **9. Nuisance and Disorderly conduct**

- (1) A person must not in a Facility create or cause a Nuisance.

Penalty: a fine not exceeding 5 penalty units.

## **10. Misuse of change room and public toilet**

- (1) A person must not in a Facility or Local Highway, if that person is over the age of ten years, enter a change room or public toilet reserved for the use of people of the opposite sex except to help someone who is injured, elderly or disabled.

Penalty: a fine not exceeding 10 penalty units.

## **11. Ground Invasion**

A person must not enter or remain on the playing arena of York Park Stadium except;

- (a) while participating in an organised activity where the Council approved event organisers have invited the person to enter the playing arena; or
- (b) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 20 penalty units.

## **12. Substances in an Aquatic Centre**

- (1) A person must not put any Polluting Substance in an Aquatic Centre.
  - (2) A person who has an infection or a contagious disease or skin complaint must not enter a pool or waterslide in an Aquatic Centre.
-

Penalty: a fine not exceeding 5 penalty units.

### **13. Objects on a Local Highway or Facility**

A person must not:

- (1) on a Local Highway or Facility deposit or allow to be deposited any;
  - (a) soil, gravel or other material;
  - (b) structure; or
  - (c) other object,

in a manner that an Authorised Officer determines may interfere with the amenity, comfort, convenience, or safety of the public.

Penalty: a fine not exceeding 5 penalty units.

- (2) in a Local Highway cause or allow works to be performed on a Crossing without the consent of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

## **PART 4 - POWERS OF AUTHORISED OFFICERS AND ENFORCEMENT**

### **14. Permits and Hire Agreements**

- (1) Subject to Part 12 Division 1 of the *Local Government Act 1993*, an Authorised Officer may,
  - (a) grant, cancel or vary a permit or authorisation; and
  - (b) grant a lease, licence, permit or authorisation to temporarily occupy part of all of a Facility or Local Highway,on any terms and conditions that they may see fit to impose.

- (2) A person must not occupy any part of a Facility or Local Highway unless the person is occupying the Local Highway in accordance with a lease, licence, permit or authorisation granted by the Council for the relevant land.

Penalty: a fine not exceeding 5 penalty units.

- (3) If a permit or authorisation is withheld or varied, reasons are to be provided.

### **15. Closure of Facility or Local Highway**

- (1) Subject to Part II Division 3 of the *Local Government (Highways) Act 1982* where the land is a Local Highway, an Authorised Officer may from time to time, and for such temporary period as he or she determines, close all or any part of a Local Highway or Facility, to members of the public.

### **16. Making Good**

- (1) An Authorised Officer may take any reasonable measure to restore a Facility, Parking Area, or Local Highway to its original condition after a breach of this by-law including,
-

- (a) require a person to undertake works to rectify any Council property which has been subject to Damage due to that person's acts or omissions; and
  - (b) if the Authorised Officer is an employee of the Council, remove any Nuisance Vehicle or other object and,
    - (i) take it to a safe place and keep it there until the penalty, removal and storage charges have been paid; or
    - (ii) dispose of the object in any manner the Council sees fit if the object is Abandoned.
  - (c) Where in the opinion of the Authorised Officer it appears likely that a discarded object may have been stolen the Authorised Officer must seek to contact Tasmania Police and seek further directions prior to disposal.
  - (d) The Council may use the proceeds of disposal to defray expenses but if the proceeds of disposal exceed the amount of the expenses, the Council must hold those balance proceeds for a period of 3 months from the date of disposal and, if not claimed by the owner during that period, then the Council may keep the balance of the proceeds.
- (2) In addition to a penalty imposed or remedy granted against a person in relation to a failure to comply with this by-law, any expense incurred by Council in consequence of that failure or contravention, including the costs of rectification work, is recoverable by Council as a debt payable by the person in contravention.

## **17. Refusal of admission and removal**

- (1) If a person engages in conduct which an Authorised Officer is reasonably believed by the Authorised Officer to be in breach of this by-law, or a Nuisance, an Authorised Officer may either:
- (a) refuse to admit a person to a Facility or part of a Local Highway;
  - (b) require a person to leave a Facility or part of a Local Highway for a specified length of time;
  - (c) issue a prohibition notice banning a person from entering a Facility or part of a Local Highway for the period of the ban; or
  - (d) if the Authorised Officer is an employee of the Council, remove any person from a Facility or part of a Local Highway.
- (2) A person who has been banned from using a Facility or closed part of a Local Highway for a period of time must not enter that Facility or relevant part of a Local Highway during that period.

Penalty: a fine not exceeding 5 penalty units.

- (3) A police officer may arrest without warrant a person who:
- (a) he or she believes on reasonable grounds to have committed an offence against this by-law; and
  - (b) is on land owned by, or under control of the Council.
- (4) Council may prosecute a person for breach of this by-law if the person fails to leave a Facility or closed part of a Local Highway after having been requested to do so.

