



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
THURSDAY 6 DECEMBER 2018  
1.00pm**

# City of Launceston

COUNCIL AGENDA

Thursday 6 December 2018

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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: 6 December 2018

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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26 November 2018

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 Thursday, 6 December 2018 commencing at 1.00pm in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely



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

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# City of Launceston

COUNCIL AGENDA

Thursday 6 December 2018

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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.)*

**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 22 November 2018 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**

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**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.)*

**6.1 Mr Brian Watson - Returned Services League of Australia - Northern Midlands Sub Branch - Centenary of Armistice Commemoration Dinner****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.)*

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**7.1.1 Public Questions on Notice - Mr Basil Fitch - 22 November 2018****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

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**QUESTIONS and RESPONSES:**

The following questions were submitted in writing to Council on 22 November 2018 by Mr Basil Fitch and have been answered by listed Council Officers.

**Questions (typed as received):**

1. Did the contractors of the Mall and Civic Square receive an incentive bonus to complete work earlier than date on contract?

**Response:**

*(Shane Eberhardt Director Infrastructure Services)*

*With regard to the specific detail of the contractual agreement for the Brisbane Street Mall project, it can be confirmed that this agreement does contain both incentive and penalty clauses with respect to the completion date of the works. The contractual agreement for Civic Square included a penalty clause. These are a standard provision of the Australian Standards form of contract used for this project.*

*The specific detail of this (or any) contractual agreement between the Council and another party is considered commercial-in-confidence information.*

**Question:**

2. Will Council hold a post mortem on the manner the 2018 election was held and associated matters pertaining to same. I ask for invitation to Workshop or Public Forum to give evidence?

**Response:**

*(Louise Foster Director Infrastructure Services)*

*The 2018 Local Government elections were conducted by the Tasmanian Electoral Commission and the decision to hold a Public Forum or Workshop regarding the manner in which they were conducted lies with that organisation.*

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**7.1.1 Public Questions on Notice - Mr Basil Fitch - 22 November 2018 ...(Cont'd)**

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**Question:**

3. Notice of Motion by Mayor to review parking in CBD a public meeting be held to get all peoples views either present or submission in writing?

**Response:**

*(Bruce MacIsaac Director Infrastructure Services)*

*Council has resolved to receive an evidence based report responding to the proposal that Council provide the first 60-90 minutes parking in our multi deck carparks at no charge. This report is to be received within three months and if Council decides to pursue the proposal, appropriate engagement and communications will be undertaken at that time.*

**Question:**

4. How much money does the Council owe in loan debts. How much is in reserve a/c and has the \$10.5m loan from Treasurer Gutwein been activated from investment?

**Response:**

*Louise Foster Director Infrastructure Services)*

*As at 30 September 2018, the Council owed \$9.769m - \$9m of this amount is interest free and the \$0.769m amount will be paid in full by 30 June 2019, leaving only the \$9m interest free loan remaining. These figures and a more detailed explanation were presented in the 22 November 2018 Council Agenda - Agenda Item 19.4 - Financial Report to Council - 30 September 2018. Under the Northern Economic Stimulus Package (NESP) the State Government approved interest free loans up to \$19.5m. Currently Council has only borrowed (interest free) \$9m for the CH Smith car park. The Council has not borrowed the remaining \$10.5m still available under NESP, however, the Council may choose to borrow \$4.2m (interest free) for the St John Street Redevelopment project. The Council has the required cash in reserve to repay the interest free NESP loans when they fall due.*

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**7.1.1 Public Questions on Notice - Mr Basil Fitch - 22 November 2018 ...(Cont'd)**

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**Question:**

5. Have all Aldermen received a copy of *Local Gov Act 1993*, Code of Conduct and any other regulations, planning, etc?

**Response:**

*(Louise Foster Director Infrastructure Services)*

*Following the election and the Declarations of Office by current Aldermen the City of Launceston conducted a two-day induction session for Aldermen at which relevant internal policies and procedures and legislation was provided.*

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**ATTACHMENTS:**

1. Questions on Notice - Mr Basil Fitch - 22 November 2018
-

Attachment 1 - Questions on Notice - Mr Basil Fitch - 22 November 2018

PUBLIC QUESTIONS ON NOTICE

1 DID THE CONTRACTORS OF THE MALL AND CIVIC SQUARE RECEIVE AN INCENTIVE BONUS TO COMPLETE WORK EARLIER THAN DATE ON CONTRACT.?

2 WILL COUNCIL HOLD A POST MORTEM ON THE MANNER THE 2018 ELECTION WAS HELD AND ASSOCIATED MATTERS PERTAINING TO SAME I ASK FOR INVITATION TO WORKSHOP OR PUBLIC FORUM TO GIVE EVIDENCE.?

3 NOTICE OF MOTION BY MAYOR TO REVIEW PARKING IN CBD A PUBLIC MEETING BE HELD TO GET ALL PEOPLES VIEWS. EITHER PRESENT OR SUBMISSION IN WRITING.?

4 HOW MUCH MONEY DOES THE COUNCIL OWE IN LOAN DEBTS HOW MUCH IS IN RESERVE A/C AND HAS THE \$10.5M LOAN FROM TREASURER GUNZELN BEEN ACTIVATED FROM INVESTMENT.?

5 HAVE ALL ALDERMAN RECEIVED A COPY OF LOCAL GOV ACT 1993 CODE OF CONDUCT AND ANY OTHER REGULATIONS PLANNING ETC.?

Basil Fitch

SF4358/SF0507

FILE No.	SF6381/SF6422/SF6790		
EO	OD	<input checked="" type="checkbox"/>	Box
RCV'D		23 NOV 2018	LCC
Doc No.			
Action Officer	Noted	Replied	

DELIVERED AT  
22 NOVEMBER 2018  
COUNCIL MEETING

**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.)*

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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 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground**

**FILE NO:** DA0540/2018

**AUTHOR:** Iain More (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:	Craig Anthony McKenzie
Property:	2147 East Tamar Highway, Mount Direction
Zoning:	Rural Resource
Receipt Date:	17/09/2018
Validity Date:	18/09/2018
Further Information Request:	08/10/2018
Further Information Received:	03/10/2018
Deemed Approval (Extension of time granted):	6/12/2018
Representations:	Six

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

Council - 22 November 2018 - Agenda Item 8.1 - 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground

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**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

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*General Manager Comment:*

The owner has provided a response to the concerns raised in the representations and by the Alderman, which is included as Attachment 7. In this response, the owner has committed that all users of the site will be notified of the access arrangements as well as bushfire conditions. Additionally, signage will be placed at the access/egress to remind users of the left/in, left/out arrangements.

Whilst it is acknowledged that the Council has reservations in respect to the traffic arrangements proposed as part of the development, the responsible Road Authority for the East Tamar Highway (Department of State Growth) has consented to the arrangement, thus satisfying the provisions of the Interim Planning Scheme. Accordingly, should Council make a decision which is contrary to the Road Authority advice, it would not accord with the Planning Scheme.

Advice from the Council's Senior Corporate Legal Counsel, is that in general terms, when it becomes clear that a Council decision does not follow the planning scheme, and that decision was also taken contrary to planning advice, then the appeal decision is usually followed by a costs order against Council. The order of magnitude is usually in the tens of thousands of dollars if the permit goes to a full appeal. Without at least a contrary opinion from a traffic management expert, the prospects of success under appeal are very, very low.

**RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA540/2018 - Visitor Accommodation - Change of use to caravan park/camp ground at 2147 East Tamar Highway, Mount Direction subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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

- (a) Camping Site No. 1 Layout Map, Prepared by GPM, Dated 17/10/2018; and
  - (b) Camping Site No. 2 Layout Map, Prepared by GPM, Dated 17/10/2018; and
  - (c) Traffic Assessment, Proposed Caravan park 2147 East Tamar Highway, Mount Direction, prepared by Terry Eaton, Dated April 2017.
-

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

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**2. PRIORITY HABITAT**

No clearing of any priority habitat is to occur on the subject site. If clearing does occur a new application may be required.

**3. DEPARTMENT OF STATE GROWTH**

On receipt of an approved Planning Permit, the Developer must provide a written request to the Department of State Growth's Property Assets Section (Property.Assets@stategrowth.tas.gov.au) to facilitate amendment of the current Limited Access licence details and conditions for the subject property title.