## **18. Closed Circuit Television**

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A person who enters a Facility or Local Highway may have their image recorded and disclosed for investigatory and management purposes.

## **19. Infringement notices and fine**

- (1) An Authorised Officer may:
    - (a) issue an infringement notice to a person that the Authorised Officer has reason to believe is guilty of a specified offence;
    - (b) issue one infringement notice in respect of more than one specified offence;
    - (c) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
  
  - (2) Infringement notices may be issued in respect of the offences specified in Column 1 of Schedule 1 to this by-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence, unless otherwise specified.
  
  - (3) In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action, the person issued with an infringement notice must either:
    - (a) pay the total amount of the monetary penalty stated on the infringement notice to; or
    - (b) lodge a notice of election to have the offence heard by a Court with the General Manager at the Town Hall, St John St Launceston within 28 days of the date of service of the notice.
  
  - (4) An infringement notice alleging that a vehicle has been used in relation to a prescribed offence may be served by affixing it to that vehicle.
  
  - (5) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
-

## Schedule 1 Infringement Notice Offences

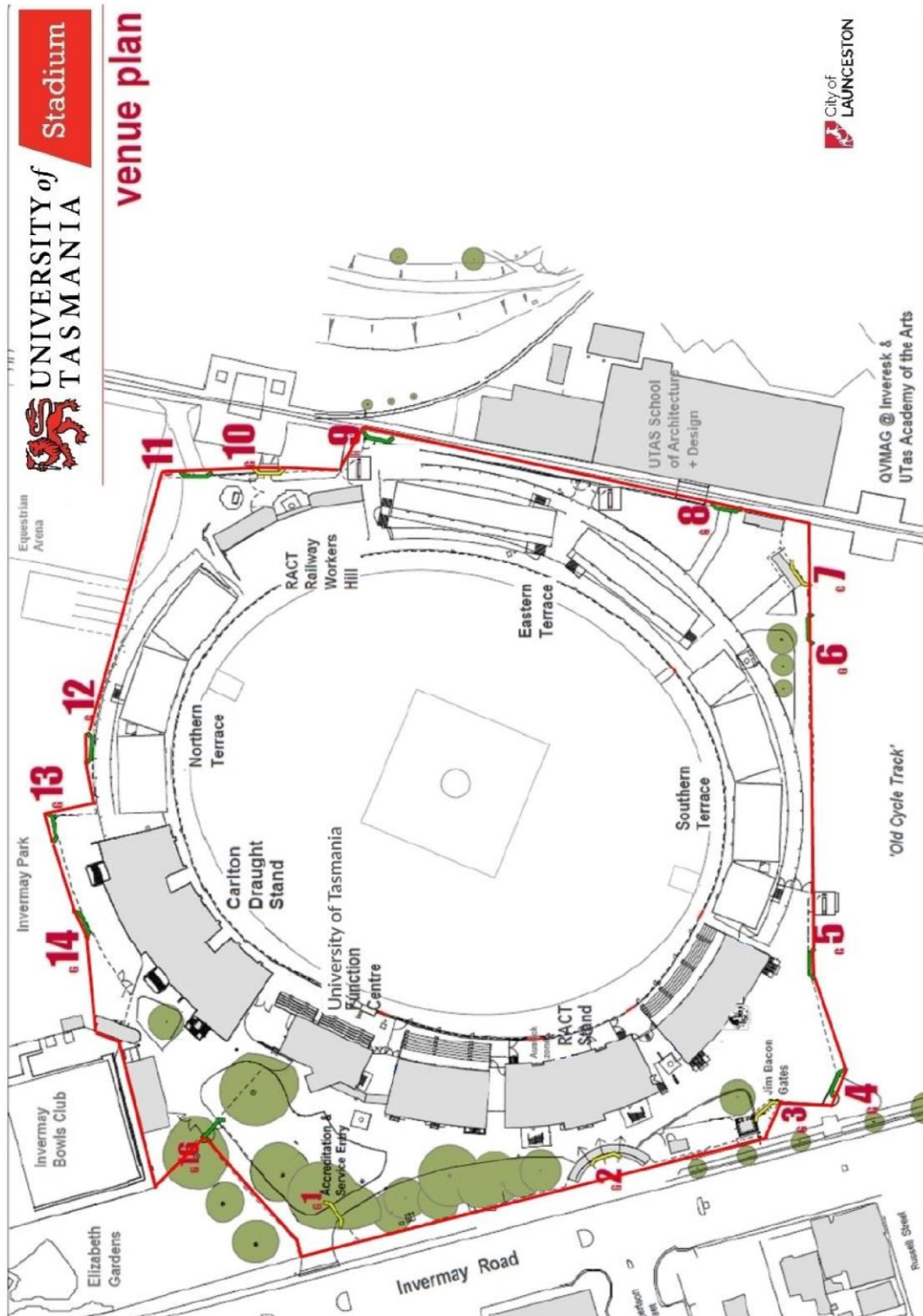
Clause	General Description of Offence	Penalty Units
5(1)	Driving a vehicle in a Facility	1
5(3)	Unsafe Driving	1
6(1)	Unauthorised Commercial Activity	2
6(2)	Unauthorised structures	2
7	Engaging in unauthorised activity	1
8	Unauthorised animals	1
9	Nuisance	1
10(1)	Entering change rooms	2
11	Ground Invasion	4
12(1)	Introduction of Polluting Substances into Aquatic Centre	1
12(2)	Use of Aquatic Centre with infectious disease	1
13(1)	Objects on a Local Highway or Facility	1
13(2)	Unauthorised works on a Crossing	1
14	Occupying land without a permit	1
15	Entering closed Facility	1