**4. NUMBER OF OCCUPANTS**

The use is restricted to 30 caravans and motorhomes.

**5. ACCESS**

Access and egress to and from the site must maintain left in and left out only, as required by the Traffic Assessment endorsed as part of this approval.

**6. LEGAL TITLE**

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

**7. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01582-LCC dated 01/10/2018, and attached to the permit.

**8. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7.00am - 6.00pm

Saturday - 9.00am - 6.00pm

Sundays and Public Holidays - 10.00am - 6.00pm

**9. AMENITY - COMMERCIAL/INDUSTRIAL USE**

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

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**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

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**10. NO BURNING OF WASTE**

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

**11. WASTE MATERIALS**

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

**12. DIRECTIONAL SIGNAGE**

Prior to the commencement of use, directional signage clearly communicating the access arrangements, including the left in left out requirement, must be provided to Council and approved by the Manager of City Development. Approved direction signs must be installed prior to use commencing.

Notes**A. General**

*This permit was issued based on the proposal documents submitted for DA0540/2018. 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 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 withdrawn 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 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.*

**B. 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 affected, restricted or prohibited by any such covenant.*

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**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

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*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.*

**C. 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>*

**D. 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.*

*If a dump point is required, or is to be installed, a design report (including a site and soil evaluation in accordance with AS/NZS 1547:2012), is to be provided, with an application for a Plumbing Permit.*

*The dump point is to be in accordance with AS 3500.2 - Sanitary Plumbing and drainage. The design report must also include plans to scale, a cross section, signage, a means of securing the unit to prevent tampering, a hose wash down facility and a means of protecting the unit from damage, such as vehicle damage.*

*Also, a means of alerting of any overflows or malfunction, (eg. a visual, audible alarm) is to be provided at the existing dwelling.*

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**REPORT:****1. THE PROPOSAL**

It is proposed to utilise the site for self-contained caravans and motorhomes, occupying 30 sites over two areas of the property. No buildings are proposed, with the only development being a waste drop station. There will be some vegetation removal to clear the sites and upgrade the internal roads.

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**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

The sites are restricted to areas located on the site plans. Site No. 1 is located on the western side of the site, closer to the East Tamar Highway. Site No. 2 is located along a flat area on the western portion of the lot, next to the river. Each site will contain 15 spaces measuring approximately 100m<sup>2</sup> in size and able to be occupied by a caravan or motorhome and associated vehicle. Each site will be provided with a fire pit. The proposal will also offer a waste dump point and running water available to all users.

The site will be managed by the owners of the site who reside in the existing dwelling on site. Access will be maintained through the single, existing crossover on the East Tamar Highway.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

Address	2147 East Tamar Highway, Mount Direction
Zone	Rural Resource
Size	261.5Ha
Access	Existing
Shape	Large and irregular
Slope	Varying degrees of slope, mountainous area
Existing structures	Single dwelling and outbuildings
Vegetation	Thick vegetation
Connection to services	All services maintained on site
Surrounding land	Large rural lots
Overlays	E7.0 Scenic Management Code, E8.0 Biodiversity Code, E90 Water Quality Code

Further to the above, a portion of the subject site contains areas of priority habitat. Specifically, there are sections around the shoreline and bottom area that have been identified.

E8.4 allows exemptions for use and development. In particular, E8.4.1(b) states:

*Use of development that does not clear or disturb vegetation within the areas identified as priority habitat.*

The following images compare the areas of priority habitat and the location of caravan sites for the bottom area:

8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ... (Cont'd)



Figure 1 - Areas of Priority Habitat between the red and light blue lines

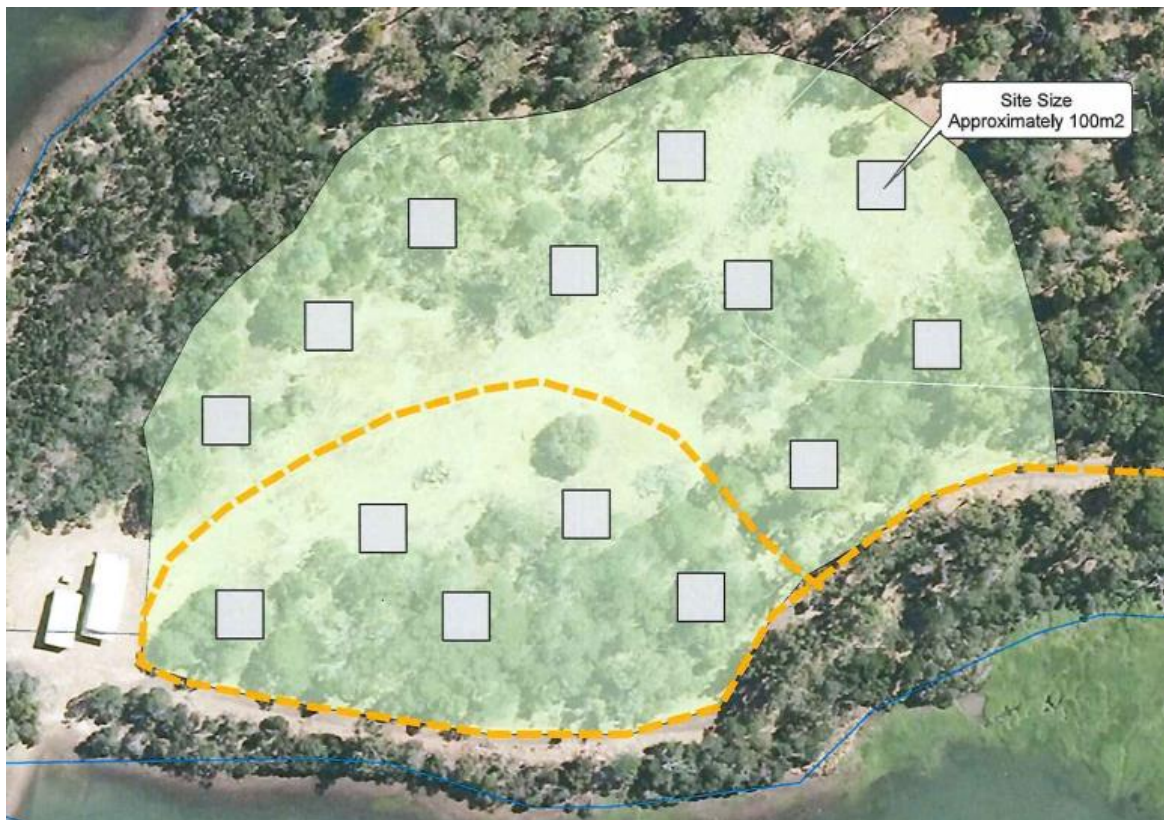


Figure 2 - Proposed location of caravan sites

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

As the above illustrate, no caravan sites, and any associated clearing, will occur within the priority habitat areas. It is also noted that the existing road is located within the priority habitat area, however no new works will be proposed on this road. A condition has been recommended that all caravan sites must be clear of any priority vegetation and that any road within the priority habitat area may only be maintained as is and not widened.

**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

26.0 Rural Resource Zone

26.1.1 Zone Purpose Statements

26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.1.3 To provide for uses that add value to primary industries.

26.1.1.4 To provide for uses that support or service rural communities.

**Consistent**

The proposed visitor accommodation use is able to ensure that it will not constrain or conflict with resource development uses, complying with the zone purpose.

**26.3 Use Standards**

26.3.1 Location and intensity

Objective:

To:

- (a) protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated;
- (b) minimise the conversion of non-prime agricultural land to a non- primary industry uses;
- (c) ensure that non-primary industry uses are located appropriate to the zone;
- (d) discourage non-primary industry uses that can be reasonably located on land zoned for that purpose;
- (e) provide for uses that are co-located with a dwelling and are of similar intensity to a home-based business;
- (f) provide for tourism uses to enhance the experience and promotion of touring routes and natural and cultural features;
- (g) locate uses so that they do not unreasonably confine or restrain the operation of primary industry uses; and
- (h) provide for uses that are suitable in the locality and do not create an unreasonable adverse impact on existing uses or local infrastructure.

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

<p><b>Consistent</b>                  Consistency with the objective has been achieved as the proposal will enhance the Tamar region touring route by providing rural accommodation without confining or impacting on existing primary industry uses.</p>
<p>A1 If for permitted or no permit required uses.</p>
<p><b>Relies on Performance Criteria</b>                  As the visitor accommodation use is a discretionary use, reliance on the performance criteria is required.</p>
<p>P1 Uses (except for a single dwelling) are established at a location and at an intensity that is appropriate in the zone, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature of the use, including:                         <ul style="list-style-type: none"> <li>(i) the scale and extent of the use;</li> <li>(ii) the utilisation of existing buildings and infrastructure;</li> <li>(iii) the number of employees;</li> <li>(iv) the customer visitation and deliveries;</li> <li>(v) the hours of operation;</li> <li>(vi) the nature of any emissions;</li> <li>(vii) external storage of goods, materials or waste; and</li> </ul> </li> <li>(b) the area of the site proposed to be used, including:                         <ul style="list-style-type: none"> <li>(i) the existing use and development;</li> <li>(ii) the surrounding use and development;</li> <li>(iii) its capacity for productive agricultural use;</li> <li>(iv) the topography of the site;</li> <li>(v) current irrigation practices and the potential for irrigation;</li> <li>(vi) the effect, if any, of the loss of the site on the continuing or potential agricultural use of the site and the surrounding area; and</li> </ul> </li> <li>(c) the potential to confine or constrain adjoining primary industry uses;</li> <li>(d) the location being reasonably required for operational efficiency;</li> <li>(e) the need to locate on the site;</li> <li>(f) the capacity of the local road network to accommodate the traffic generated by the use; and</li> <li>(g) the capability of the site to accommodate all aspects of the use.</li> </ul>
<p><b>Complies</b>                  The majority of the site, and location of the caravan sites, is classified as land capability Class 6. Class 6 is defined as:</p> <p><i>Non-arable while class 6 is often non-trafficable. Land suitable for grazing but not cultivation. Maintain or improve perennial pastures and preserve ground cover.</i></p>

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**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

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The Site - General

The proposal is for 30 caravan and campervan sites that will be cleared to a size of 100m<sup>2</sup>. The site will be split up into two designated areas; the first being located approximately 400m west of the entrance on top of a hill, and the second on the low lying waterfront along the eastern section of the site. There will be two employees, the owners of the land who reside in the existing dwelling located on site. At its highest visitation, the site could be full with 30 vehicles utilising the site with no deliveries. The operation of the site will generally involve cheap, overnight camping, with visitors arriving from 12.00pm onwards. The caravans will be self-contained so emissions will be limited, however, it is proposed fires will occur when permitted by the Tasmanian Fire Service. There will be no external storage of goods, however, there will be a dump point fitted with an approved storage tank, high level indicator and overflow tank.

The Site - Specific

As discussed, there will be two areas utilised for the accommodation, each containing 15 spaces approximately 100m<sup>2</sup> in size. The proposed areas are currently not utilised for agricultural or primary industry uses, including no irrigation practices. The proposed areas are bushland with cleared sections for existing roads and caravan sites. The areas have limited potential for agricultural use, as does the site in whole. There is no loss of potential use as the site does not currently support it, but as no buildings are proposed, there will be no negative effect on the ground or soil. Rather the proposal aims to maintain the bushland that currently exists.

The adjoining lot to the south has approval to operate as a visitor accommodation use, whilst the adjoining lot to the north operates minimal grazing for cattle. The proposed visitor accommodation use is confined to the two areas, and will be in excess of 400m to the northern adjoining property, with thick vegetation within this buffer area. As such there will be no constraints on adjoining land.

There are existing roads that will be maintained to allow the passage of vehicles. The Department of State Growth has provided a letter stating they have no objection to the use operating and gaining access onto the Category 1, East Tamar Highway existing access. A Traffic Impact Assessment has stated there is capacity on the road network to support the use.

The site is a bush lot that will offer short term or overnight areas for caravans to stop. Its establishment will offer alternative accommodation to caravan parks and open up the area for tourism.

It is therefore considered that the proposal is compliant with the performance criteria.

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**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

A2 If for permitted or no permit required uses.
<b>Relies on Performance Criteria</b> As the visitor accommodation use is a discretionary use, reliance on the performance criteria is required.
P2.1 Use of prime agricultural land for Utilities, Extractive industry and controlled environment agriculture not dependent on the soil as a growth medium must be minimised, having regard to: (a) the area of land converted; (b) impacts on surrounding agricultural use; and (c) the location being reasonably required for operational efficiency; or
P2.2 Use of prime agricultural land for uses other than Utilities, Extractive industry or controlled environment agriculture not dependent on the soil as a growth medium uses, must demonstrate a significant benefit to the northern region having regard to the economic, social and environmental costs and benefits of the proposed use.
<b>Not Applicable</b> No part of the land is considered to be prime agricultural.

**26.4 Development Standards**

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to: (a) protect the safety and efficiency of the road and railway networks; and (b) reduce conflicts between sensitive uses and major roads and the rail network.
<b>Consistent</b> Consistency with the code purpose has been achieved as the proposal protects the safety and efficiency of the road network.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective: To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.
<b>Consistent</b> Consistency with the objective has been achieved as the proposal ensures that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.
A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.



**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

**Relies on Performance Criteria**

As the annual daily traffic onto a Category 1 Road (East Tamar Highway) will increase by more than 10 vehicle movements per day, reliance on the performance criteria is sought.

P1 Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to:

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature of the road;
- (d) the speed limit and traffic flow of the road;
- (e) any alternative access to a road;
- (f) the need for the use;
- (g) any traffic impact assessment; and
- (h) any written advice received from the road authority.

**Complies**

The applicant provided a Traffic Assessment prepared by Traffic Engineer Terry Eaton, dated April 2017. The report discusses the proposal and demonstrates compliance against the Clause. Further, prior to the lodgement of the application the applicant sought advice from the Department of State Growth regarding access. The department was also formally referred the application and provided consent. Assessment against the performance criteria has been undertaken as follows:

**An increase in vehicle traffic to a category 1 or category 2 roads in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to:**

**(a) The increase in traffic caused by the use;**

The increase in traffic will increase the use on the west side traffic lane from 2,500 vehicles per day to 2,590, which is a 3.6% increase.

An estimate of the single lane capacity indicates a value of 345 vehicles per hour. An assessment has indicated that the proposal will result in approximately 310 vehicles during peak hour which is considered acceptable.

**(b) The nature of the traffic generated by the use;**

The type of vehicles utilising the park will be caravans and campervans. These vehicles may typically only stay overnight.

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**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

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**(c) The nature of the road;**

East Tamar Highway is considered a Category 1 Road which is the primary freight and passenger roads connecting Tasmania. As defined within the State Road Hierarchy manual produced by the Department of State Growth:

*Category 1 Roads are Tasmania's major highways and are crucial to the effective functioning of industry, commerce and the community in Tasmania. They carry large numbers of heavy freight and passenger vehicles and are the key links supporting future economic development in Tasmania.*

*Category 1 Roads facilitate:*

- *inter-regional freight movement;*
- *inter-regional passenger vehicle movement; and*
- *business interaction.*

It is considered that the available access junction layout is satisfactory for the road provisions.

**(d) The speed limit and traffic flow of the road;**

The highway is constructed with one traffic lane for each direction approximately 3.5m wide per lane. Double centre lines with a break at the driveway, edge lines, and 2m sealed shoulders. The highway at the subject sites entrance has a speed limit of 100km/h with sight distances providing a 10 second plus gap. The Traffic Report has stated this is considered a safe time to entry and exit for the proposed use.

**(e) Any alternative access to a road;**

There is no other access into the site.

**(f) The need for the use;**

The proposal is for a caravan park, a visitor accommodation use that supports the local economy and tourism industry. It provides for overnight stays outside of the Launceston City and closer to the East Tamar area.

**(g) Any traffic impact assessment; and**

As previously stated, the applicant provided a Traffic Impact assessment supporting the development. The report concludes that the proposed use is compliant with E4.0 Road and Railway Assets Code and that the road is able to accommodate the proposed increase in traffic.