## Schedule 2 - Malls in which the by-law applies

- |   |                      |   |
|---|----------------------|---|
| 1 | Brisbane Street Mall | Between Charles and St John Streets   |
| 2 | The Quadrant Mall    | The Quadrant between Brisbane Street and St John Street including Dicky Whites Lane, Ingles Lane, Claytons Lane and Bookmakers Lane |
| 3 | Civic Square         | Cameron Street between Charles Street and St John Street  |
| 4 | The Avenue           | The area from the shop front to the kerb edge of the widened footpath in Brisbane Street between St John Street and George Streets. |
| 5 | Charles Street       | The area from the shop front to the kerb edge of the widened footpath in Charles Street between Paterson and York Streets.          |
| 6 | St John Street       | The area from the shop front to the kerb edge of the widened footpath in St John Street between Paterson and York Streets.          |

Schedule 3

York Park Stadium



The Common Seal of the Launceston City Council has been placed on this document pursuant to a resolution of Council on the xxx day of xxx 2017 in the presence of us:

.....  
Albert Van Zetten  
MAYOR

.....  
xxxxxx  
ALDERMAN

Certified as being made in accordance with *Local Government Act 1993*

.....  
xxxxxxxxxxxx  
GENERAL MANAGER

Certified as being in accordance with the law.

.....  
Michael Jacques  
LEGAL PRACTITIONER

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***Attachment 2 - Regulatory Impact Statement***

**Draft**

**REGULATORY IMPACT STATEMENT****LAUNCESTON CITY COUNCIL  
FACILITIES AND LOCAL HIGHWAYS BY-LAW****Purpose and Process of Regulatory Impact Statement**

When Council seeks to make a new By-Law it is a statutory requirement of the *Local Government Act 1993* that a Regulatory Impact Statement (RIS) is prepared. The preparation of an RIS is a rigorous process aimed at analysing the most efficient and effective options available to address a particular issue. An RIS is required to identify whether the benefits of a restriction on competition or an impact on business imposed by the By-Law outweigh the costs. This requires an assessment of the direct and indirect social, economic and environmental impacts of the proposed by-law and alternatives considered.

The *Local Government Act 1993*, under section 156A, provides that once the RIS has been prepared, Council must submit it to the Director of Local Government for assessment. If the Director is satisfied that the RIS meets the statutory requirements, he or she will issue a certificate to that effect and Council can then commence the public consultation process.

**Objectives of the By-law**

The object of the Launceston City Council's Facilities and Local Highways By-Law Number xx of 2017 is to control, regulate and protect facilities throughout the municipal area of the Launceston City Council.

The By-Law will promote a safe and user friendly environment for the public. It is intended that the controls on use and behaviour detailed in the proposed By-Law will provide a behavioural framework for all members of the public.

The principal means by which the By-Law will assist in the achievement of this objective are:

- The detailing of the requirement for written permission to use designated Facilities for certain activities;
- The creation of offences relating to disorderly conduct and a range of other offences and nuisances relating to behaviour;
- Clarify the powers of Council's Authorised Officers
- Creating rules for infringement notices and the payment of fines associated with offences under this By-Law.

**Background**

The By-Law is intended to update our by-laws to incorporate improvements in our processes identified through operational use of the by-law powers in recent years. It also simplifies our by-laws by combining four existing By-Laws in to one (No.1 of 2010 Malls; No.4 of 2009 Reserves, Parks and Gardens; No.3 of 2009 Swimming Centres; No.6 of 2007 York Park Stadium).

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Launceston City Council has had most of the above by-laws in some form for at least the last 10 years or more. Council's By-Laws have recently been used by Council officers to manage use and behaviour in designated Council malls, although they are only relied on infrequently for other facilities.

Changes in the redrafted by-law include:

- Grammatical alterations.
- Reworded and simplified provisions with repetitive provisions used in four by-laws amalgamated in to one by-law.
- Fewer offences overall and differently expressed offences to cover some gaps and ambiguities.
- Removal of provisions that are adequately covered by amended State laws, such as liquor offences.
- More clarity and simplicity around who is authorised under the by-laws to exercise the powers under the By-Law.