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**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

**(h) Any written advice received from the road authority.**

The Department of State Growth provided formal comment on the application. It states:

*...I advise that the Department of State Growth do not object to the proposal subject to the below points;*

- *The Department has reviewed the supplied Traffic Impact Assessment, prepared by Terry Eaton dated April 2017 and confirm it is considered adequate for the proposal;*
- *It is noted that access to the site is proposed as 'left in/left out' only and the existing access standard is suitable for the proposed use. Taking this into account it is not expected any works within the State Road reservation will be required; and*
- *Limited Access provisions will need to be amended to reflect the change of use.*

*In terms of Department requirements, it will be appreciated if you can please arrange for the below to be incorporated into condition form as necessary for inclusion on the permit;*

- *On receipt of an approved Planning Permit, the Developer must provide a written request to the Department of State Growth's Property Assets Section to facilitate amendment of the current Limited Access licence details and conditions for the subject property title.*

It is noted that a left in, left out access is required. This will be conditioned as part of the approval.

As the above clearly demonstrates, the development is able to meet all relevant provisions of the clause, and it is considered the use will be safe and will have only minimal impact on the efficiency of the road. Therefore, the proposal complies with the Performance Criteria.

**E4.6 Development Standards**

**E4.6.1 Development adjacent to roads and railways**

Objective:

To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (a) ensures the safe and efficient operation of roads and the rail network;
- (b) allows for future road and rail widening, realignment and upgrading; and
- (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.

**Consistent**

A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:

- (a) new buildings;
- (b) other road or earth works; and
- (c) building envelopes on new lots.

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

<p>A1.2 Buildings must be:</p> <ul style="list-style-type: none"> <li>(a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or</li> <li>(b) an extension which extends no closer than:             <ul style="list-style-type: none"> <li>(i) the existing building; or</li> <li>(ii) an immediately adjacent building.</li> </ul> </li> </ul>
<p><b>Complies</b></p> <p>The only proposed development will be the installation of a dump point and tank, located more than 400m from the highway. No other development, including buildings, are being proposed.</p>

E4.6.2 Road accesses and junctions

<p><b>Objective:</b></p> <p>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>
<p><b>Consistent</b></p>
<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>
<p><b>Complies</b></p> <p>Only the existing single access is being maintained.</p>

E4.6.4 Sight distance at accesses, junctions and level crossings

<p><b>Objective:</b></p> <p>To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>
<p><b>Consistent</b></p>
<p>A1 Sight distances at:</p> <ul style="list-style-type: none"> <li>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and</li> <li>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</li> </ul>
<p><b>Complies</b></p> <p>The proposal is limited to left turn entry and exit. As such the appropriate sight distance requirements is to vehicles approaching from the south. The available sight distance is well in excess of 250m as is required by Table E4.6.4.</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> </ul>
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**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

- (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**

Consistency with the code purpose has been achieved as the proposal will ensure there is sufficient parking, access and manoeuvrability areas for the intended use.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

To ensure that an appropriate level of car parking is provided to meet the needs of the use.

**Consistent**

Consistency with the objective has been achieved as the proposal ensures there is sufficient car parking for the proposed use.

A1 The number of car parking spaces must:

- (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
- (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or
- (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or
- (d) be in accordance with an acceptable solution contained within a parking precinct plan.

**Complies**

Table E6.1 requires one space per caravan space. As the proposal is for 30 caravan site, 30 spaces are to be provided. Each space will be approximately 100m<sup>2</sup> in size which can cater for a caravan and tow vehicles, resulting in the provision of 30 vehicle spaces.

E6.5.4 Motorcycle parking

Objective:

To ensure that motorcycle parking is provided to meet the needs of the use.

**Consistent**

Consistency with the objective has been achieved as the proposal ensures there is sufficient parking onsite.

A1 Except for dwellings in the General Residential zone, uses that require greater than 20 car parking spaces by Table E6.1 must provide one motorcycle parking space on site with one additional motorcycle parking space on site for each additional 20 car parking spaces required.

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

**Complies**

As previously stated, 30 car parking spaces will be provided. Due to the nature of the use, each site will have sufficient room for motorcycle parking.

**E6.6 Development Standards**

**E6.6.1 Construction of parking areas**

**Objective:**

To ensure that parking areas are constructed to an appropriate standard.

**Consistent**

Consistency with the objective has been achieved as the proposal will ensure parking is appropriate and safe.

**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.

**Relies on Performance Criteria**

All parking areas will have a gradient of less than 10% and able to contain all stormwater on site. However, the parking, access ways, manoeuvring and circulation spaces will not be paved or line marked. Therefore, reliance on the performance criteria is required.

**P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions, having regard to:**

- (a) the nature of the use;
- (b) the topography of the land;
- (c) the drainage system available;
- (d) the likelihood of transporting sediment or debris from the site onto a road or public place;
- (e) the likelihood of generating dust; and
- (f) the nature of the proposed surfacing and line marking.

**Complies**

The proposed use is for a caravan park in a bush setting with minimal facilities. Each caravan 'site' will be easily identifiable and will have sufficient room for parking and manoeuvring of a vehicle and caravan. The roads will be graded to avoid dust, but not paved. Stormwater will flow to the natural drainage lines of the property. This is considered acceptable for such a use and therefore compliant with the performance criteria.

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

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**

Consistency with the objective has been achieved as the proposal ensures parking is safe and convenient.

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 four 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 three or more car parking spaces; and
- (e) have a vertical clearance of not less than 2.1m 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 six 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**

All vehicles will be able to enter and exit the site in a forward direction, have the appropriate vehicle width in accordance with table E6.2, meet the parking dimensions under Table E6.3, and a vertical clearance of not less than 2.1m about parking surface level.

E7.0 Scenic Management Code

E7.1 The purpose of this provision is to:

- (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and
- (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and
- (c) ensure that vegetation is managed for its contribution to the scenic landscape.

**Consistent**

Consistency with the code purpose has been achieved as the proposal ensures the use and development protects the visual amenity of the area.

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

E7.6 Development Standards  
 E7.6.2 Scenic management areas

<p><b>Objective:</b>                  The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.</p>
<p><b>Consistent</b>                  Consistency with the objective has been achieved as the proposal ensures all development is unobtrusive to the current landscape.</p>
<p>A2 No vegetation is to be removed.</p>
<p><b>Relies on Performance Criteria</b>                  As vegetation is proposed to be removed, the application is reliant on the performance criteria.</p>
<p>P2 Development that involves only the clearance or removal of vegetation must have regard to:</p> <ul style="list-style-type: none"> <li>(a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;</li> <li>(b) the physical characteristics of the site;</li> <li>(c) the location of existing buildings;</li> <li>(d) the type and condition of the existing vegetation;</li> <li>(e) any proposed revegetation; and</li> <li>(f) the options for management of the vegetation.</li> </ul>
<p><b>Complies</b></p> <p>The site is located within the Rural Hills Precinct. The objective of the precinct aim to:</p> <ul style="list-style-type: none"> <li>• Maintain and enhance vegetation, with tree planting encouraged;</li> <li>• Maintain vegetation as the dominant form visible along the skyline; and</li> <li>• Development is to have minimal impact when viewed from public vantage points</li> </ul> <p>The proposal will clear 30 spaces for caravans to utilise. Each space will be approximately 100m<sup>2</sup> in area. All roads are existing. The top site is not visible from any public open viewpoint and will not interrupt the skyline. The bottom area, whilst visible from the river, already contains a large open space as the following image illustrates:</p>



8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)



Figure 1 - The bottom site area

The bottom area is protected with existing vegetation screening along the banks of the river.

In this instance it is not considered that there is a need for replanting of vegetation. The areas cleared will be minimal with the surrounding thick vegetation maintain the scenic view of the site. The proposal has chosen this site to take advantage of the existing bushland, so removal will be minimal. It is therefore considered the proposal complies with the performance criteria.

4. REFERRALS

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	N/A
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2018/01582-LCC.

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

REFERRAL	COMMENTS
<b>EXTERNAL</b>	
State Growth	State Growth provided no objection, subject to a condition to be included on the permit stating:  On receipt of an approved Planning Permit, the Developer must provide a written request to the Department of State Growth's Property Assets Section (Property.Assets@stategrowth.tas.gov.au <mailto:Property.Assets@stategrowth.tas.gov.au>) to facilitate amendment of the current Limited Access licence details and conditions for the subject property title.
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 10 October to 25 October 2018. Six representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p><b>Concern: An adjoining lot contains already contains an approved caravan park.</b></p> <p><u>Response:</u> The planning scheme cannot refuse an application based on an existing use nearby. Notwithstanding, the proposed use will be for self-contained caravan parking, on a cheaper basis, generally overnight, in a bush setting. This is substantially different than what was approved on the neighbouring property.</p>
<p><b>Concern: Traffic assessment is far from acceptable for a commercial entrance onto the highway. The traffic generated from the use will be dangerous.</b></p> <p><u>Response:</u> The application has been assessed against E4.0 Road and Railway Assets Code, the code that looks at traffic management of new uses, and it has been considered it complies. The applicant provided a Traffic Assessment in support of the development, and the Department of State Growth have stated they have no objection to the development.</p>

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

<p><b><u>Concern:</u> Bushfire consideration must be part of the approval for the protection of adjoining properties.</b></p>
<p><b><u>Response:</u></b> Bushfire consideration is not required for the use under the Planning Scheme. Notwithstanding, the applicant has provided a bushfire mitigation plan for the use.</p>
<p><b><u>Concern:</u> The proposal should implement a 'no campfire' policy.</b></p>
<p><b><u>Response:</u></b> Bushfire consideration is not required for the use under the Planning Scheme. Council cannot lawfully implement a 'no campfire' policy.</p>

A representor meeting was held on 2 November 2018 to discuss the concerns raised in the representations. The main concerns discussed were the control of fire hazards and fire pits, as well as the road safety concerns due to the increased traffic on the existing crossover.

Post the meeting, the Tasmanian Fire Service was contacted regarding any bushfire protection measures. Their informal response has been placed as an attachment to this report. It concludes that the use does not trigger the Director's determination for bushfire control. It does state, however, that the Department is currently working on 'best practice' guidelines for caravan and camping parks to educate the operators. These are not yet available.

Further, the Department of State Growth was also contacted again to provide further informal advice on their previous advice. Their informal response has been placed as an attachment to this report. They concluded that signs and line marking alterations imposed as part of a change to the title holders Limited Access licences conditions will be satisfactory as it will be unrealistic to place any short sections of barrier. Further, the existing driveway geometry is to a heavy vehicle access standard and is suitable for campervans/caravans.

**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.

**8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)**

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**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.

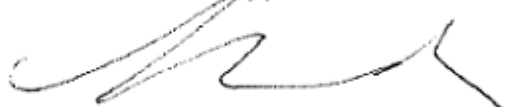
**BUDGET & FINANCIAL ASPECTS:**

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**

**ATTACHMENTS:**

1. Locality Map (distributed electronically)
  2. Plans to be endorsed (distributed electronically)
  3. TasWater SPAN (distributed electronically)
  4. DSG Advice (distributed electronically)
  5. DSG Follow Up informal advice (distributed electronically)
  6. TFS Informal Advice (distributed electronically)
  7. Representations (distributed electronically)
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**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings****FILE NO:** DA0521/2018**AUTHOR:** Luke Rogers (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:	Douglas Design & Drafting
Property:	10 Cartiere Place, Newstead
Zoning:	General Residential
Receipt Date:	10/09/2018
Validity Date:	13/09/2018
Further Information Request:	19/09/2018
Further Information Received:	01/10/2018
Deemed Approval:	6/12/2018
Representations:	Eight

**RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for Residential - construction of two dwellings at 10 Cartiere Place, Newstead subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Site Plan, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.03 of 17, Revision A, Dated 28/09/2018
  - b. Site Section A, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.04 of 17, Revision A, Dated 28/09/2018
  - c. Site Section B, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.05 of 17, Revision A, Dated 28/09/2018
  - d. Site Section C, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.06 of 17, Revision A, Dated 28/09/2018
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**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

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- e. Site Section D, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.07 of 17, Revision A, Dated 28/09/2018
- f. Site Plan - Planning, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.08 of 17, Revision A, Dated 28/09/2018
- g. Site Plan - Plumbing, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.09 of 17, Revision A, Dated 28/09/2018
- h. Site Plan - Landscaping, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.10 of 17, Revision A, Dated 28/09/2018
- i. Perspective View, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.11 of 17, Revision A, Dated 28/09/2018
- j. Unit 1 Floor Plan, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A1.1 of 17, Revision A, Dated 28/09/2018
- k. Unit 1 Elevations, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A1.2 of 17, Revision A, Dated 28/09/2018
- l. Unit 1 Elevations, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A1.3 of 17, Revision A, Dated 28/09/2018
- m. Unit 2 Floor Plan, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A2.1 of 17, Revision A, Dated 28/09/2018
- n. Unit 2 Elevations, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A2.2 of 17, Revision A, Dated 28/09/2018
- o. Unit 2 Elevations, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A2.3 of 17, Revision A, Dated 28/09/2018
- p. Engineering Letter, Prepared by Ridsen Knightley of RJK Consulting Engineers, Re: 10 Cartiere Place, Newstead (Lot 43, Title 175090), Ref # 18/19 TAS 050, Dated 21 November 2018
- q. Geotechnical Summary, Site (Soli Test) Classification and Wind Load Classification, Prepared by W. C. Cromer, Prepared for Lot 43 (10 Cartiere Place) Eastman's Green Subdivision, Newstead, Dated 11 August 2018

**2. LEGAL TITLE**

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

**3. NON REFLECTIVE EXTERIOR FINISH**

All external cladding and roofing of the buildings must be of a non-reflective nature and must be finished in muted colours to the satisfaction to the Manager City Development.

**4. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01514-LCC and attached to the permit.

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**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

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**5. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

**6. SITE LANDSCAPING**

The landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed prior to the use commencing; and
- c. Maintained as part of non-residential development. It must not be removed, destroyed or lopped without the written consent of the Manager City Development.

**7. FENCING**

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (ie. 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:

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m - 2.1m elsewhere when measured from the highest finished level on either side of the common boundaries.

**8. 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.
- 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 Manager City Development.

**9. 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.

**10. 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.

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**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

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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.

**11. SOIL AND WATER MANAGEMENT PLAN**

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

**12. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS**

The following number and addressing is to be assigned to the development consistent with the residential addressing standard: Australian Standard AS4819:

Unit No	Strata Lot No.	Street Address
1	1	1/10 Cartiere Place
2	2	2/10 Cartiere Place

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

**13. 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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**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

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**14. NO BURNING OF WASTE**

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

Notes**A. General**

*This permit was issued based on the proposal documents submitted for DA0521/2018. 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 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 withdrawn 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 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.*

**B. 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 affected, 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.*

**C. 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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**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

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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>>*

**D. 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.*

**E. Strata Title Approval**

*The proposal may be Strata titled. If this is to be staged the Strata plan must be accompanied by a Disclosure Statement for a Staged Development Scheme.*

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**REPORT:****1. THE PROPOSAL**

The proposal is for the construction and use of two dwellings on a vacant site in the General Residential Zone. The dwellings will be constructed with an identical layout with a floor area of 162.21m<sup>2</sup>. The dwellings will consist of the following; three bedrooms, bedroom one with an ensuite and an adjoining deck, a bathroom, a toilet, a laundry, an open plan kitchen/living room/dining room and a double garage on the sub-ground floor. The dwellings are both constructed to a height of approximately 7.4m and will have hip roof. In addition to the dwelling large earthworks are proposed that will be reinforced as either batters or retaining walls. There is also landscaping proposed and a driveway with manoeuvring areas.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The site is located on the north western side at the end of Cartiere Place, a cul-de-sac that extends south west from Aram Place. The site is an irregular quadrilateral in shape with a shorter frontage, longer rear and south western side boundaries and an area of 973m<sup>2</sup>. The surrounding area is predominantly comprised of single residential dwellings, with some multiple dwellings also in the area. In addition, Punchbowl Primary School adjoins the western corner of the site and Punchbowl Reserve is in close proximity to the south of the site.