The By-Law is a means to control, regulate and protect facilities throughout the municipal area of the Launceston City Council. It will work in conjunction with Council's established process for the hiring of facilities, entry conditions in to facilities, and the provisions of the *Police Offences Act 1935*. This proposed By-Law allows for the issue of infringement notices to offenders.

The By-Law avoids duplicating offences that are also covered by certain provisions of the *Police Offences Act 1935*, and deals only with areas where there are shortfalls in the scope of those provisions. This creates a mechanism for authorised Council officers to work in conjunction with Tasmania Police in managing facilities effectively. Recognition is given to the efforts of the Tasmania Police directed at providing a safe community. The ability of Council officers to enforce certain behaviours in facilities enables the efforts of Tasmania Police to be continued.

Consultation in relation to the development of the By-Law has been undertaken with Tasmania Police and Council staff. The By-Law has been developed in consultation with Council's senior legal advisor and external advisors.

### **Does the By-Law Restrict Competition?**

Council believes the By-Law does not place a material restriction on competition as it essentially deals with governance matters, such as the regulation of behaviour in a public place, or Council recreational facility.

The process for hiring and authorising activities in facilities is already in place. The existing administrative systems will not need to be altered in order to address the By-Law requirements.

The requirement for a licence to use a Council facility might be considered a restriction on market entry.

The requirement for a licence or permit to erect a structure, erect signs or banners, sell or offer for sale merchandise, food or drink, busk, sell raffle tickets, distribute advertisements, conduct a concert, organise an assembly or engage in preaching or public speaking, sell liquor, may be considered a restriction on market entry or to have an impact on competitive conduct.

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The licensing system could be seen to operate to limit participation in the market place and the required compliance with license conditions may stifle innovation in this context.

However, any impact of the By-Law which occurs while it is endeavouring to provide a framework for the appropriate use of Council facilities and to enable the accessibility of these public places to all in a safe manner, more than justifies any potential restrictions. Further, without these restrictions Council's ability to create safe, accessible and user friendly public places for all would be impinged.

**Does the By-Law Impact on Business?**

The Council believes that the By-Law will not have a negative impact on business as it essentially deals with purely governance matters.

Commercial, sport and recreational operators will not be significantly affected by the By-Law - the current hiring and permitting arrangements and controls around use of Council malls will be maintained.

The By-Law does not provide for any disincentives for business and there are no additional compliance or reporting costs other than those required by the licensing and permitting system. Accordingly, it is unlikely that this By-Law will have a significant negative impact on business.

The By-Law may have a positive impact on business by helping to maintain a pleasant environment that will be an attractive to shoppers and visitors.

The benefits of the By-Law in terms of the creation of safe, accessible and user friendly public places for all outweigh the identified costs in terms of restrictions on market entry and competitive conduct.

**Assessment of the Costs Versus the Benefits of any Restriction on Competition or on the Conduct of Business**

	Costs	Benefits
Restrictions on Market Entry (licensing requirements)	<ul style="list-style-type: none"> <li>• May limit participation (effect on business)</li> <li>• Administrative costs (effect on business and government)</li> <li>• Maintenance and enforcement costs (effect on business)</li> </ul>	<ul style="list-style-type: none"> <li>• The creation of safe, accessible and user friendly public places for all.</li> <li>• It is in the public interest that there is a safe and accepted approach to controlling the use of Councils malls and that it is open to public scrutiny.</li> </ul>

	Costs	Benefits
Competitive Conduct	<ul style="list-style-type: none"> <li>• May stifle innovation (effect on business, consumers and community)</li> <li>• May limit participation (effect on business)</li> <li>• Administrative costs (business and government)</li> <li>• Maintenance and enforcement costs (effect on business)</li> </ul>	<ul style="list-style-type: none"> <li>• The creation of safe, accessible and user friendly public places for all.</li> <li>• It is in the public interest that there is a safe and accepted approach to controlling the use of Councils malls and that it is open to public scrutiny.</li> </ul>

**Assessment of the Direct and Indirect Economic, Social and Environmental Impact of By-Law**

The primary benefit of the by-law is establishing Council's facilities as safe and user friendly public places. Its purpose is to benefit the community as a whole with the creation of public places which facilitate the provision of a wide range of experiences and promotes physical well-being.

The economic impacts of the By-Law are minimal - hirers will still be required to adhere to Council's established protocols for hiring and use of facilities, users will have clear guidelines as to behavioural requirements and will only suffer a financial consequence if they infringe the By-Law requirements.

**Other Options Considered**

The common law powers of a property owner are not considered sufficient to deal with the myriad of behavioural issues that arise in facilities and local highways. Dealing with some activities becomes cumbersome if Council seeks to rely on common law or solely on the current provisions of the *Police Offences Act 1935*. The offences covered by the By-Law are relatively minor and restricted to Council facilities and local highways. The offences are also more deliberately tailored to the needs of Council facilities and local highways.