Access to the site is over an existing concrete crossover directly off Cartiere Place. The site has a significant slope of approximately 30% rising to the west of the site. The site does not have any existing development or vegetation. The site is fully connected to all relevant reticulated infrastructure services.

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**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

**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 is for two dwellings in the General Residential Zone. As multiple dwellings are a permitted use in the zone, the proposal is considered to be consistent with the purpose of the zone.

**10.4 Development Standards**

**10.4.1 Residential density for multiple dwellings**

**Objective:**

To provide for suburban densities for multiple dwellings that:

- (a) make efficient use of suburban land for housing; and
- (b) optimise the use of infrastructure and community services.

**Consistent**

The proposed development is at a density that makes efficient use of the suburban land while optimising the use of infrastructure and community services.

A1 Multiple dwellings must have a site area per dwelling of not less than:

- (a) 325m<sup>2</sup>; or
- (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.

**Complies**

The site has an area of 973m<sup>2</sup>, this represents a site area per dwelling of 486.5m<sup>2</sup>, which is in keeping with the acceptable solution. The site is not in a density area specified in Table 10.4.1.

**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings ... (Cont'd)**

10.4.2 Setbacks and building envelope for all dwellings

**Objective:**

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

**Consistent**

The siting and scale of the proposed dwellings provide a reasonable consistency of separation between dwellings on adjacent sites and between the dwellings and their frontage. The impact of the road and its traffic on the proposed dwellings will be negligible. The apparent scale, bulk, massing and proportion of the dwellings is reasonably consistent with other dwellings in the area. The separation between the proposed dwellings and adjacent sites is sufficient to retain a reasonable amount of sunlight to enter the habitable rooms and private open space of other dwellings.

A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:

- (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
- (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
- (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
- (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.

**Complies**

The proposed dwellings are set back from the sole, and primary, frontage by approximately 11.7m and 9.15m respectively, which is well in excess of the requirements of the acceptable solution.

A2 A garage or carport must have a setback from a primary frontage of at least:

- (a) 5.5m, or alternatively 1m behind the facade of the dwelling; or
- (b) the same as the dwelling facade, if a portion of the dwelling gross floor area is located above the garage or carport; or
- (c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.

**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

<p><b>Complies</b> The proposed dwelling each have a garage that is the same setback as the dwelling facades, which are both over 5.5m from the frontage.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> <li>(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:             <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m 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 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</li> </ul> </li> <li>(b) only have a setback within 1.5m of a side boundary if the dwelling:             <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</li> </ul> </li> </ul>
<p><b>Relies on Performance Criteria</b> The proposed dwellings are each set back from the rear boundary by 4m at their closest points. Unit 2 is closest to the southern side boundary and is set back from this boundary by 2.93m. The height of Unit 2 at this point is 4.15m, and is within the building envelope. Unit 1 is set back from the north eastern side boundary by 1.73m at the closest point, being the deck and by 2m at the corner of the dwelling. The deck is within the building envelope; however, the corner of the dwelling is approximately 5.5m in height and extends beyond the building envelope. As such, the proposal relies on performance criteria.</p>
<p>P3 The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> <li>(a) not cause unreasonable loss of amenity by:             <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> </li> <li>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</li> </ul>

**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings ... (Cont'd)**

**Complies**

The siting and scale of the proposed development will not cause an unreasonable loss of amenity for any adjoining dwellings or vacant lots. The applicant for the proposal has supplied shadow diagrams which demonstrate that there will be little to no overshadowing of the dwelling, or its private open space, at number 8 Cartiere Place. The location of this lot, adjoining to the north east, is such that overshadowing will be minimal despite Unit 1 being located 2m from the shared boundary. The vacant lot to the south, at number 12 Cartiere Place, is impacted by some overshadowing from the proposed development. This overshadowing, however, is minimal, and not unreasonable, due to the slope of the land. This is demonstrated in the provided shadow diagrams.

The proposed development will have some visual impact, particularly on the adjoining dwelling at number 8 Cartiere Place, however, this is not significant enough to be considered to cause an unreasonable loss of amenity. The orientation of Unit 1 in relation to the north eastern boundary is such that the setback increases towards the rear of the site, being approximately 6m from the boundary at the northern corner of Unit 1. This will reduce the visual impact of the development. While the dwellings are each two stories, this is common in the area, particularly due to the slope of the land, and the visual impact of a two storey dwelling in this area is considered to be reasonable. In the street there are also a range of setbacks to side boundaries and the proposed siting of the dwellings falls within this range.

**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 proposal includes private open space that will meet the operational needs of residents for outdoor recreation and landscaping. These areas of private open space are sufficiently integrated with internal living areas of the dwellings and will have access to sunlight.

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 1.8m 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.

**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

<p><b>Complies</b> The roof area of the proposed dwellings will cover approximately 25% of the site and more than 50% of the site will be free from impervious surfaces. Each of the dwellings has well in excess of 60m<sup>2</sup> of private open space that is for the exclusive use of the associated dwelling.</p>
<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> <li>(a) is in one location and is at least:             <ul style="list-style-type: none"> <li>(i) 24m<sup>2</sup>; or</li> <li>(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</li> </ul> </li> <li>(b) has a minimum horizontal dimension of:             <ul style="list-style-type: none"> <li>(i) 4m; or</li> <li>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</li> </ul> </li> <li>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</li> <li>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</li> <li>(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</li> <li>(f) has a gradient not steeper than 1 in 10; and</li> <li>(g) is not used for vehicle access or parking.</li> </ul>
<p><b>Relies on Performance Criteria</b> Each dwelling has an area to the rear that is 24m<sup>2</sup> in size with a minimum horizontal dimension of 4m. These are located to the north west of the dwelling and are not used for vehicle access or parking. These areas are adjacent to habitable room, namely their respective kitchens; however access is through the laundry and is not direct. These areas also have a varying gradient that is above 1 in 10 on average. While each of the dwellings also has a deck area that is level and connected to internal living areas, these decks do not have sufficient dimensions to meet the requirements of a primary area of private open space. As such, the proposal relies on performance criteria.</p>
<p>P2 A dwelling must have private open space that:</p> <ul style="list-style-type: none"> <li>(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:             <ul style="list-style-type: none"> <li>(i) conveniently located in relation to a living area of the dwelling; and</li> <li>(ii) orientated to take advantage of sunlight.</li> </ul> </li> </ul>

**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings ... (Cont'd)**

**Complies**  
 Each of the dwellings do not have a single area of private open space that meets the requirements of the acceptable solution, however, the combination of the rear private open space and the deck facing the frontage meets the requirements of the performance criteria. These areas are capable of serving as an extension to the corresponding dwelling that can be used for outdoor relaxation, dining, entertaining and children's play. These areas are both accessible and take advantage of sunlight across the day.

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 proposal provides the opportunity for sunlight to enter the habitable rooms of the proposed dwellings both due to the orientation of the windows and siting in relation to the other dwelling on the site.

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 development has windows for each dwelling to the dining room, living room and kitchen that face 37 degrees east of north. As such, the proposal relies on performance criteria.

P1 A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

**Complies**  
 The siting and design of the proposed units is such that sunlight will enter the habitable rooms, including those other than bedrooms, from different windows across the day. The windows to the kitchen, living room and dining room that face 37 degrees of north are supplemented by kitchen windows that face 53 degrees west of north.

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):  
 (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):  
 (i) at a distance of 3m from the window; and  
 (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.  
 (b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.