**Justification of Public Interest**

The By-Law makes provision to control, regulate and protect facilities throughout the municipal area of the Launceston City Council. The matters it covers include hire and use of facilities (which include Council malls, sporting grounds, parks and pools), controlling disorderly conduct, damage to Council property, erection of signs and structures and, parking.

It is in the public interest that there is a safe and accepted approach to controlling the use of Councils facilities and the local highway and that it is open to public scrutiny.

The proposed By-Law requires that some uses of facilities and local highways be authorised by authorised Council officers. This is a continuation of existing administrative practice.

**Assessment of Greatest Net Benefit or Least Net Cost to the Community**



The proposed By-Law will benefit the community but at a minimal cost. The By-Law has been designed to address the user behaviour issues associated with the management of a public place.

There will be minimal additional cost to the community in providing management in line with By-Law provisions. The Council has an established activity management protocols and staff trained in these processes. The capacity to administer this system is contained within the current management practices and procedures. Council will continue to work with local police on behaviour management in public places and the By-Law will facilitate increased enjoyment and safety for users.

### **Public Consultation Process**

The following consultation process will occur:

- (1) Letters will be sent to identified stakeholders seeking input on the Facilities and Highways By-Law. The letter will seek comment in writing via email. The aim of such consultation is to identify all the issues of the stakeholders so that the By-Law provides a suitable framework for managing the use of these public places.

The identified stakeholders include users and hirers of Council facilities, Tasmania Fire Service, Tasmania Ambulance Service, Taxi Association, Metro Tasmania, Royal Guide Dogs, Tasmanian Aboriginal Centre, Launceston Ratepayers Association, Bicycle Users Group, Access Committee, Nursing Mothers, Playgroup Association, Motorbike Association, Tourism Tasmania, Northern Tasmania Development, Migrant Resource Centre, Skateboard Association, Launceston Chamber of Commerce and, Cityprom.

- (2) Council will debate a recommendation that it make a Facilities and Local Highways By-Law.
- (3) Council will pass a motion that it intends to make the By-Law.
- (4) It will then publish notice of that resolution:
  - (a) once in the Examiner newspaper
  - (b) by displaying the notice on the notice board at the Town Hall from the day when the newspaper advertisement is first published until the end of the submission period which is specified in the notice.

The notice will state the following:

- (i) the purposes and general effect of the by-law;
- (ii) that a copy of the by-law and of the Regulatory Impact Statement may be inspected at the Customer Service Centre until the specified day ;
- (iii) that a copy of the by-law and Regulatory Impact Statement may be downloaded from Council's website or purchased for the cost of \$4.00 at the Town Hall until the specified day;
- (iv) that submissions in respect of the by-law may be made in writing, addressed to and lodged with the General Manager, stating the grounds of the submission and the facts relied upon to support those grounds;
- (v) that submissions must be lodged before the specified day.

The specified day will be no earlier than 21 days after the publication of the notice in the Examiner newspaper.

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- (5) The General Manager will make copies of the proposed by-law and the Regulatory Impact Statement available for inspection or purchase by the public until the day specified in the notice.
- (6) The draft by-law will also be made available on Council's website, [www.launceston.tas.gov.au](http://www.launceston.tas.gov.au)

**Do you have any Concerns or Comments?**

Submissions about the By-Law and Regulatory Impact Statement may be made in writing, addressed to and lodged with the General Manager, stating the reasons for the submission and the facts relied upon to support those reasons.

The submission must be received before the day specified in the advertisement which is no earlier than 21 days after the publication of the advert in the Examiner newspaper.

The Council will consider all submissions that have been made to it concerning the by-law and the Regulatory Impact Statement and, if it decides to amend the By-Law as a result of any of these submissions it will do so by absolute majority. The Council does not need to give further public notice unless an amendment substantially changes the purpose or effect of the proposed By-Law.

If you make a submission you will be notified of Council's decision in writing.

**If you have any questions about the process please contact Michael Jacques, Senior Corporate Legal Counsel, on 6323 3000.**

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**20.2 Amendments to the Local Government (General) Regulations 2015**

**FILE NO:** SF0081 / SF0331

**AUTHOR:** John Davis (Manager Corporate Strategy)

**DIRECTOR:** Paul Gimpl (Acting Director Corporate Services)

**DECISION STATEMENT:**

To consider the proposed amendments to the *Local Government (General) Regulations 2015*.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 27 November 2017 - Amendments to the *Local Government (General) Regulations 2015*

**RECOMMENDATION:**

That Council provide the following feedback to the Local Government Association of Tasmania regarding the proposed amendments to the *Local Government (General) Regulations 2015*:

1. Regarding gifts and donations, that the possible changes listed in items 1-3 and 6-10 in the Table in Attachment 1 of this report be endorsed and those seeking a response from Council be endorsed as per the following table:

	<b>Issue</b>	<b>Possible changes to the regulations</b>	<b>Council decision</b>
4	Minimum threshold amount (\$) for disclosure	The current minimum threshold for Launceston is \$75.  The two options proposed for a minimum threshold are:  Option 1: \$50 Option 2: \$200	\$100 minimum
5	Notification requirements - reporting period - councillor requirements - ALL gifts and donations	The Local Government Division would be interested in stakeholders' views on the best practice for the timing of disclosure of gifts and donations in Tasmania.	7 days allowance to disclose a gift or donation

## COUNCIL AGENDA

Monday 4 December 2017

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2. The electoral advertising limit be increased from \$5,000 to \$6,500 for an alderman candidate and from \$8,000 to \$10,500 for alderman and mayor or deputy mayor candidate with future increases being at CPI (rounded to the nearest \$500).
  3. The Declaration of Office be amended to include immediately after b):
    - (c) engage in ongoing professional development; and
    - (d) abide by the principles of good governance.
- 

### REPORT:

The Local Government Division (LGD) of the Department of Premier and Cabinet has distributed for comment a Stakeholder Consultation Paper on proposed amendments to the *Local Government (General) Regulations 2015* (General Regulations) (Attachment 1).

The Local Government Association of Tasmania (LGAT) has forwarded an email requesting Council comments on the following key proposed changes within the Consultation Paper:

1. Gifts and donations –refer to the table in Attachment 1.
2. Electoral advertising limit – an increase from \$5,000 to \$6,500 for a councillor candidate and \$8,000 to \$10,500 for councillor and mayor or deputy mayor candidate. Future increases would be at CPI.
3. Amendment of the Declaration of Office

LGAT will be preparing a sectoral response to LGD and has requested Council feedback by close of business on Monday 11 December.

### Discussion

#### 1. *Gifts and benefits*

The *Local Government Amendment (Targeted Review) Act 2017* received Royal Assent on 22 November 2017. One of the resultant changes to the *Local Government Act 1993* is the inclusion of a new provision that requires aldermen to notify the general manager if they receive a gift or donation, and for the general manager to keep a register of those gifts and donations. This change is to commence on a date to be proclaimed, in order to allow for time and opportunity to prepare for the amendment.

The Table in the attached Consultation Paper summarises key issues and possible changes to the General Regulations. Unless Aldermen have questions regarding the possible changes to the legislation where a definitive recommendation has been made, these will be accepted as read. Those requiring a decision from Council are outlined in the table in the recommendation, following the numbering in the Table in Attachment 1.

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## 2. *Electoral advertising limit*

This section is self-explanatory and for Aldermen to determine whether increases in the electoral advertising limits are warranted in the Regulations. The recommendation in this report anticipates alignment with the LGD's proposed amendment.

## 3. *Amendment of the Declaration of Office*

In the Declaration of Office in the General Regulations (Schedule 2) an Alderman is currently required to declare that they will:

- (a) faithfully carry out the functions and exercise the powers vested in me by virtue of that office to the best of my ability and in accordance with the law; and
- (b) comply with the Council's code of conduct.

And the recommendation of the LGD is that the following be added to the Declaration:

- (c) engage in ongoing professional development; and
- (d) abide by the principles of good governance.

The recommendation in this report anticipates alignment with the LGD's proposed amendment.

### **ECONOMIC IMPACT:**

Not considered relevant to this report.

### **ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

### **SOCIAL IMPACT:**

Not considered relevant to this report.

### **STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024  
Priority Area 8 - A secure, accountable and responsive Organisation

### **BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation



**Paul Gimpl: Acting Director Corporate Services**

**ATTACHMENTS:**

1. Amendments to the *Local Government (General) Regulations 2015* - Stakeholder Consultation
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**Attachment 1 - Amendments to the *Local Government (General) Regulations 2015 - Stakeholder Consultation***

**Amendments to the *Local Government (General) Regulations 2015 – Stakeholder Consultation***

**Consultation**

The Local Government Division is seeking comment on the following three amendments to the *Local Government (General) Regulations 2015* (General Regulations):

1. The introduction of a gifts and donations register as per the new Part 5A of the *Local Government Act 1993*. Consultation is focused largely on the gifts and donations register and comment is sought on the **attached** table which summarises the key issues and possible changes to the General Regulations.
2. Amending regulation 22 to increase the current electoral advertising expenditure limit by a monetary amount as per Recommendation 28 of the Targeted Review Steering Committee. The Local Government Division recommends commencing the new expenditure limits at an agreed amount indexed by CPI each year.
  - Currently, regulation 22 of the General Regulations states that the advertising expenditure limit for a candidate in a single election is \$5,000, while the expenditure limit for a candidate standing for councillor and a mayor or deputy mayor is \$8,000.
  - It is proposed that the advertising expenditure for a candidate in a single election be raised to \$6,500, and the expenditure for a candidate standing for councillor and a mayor or deputy mayor be raised to \$10,500, indexed by CPI each subsequent year. These figures reflect the CPI increase on the current amount since they were last set in 2005 (rounded to the nearest \$500).
  - The intent is to ensure that the levels set out in the General Regulations in 2005 are adjusted for inflation and then automatically indexed each subsequent year, ensuring real values are maintained. The General Regulations will be amended according to the latest CPI calculations at the time of drafting.
  - In addition, the amount indexed each subsequent year could be rounded to the nearest \$500 for ease of administering the limits.
3. Amending the Declaration of Office such that elected members are required to engage in ongoing professional development and abide by the principles of good governance, as per Recommendation 5 of the Steering Committee.
  - It is suggested that the Declaration could be amended by including the following provisions immediately after (b):
    - (c) *engage in ongoing professional development; and*
    - (d) *abide by the principles of good governance.*
  - In addition to the amendment to the Declaration of Office in the General Regulations, the Local Government Division will be considering how such a Declaration would be practically complied with. We welcome feedback from the