**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

<p>(c) That part, of a multiple dwelling, consisting of:</p> <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 0.6m horizontally from the multiple dwelling.</li> </ul>
<p><b>Complies</b> The proposal does not involve any windows to habitable rooms which face within 30 degrees of north. Therefore, neither of the dwellings are to the north of another dwelling on the same site with a window facing 30 degrees east, or west, of north. As such, the proposal complies with the acceptable solution.</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 3m from the northern edge of the private open space; 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 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm 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 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.</li> </ul> </li> </ul>
<p><b>Complies</b> Neither dwelling is located to the north of the private open space of the other, as such, the proposal complies with the acceptable solution.</p>

**10.4.5 Width of openings for garages and carports for all dwellings**

<p>Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.</p>
<p><b>Consistent</b> The proposed garages will not dominate the primary frontage or streetscape.</p>
<p>A1 A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>
<p><b>Complies</b> The two units both have garages that face the frontage. The width of the garage doors for each is 5.4m and only the garage of Unit 1 is within 12m of the frontage. As such the proposal meets the requirements of the acceptable solution.</p>

**10.4.6 Privacy for all dwellings**

<p>Objective: To provide reasonable opportunity for privacy for dwellings.</p>
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**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings ... (Cont'd)**

<p><b>Consistent</b> The proposal will provide for all dwellings both on the site, and on surrounding sites, to enjoy a reasonable degree of privacy.</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 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m 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>Relies on Performance Criteria</b> The proposal includes a deck for each of the dwellings that faces the frontage. These decks for Unit 1 and 2 have a floor level more than 1m above natural ground level and are within 3m of the nearest side boundary or the other dwelling on the site respectively. While there are privacy screens provided that have a height of 1.7m and have a transparency of 25%, the deck for Unit 1 has two sides which face a portion of the adjoining property. As such, the proposal relies on performance criteria.</p>
<p>P1 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 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <ul style="list-style-type: none"> <li>(a) a dwelling on an adjoining lot or its private open space; or</li> <li>(b) another dwelling on the same site or its private open space; or</li> <li>(c) an adjoining vacant residential lot.</li> </ul>
<p><b>Complies</b> The proposed decks that have a floor level more than 1m above natural ground level have been screened in order to reduce the overlooking of any other dwelling, private open space or vacant lot. The privacy screen provided along the eastern side of the deck of Unit 2 obscures the view of Unit 1 completely. The privacy screen proposed for the eastern side of the deck of Unit 1 does not obscure all of the view of the adjoining property, however, it will obscure the vast majority of the view, with the remaining view being primary of the frontage setback. As this area is not private open space, nor habitable rooms, the overlooking of some of this area is not deemed to be unreasonable. The design of the screening is sufficient to meet the performance criteria.</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>

**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings ... (Cont'd)**

- (a) The window or glazed door:
  - (i) is to have a setback of at least 3m from a side boundary; and
  - (ii) is to have a setback of at least 4m from a rear boundary; and
  - (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
  - (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site.
- (b) The window or glazed door:
  - (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
  - (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
  - (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%.

**Complies**  
 The proposal includes windows to habitable rooms with a floor level more than 1m above natural ground level that face the side boundaries. The windows for Unit 2 are all sufficiently set back from the boundaries, as are all windows for Unit 1, with the exception of the window of bedroom 1, which is within 3m but has a sill height of 1.7m. The dwellings are within 6m of each other, however, only the living room and bedroom 1 of Unit 2 has a floor level 1m above natural ground level and have windows that face Unit 1. The living room window of Unit 2 is sufficiently offset from the bedroom window of Unit 1 that it meets the acceptable solution. The sill height of bedroom 1 of Unit 2 is 1.7m. As such, the proposal complies with the acceptable solution.

- A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:
- (a) 2.5m; or
  - (b) 1m if:
    - (i) it is separated by a screen of at least 1.7m in height; or
    - (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.

**Complies**  
 The shared portion of the driveway is separated from the habitable rooms of each dwelling by more than 2.5m.

10.4.7 Frontage fences for all dwellings

Objective:  
 To control the height and transparency of frontage fences to:

- (a) provide adequate privacy and security for residents; and
- (b) allow the potential for mutual passive surveillance between the road and the dwelling; and

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...(Cont'd)**

(c) provide reasonably consistent height and transparency.
<b>Consistent</b> No frontage fence is proposed, as such, the standard does not apply.

10.4.8 Waste storage for multiple dwellings

Objective: To provide for the storage of waste and recycling bins for multiple dwellings.
<b>Consistent</b> The proposal includes the provision of areas for the storage of waste and recycling bins.
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.
<b>Complies</b> Each dwelling is provided with an area for the storage of waste and recycle bins that is 1.5m <sup>2</sup> in area, is not located in front of a dwelling and for the exclusive use of that dwelling.

10.4.9 Site facilities for multiple dwellings

Objective: To provide adequate site and storage facilities for multiple dwellings.
<b>Consistent</b> The proposal includes adequate site and storage facilities for the dwellings.
A1 Each multiple dwelling must have access to 6m <sup>3</sup> of secure storage space not located between the primary frontage and the facade of a dwelling.
<b>Complies</b> The proposal provides 6m <sup>3</sup> of storage space for each of the dwellings in their respective garages. This is not secure storage and not located between the frontage and the dwelling façade.
A2 Mailboxes must be provided at the frontage.
<b>Complies</b> The proposal includes the provision of mailboxes at the frontage.

10.4.10 Common property for multiple dwellings

Objective: To ensure that common areas are easily identified.
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...(Cont'd)**

<p><b>Consistent</b> The common and private areas are easily identifiable on site plans.</p>
<p>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.</p>
<p><b>Complies</b> The site drawings, namely Site Plan - Planning, clearly identify the areas and facilities of the site that are common property and those which are for the exclusive use of each of the dwellings.</p>

10.4.11 Outbuildings, swimming pools and fences

<p>Objective: To ensure that: (a) outbuildings, swimming pools and fences: (i) do not detract from the character of the surrounding area; and (ii) are appropriate to the site and respect the amenity of neighbouring lots; (b) dwellings remain the dominant built form.</p>
<p><b>Consistent</b> The proposal does not include the provision of outbuilding, swimming pools or fences adjoining a public reserve, as such the standard does not apply.</p>

10.4.12 Earthworks and retaining walls

<p>Objective: To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p><b>Consistent</b> The proposed earthworks and retaining walls are appropriate to the site, taking into account site conditions and respecting the amenity of the adjoining lots.</p>
<p>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.</p>

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**Relies on Performance Criteria**

The proposal involves a number of cuts across the site which are significantly more than 1m below existing ground level. The garage and sub-floor area of Unit 2 requires a cut of 2.65m and behind that unit will be a 1.2m retaining wall with a 1.9m directly behind it. This batter and retaining wall are within 900mm of the rear boundary at their northern extent. Due to the size and location of the earthworks, the proposal relies on performance criteria.

P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:

- (a) the topography of the site;
- (b) the appearance, scale and extent of the works;
- (c) overlooking and overshadowing of adjoining lots;
- (d) the type of construction of the works;
- (e) the need for the works;
- (f) any impact on adjoining structures;
- (g) the management of groundwater and stormwater; and
- (h) the potential for loss of topsoil or soil erosion.

**Complies**

The proposed earthworks and retaining walls have been designed and located to ensure that there is no unreasonable impact on the amenity of the adjoining lots. The topography of the site is such that earthworks were inevitable in order to ensure usable areas, particularly for parking and outdoor recreation. The earthworks proposed are large in scale and across much of the site, with both dwellings being cut into the site to a significant degree. The appearance of the earthworks though is minimised by the placement of the dwellings, which cover a large portion of the area of the cuts. The earthworks and retaining walls within the rear setback are similar to those on other sites in the area, and do not give the lot an unreasonable appearance to the lot in the context of the area.

The proposed earthworks and retaining walls do not cause any increased overlooking or overshadowing as the works will further cut the development into the hill, lowering it in relation to the surrounding sites. The works are required in order to create more level areas for parking, access and recreation for each of the dwellings. The construction of the works will be appropriately designed by suitably qualified individuals to ensure that they will be safe and not have unreasonable impact on adjoining structures. The design of the earthworks and retaining walls will ensure that there is minimal potential for erosion or loss of topsoil and that groundwater and stormwater is appropriately managed.