sector as to how this may occur. A preferred option would be for councils to self-report. In addition, the Local Government Division could undertake auditing and/or public reporting.

The General Regulations will be supported by detailed Guidelines and there may be consequential amendments to the *Local Government (Model Code of Conduct) Order 2016* as required, to ensure consistency across both instruments, particularly in relation to compliance matters. The sector will be consulted on any proposed amendment to the Model Code of Conduct.

### **Submissions**

Submissions are to be made in writing and are to be provided either by email to [lgd@dpac.tas.gov.au](mailto:lgd@dpac.tas.gov.au) or by post to:

Local Government Division  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001

All submissions must be received by close of business on **Monday 18 December 2017**.

### **Important information to note**

All submissions will be treated as public information and will be published on DPAC's website once consideration of the submissions has concluded. However, if you wish your submission to be treated as confidential, whether in whole or in part, please note this in writing at the time of making your submission, and clearly indicate which parts of your submission are confidential, and advise the reasons as to why.

Please note that your name, or the name of your organisation making a submission, will be disclosed unless you request otherwise. In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), DPAC will treat the submission as public.

### **The Right to Information Act 2009 and confidentiality**

By law, information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be treated as confidential, your statement detailing the reasons will be taken into account in determining whether or not to release the information in the event of an RTI application for assessed disclosure.

Should you have any questions regarding the consultation on the amendments to the General Regulations, please contact DPAC's Local Government Division by email at [lgd@dpac.tas.gov.au](mailto:lgd@dpac.tas.gov.au) or by telephone on (03) 6232 7022.



Gifts and Donations - Amendments to the Local Government (General) Regulations 2015

Issue	Summary/intent	Possible changes to the Regulations
<p><b>1</b></p> <p>What is in scope?</p>	<p>The Act prescribes compulsory disclosure of gifts and donations received by a councillor.</p> <p>The policy will apply to all gifts and donations made to elected members during a financial year.</p>	<p>The Regulations could stipulate that disclosure relates to a councillor's public duties as distinct from their private capacity.</p>
<p><b>2</b></p> <p>What is exempt?</p>	<p>Personal gifts (received not in connection with an election of a candidate) are exempted in the majority of other jurisdictions.</p>	<p>It is suggested that private gifts (i.e.: gifts made to an individual that are not substantially related to their role as an elected member) or a disposition of property under a will are exempted from disclosure.</p>
<p><b>3</b></p> <p>Definitions</p>	<p>The majority of jurisdictions that have legislated for this matter all have similar definitions of "gift", therefore it is suggested that a similar definition be adopted from these jurisdictions.</p> <p>An example is the definition in the City of Brisbane Regulation 2012: A gift is the transfer of money, other property or other benefit—                      (i) without consideration; or                      (ii) for a consideration substantially less than full consideration</p>	<p>The definition of "gift" may include a transfer or loan of money, other property or other benefit that is without consideration or for a consideration substantially less than full consideration.</p> <p>It is suggested that the definition of "donation" include a "political donation".</p>
<p><b>4</b></p> <p>Minimum threshold amount (\$) for disclosure</p>	<p>Only gifts or donations over a certain value need to be declared.</p> <p>Currently across jurisdictions this ranges from \$200 (Qld, WA), \$500 (SA, Vic) and \$1,000 (NSW).</p>	<p>The two options proposed for a minimum threshold are:</p> <p>Option 1 - \$50</p> <p>Option 2 - \$200</p>

Gifts and Donations - Amendments to the Local Government (General) Regulations 2015

Issue	Summary/intent	Possible changes to the Regulations
<p><b>5</b> Notification requirements – reporting period – councillor requirements – ALL gifts and donations</p>	<p>Considering the size of local governments across Tasmania, and the thresholds and sizes of the other jurisdictions, it is suggested that any gift or donation exceeding \$50 should be declared.</p> <p>(New) section 56A(2)(c) – be provided to the general manager within the period prescribed by the regulations.</p> <p>For electoral (campaign) donations, local government jurisdictions have varying reporting periods within which a disclosure return needs to be lodged - from 3 days up to 10 weeks.</p> <p>In its 2014 report <i>Election Funding, Expenditure and Disclosure in NSW: Strengthening Accountability and Transparency</i>, ICAC reviewed best practice examples of disclosure data systems (in the context of election donations). Of particular note, timely reporting was ideally in real-time or continuous.</p> <p>Recently, the Queensland Government introduced real-time donation disclosure for local government elections, requiring disclosure within 7 days of receipt of donations above the disclosure threshold (\$500).</p> <p>For transparency, it is recommended that best practice donation disclosure of real-time/continuous disclosure be applied to both gifts and donations in Tasmania.</p>	<p>Currently, the majority of councils have policies in place with a minimum threshold of \$50 and \$150, with some thresholds for disclosure ranging between \$200 and \$500.</p> <p>It is suggested that notification of receipt of a gift/donation be given to the relevant general manager within seven (7) days of receipt.</p>
<p><b>6</b> Notification requirements –</p>	<p>It is expected that amendments to the regulations will not be made and in force until approximately July 2018. With</p>	<p>2018 election – it is suggested that any successful candidate will be required to disclose any electoral</p>

Gifts and Donations - Amendments to the Local Government (General) Regulations 2015

Issue	Summary/intent	Possible changes to the Regulations
<p>successful candidates – electoral/campaign gifts and donations</p>	<p>local government elections to be held in October 2018, it is suggested that a transitional arrangement could be put in place to account for the compressed timeframe and the need for candidates to be aware of their disclosure obligations.</p>	<p>gift or donation received during the 90 day period prior to closing day of the polling period.</p> <p>Subsequent elections – it is suggested that any successful candidate will be required to disclose any electoral gift or donation received during the 180 day period prior to closing day of the polling period.</p> <p>Disclosure to the general manager of these electoral gifts and donations could be done within 45 days of a candidate receiving a certificate of election.</p>
<p>7 Register - details</p>	<p>The new section 56B(2) requires the register to include the following information:</p> <ul style="list-style-type: none"> <li>(a) the name of the councillor;</li> <li>(b) a description of the gift or donation;</li> <li>(c) any other information required by the regulations to be included.</li> </ul> <p>Some councils are currently maintaining gift registers - an example of what Hobart City Council is reporting is available on their website:  <a href="https://www.hobartcity.com.au/Council/Aldermen">https://www.hobartcity.com.au/Council/Aldermen</a></p>	<p>In addition to that required under section 56B(2) of the Act, the register could also contain the following information:</p> <ul style="list-style-type: none"> <li>- Donor name;</li> <li>- Donor's suburb/locality;</li> <li>- Date received; and</li> <li>- Estimated value of the gift/donation.</li> </ul>

Gifts and Donations - Amendments to the Local Government (General) Regulations 2015

	Issue	Summary/intent	Possible changes to the Regulations
8	<b>Register – availability</b>	<p>In addition, LGAT circulated a draft template register (and policy) to councils in March 2014, which the sector could adopt.</p> <p>It is standard practice in other jurisdictions that registers are available publically.</p>	<p>It is suggested that councils are to ensure that a copy of the register may be viewed by the public – at the council's public office and on its website.</p>
9	<b>Register – updates</b>	<p>Regular updating of registers is consistent with standard practice throughout other jurisdictions.</p>	<p>It is suggested that published registers are updated monthly, given the suggested real-time disclosure, ensuring the register remains current.</p>
10	<b>Compliance and monitoring</b>	<p>General managers are responsible for keeping the register up to date with any disclosed gift or donation.</p> <p>The new section 56A contains a penalty provision for non-disclosure which would be investigated by the Director of Local Government.</p> <p>Currently, the Model Code of Conduct contains provisions relating to "Gifts and Benefits". These will be amended in conjunction with amendments to the Regulations to ensure that there is consistency and clarity as to the appropriate investigative body for any alleged breach.</p> <p>The sector will be consulted on any amendments to the Model Code of Conduct.</p>	<p>There are no proposed amendments to the Regulations in relation to compliance.</p> <p>A detailed Guideline will be issued following the amendments to the Regulations.</p> <p>Amendments to the Model Code of Conduct will be done in conjunction with the amendments to the Regulations.</p>

**21 GENERAL MANAGER'S DIRECTORATE ITEMS**

**No Items have been identified as part of this Agenda**

**22 URGENT BUSINESS**

*Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Agenda.*

**No Urgent Items have been identified as part of this Agenda**

**23 CLOSED COUNCIL**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)*

**23.1 Confirmation of the Minutes****23.2 Alderman's Leave of Absence****RECOMMENDATION:**

That, pursuant to the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session to consider the following matters:

**23.1 Confirmation of the Minutes**

*Regulation 34(6)*

**23.2 Alderman's Leave of Absence**

*Regulation 15(2)(h) applications by councillors for a leave of absence.*

**24 MEETING CLOSURE**

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**UNCLASSIFIED AGENDA ITEMS:**

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