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

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...(Cont'd)**

<p>(c) minimise visual impact on the streetscape.</p>
<p><b>Consistent</b> The proposal includes the provision of car parking for residents and visitors that will not create undue noise on the site and will have a reasonably minimal impact on the streetscape.</p>
<p>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>
<p><b>Complies</b> The proposed section of the driveway that is to be shared is more than 1.5m from any window.</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. A2.2 Turning areas for vehicles must not be located within the primary front setback.</p>
<p><b>Relies on Performance Criteria</b> The proposal includes internal parking in the garage for each of the dwellings and a visitor car park for each in front of the garage. While the visitor parking is located in the primary front setback, these are tandem car parking spaces that are located in the driveway. The turning areas, however, are located within the primary frontage setback. As such, the proposal relies on performance criteria.</p>
<p>P2 The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to: (a) the visual impact of the car parking location viewed from the road; (b) access for users of the site; (c) pedestrian and vehicular traffic safety; (d) the nature and characteristics of the street; (e) the need for the location; (f) any landscaping of the car parking or turning area location; and (g) construction methods and pavement types.</p>
<p><b>Complies</b> The proposed location of the access and turning areas is safe, convenient and has a minimal impact on the streetscape. The car parking for the residents is located within the garages provided, and will therefore have no impact on the streetscape. The car parking that is provided for visitors is within the frontage setback but will not be occupied at all times, reducing the impact on the streetscape. Parking within the driveways, particularly for visitors, is already common in the area, as such the location of the parking is in keeping with the existing streetscape character.</p> <p>Access to the site is directly off Cartiere Place and is safe and convenient for both vehicles and pedestrians. The slope of the site reduces the ability for car parking or turning areas to be located behind the dwellings. There is, therefore, a need to locate this in front of the dwelling to reduce the length and cuts required for safe driveways and manoeuvring areas. The parking and turning areas have some screening as vegetation has been provided between the frontage and the driveway where practicable. The parking and turning areas are concrete, which is appropriate for the site and in the streetscape context.</p>

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...(Cont'd)**

E3.0 Landslide Code

E3.1 The purpose of this provision is to:

- (a) ensure that use and development subject to risk from landslide is appropriately located and managed; and
- (b) ensure that use and development does not cause, or have potential to cause an increased risk of landslide.

**Consistent**

The proposed development is sufficiently designed to ensure that the use and development will not be subject to the risk of landslide and will not cause an increased risk of landslide.

**E3.6 Development Standards**

E3.6.1 Development on Land Subject to Risk of Landslip

Objective:

To ensure that development is located and constructed to manage landslide risk through suitable measures to avoid the risk of injury to, or loss of human life, or damage to land, property and public infrastructure.

**Consistent**

The proposed development is located and is to be constructed in order to manage any potential landslide risk through suitable engineering measures to avoid the risk of injury or damage to lives, people, land, property or infrastructure.

A1 No acceptable solution.

**Relies on Performance Criteria**

The lack of acceptable solution necessitates reliance on performance criteria.

P1 Human life, land, property and public infrastructure is protected from landslide risk, having regard to:

- (a) the level of risk identified in a landslide risk management assessment;
- (b) any declaration of a landslip area under Part 9A of the *Mineral Resources Development Act 1995*;
- (c) measures proposed to mitigate the risk;
- (d) the nature, degree, practicality and obligation for any management activities to mitigate the risk;
- (e) the need for and permanency of any on-site or off-site maintenance arrangements;
- (f) the responsibility for and the permanency of any on-site or off-site maintenance arrangements;
- (g) impacts on public infrastructure; and
- (h) the impact of any mitigation works on the character of the area.



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...(Cont'd)**

**Complies**

The proposed development does not pose a risk to human life, land, property or infrastructure. A geotechnical report was completed by William Cromer, who classified the site as H1, a normal hillside classification and made recommendations for design to ensure that the risk of landslide was low. The proposed development was assessed by Ridsen Knightley, who concluded that the risk of landslide from the proposed design was suitably low. These reports and assessments were completed by suitably qualified individuals and the development is considered to not pose any particular risk. As such, the proposal meets the performance criteria.

**E4.0 Road and Railway Assets Code**

E4.1 The purpose of this provision is to:

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

**Consistent**

The proposed use and development will have a little to no impact on the safety road and rail networks and will not cause any conflict with major roads or rail infrastructure.

**E4.5 Use Standards**

E4.5.1 Existing road accesses and junctions

Objective:

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

**Consistent**

The safety and efficiency of Cartiere Place and other roads surrounding the site will not be reduced as a result of the increase use of the existing access to the site.

A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

**Complies**

The proposal is for two dwelling with two resident car parking spaces and one visitor car parking space each. The vehicle movements to and from the site is will be considerably less than 40 movements per day, which is the greater of the options provided by the acceptable solution.

**E4.6 Development Standards**

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

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...(Cont'd)**

<p>adequate;</p> <p>(d) ensure that parking does not adversely impact on the amenity of a locality;</p> <p>(e) ensure that parking spaces and accesses meet appropriate standards; and</p> <p>(f) provide for the implementation of parking precinct plans.</p>
<p><b>Consistent</b></p> <p>The proposal includes the provision of an appropriate level of car parking and associated facilities to meet the needs of the use and development. The access for vehicles and the delivery of goods and people to the site will be safe and adequate. The parking spaces and associated areas provided have been designed to meet appropriate Australian Standards and will not adversely impact upon the amenity of the area.</p>

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

<p>Objective:</p> <p>To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p><b>Consistent</b></p> <p>The proposal includes a sufficient level of car parking to meet the needs of the use.</p>
<p>A1 The number of car parking spaces must:</p> <p>(a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or</p> <p>(b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or</p> <p>(c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or</p> <p>(d) be in accordance with an acceptable solution contained within a parking precinct plan.</p>
<p><b>Complies</b></p> <p>The proposal provides two car parking spaces per dwelling and one visitor parking space for the use of each dwelling. The provision of six car parking spaces total exceeds the requirements of Table E6.1 for dwellings in the General Residential Zone, which is in alignment with the acceptable solution.</p>

**E6.6 Development Standards**

**E6.6.1 Construction of parking areas**

<p>Objective:</p> <p>To ensure that parking areas are constructed to an appropriate standard.</p>
<p><b>Consistent</b></p> <p>The proposed parking areas are to be constructed to an appropriate standard.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) have a gradient of 10% or less;</p> <p>(b) be formed and paved;</p> <p>(c) be drained to the public stormwater system, or contain stormwater on the site;</p> <p>(d) except for a single dwelling, and all uses in the Rural Resource, Environmental</p>

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<p>Management and Open Space zones, be provided with an impervious all weather seal; and</p> <p>(e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.</p>
<p><b>Relies on Performance Criteria</b></p> <p>The proposed parking areas, access ways and manoeuvring spaces are appropriately formed, paved, marked, sealed and drained, however, the gradient of these areas is over 10% in some places. As such, the proposal relies on performance criteria.</p>
<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use;</p> <p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing and line marking.</p>
<p><b>Complies</b></p> <p>The proposed parking areas, access ways and manoeuvring spaces are appropriately identifiable and constructed so as they can be used in all weather conditions. The proposal is for a residential use which does not, in normal circumstance, require large volumes of traffic or larger vehicles. The topography of the land is such that the natural slope of the land in some areas is in excess of the allowable slope for accesses and parking contained in the Australian Standards. While the accesses and manoeuvring spaces are steeper than allowed by the acceptable solution they are less steep than the natural slope of the land and are in keeping with Australian Standards. The car parking spaces, being internal, are drained from the roof of the dwellings. The driveway and associated areas are appropriately drained, as can be seen in provided plans. The construction of the areas will be concrete, and will generate minimal dust or debris that can be transported off the site. The proposal does not require line marking as the location of the parking, being internal and in front of the corresponding dwelling appropriately delineates parking areas.</p>

E6.6.2 Design and layout of parking areas

<p><b>Objective:</b></p> <p>To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p><b>Consistent</b></p> <p>The parking areas provided in the proposal are designed and laid out to provide convenient, safe and efficient parking for the proposed use.</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces;</p>

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- (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 three or more car parking spaces; and
  - (e) have a vertical clearance of not less than 2.1m 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 six 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 car parking spaces, access ways and manoeuvring spaces are appropriately designed with dimensions that meet the requirements of Table E6.2 and Table E6.3 respectively. All vehicles can enter and exit the site in a forward direction and the clearance of the garages is not less than 2.1m.

**E7.0 Scenic Management Code**

E7.1 The purpose of this provision is to:

- (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and
- (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and
- (c) ensure that vegetation is managed for its contribution to the scenic landscape.

**Consistent**

The proposed development is sited and designed so that it will not impact on scenic road corridors and will complement the visual and landscape amenity of the surrounding area. The proposal manages vegetation on the site in such a way that the development will represent a positive contribution to vegetation in the scenic landscape.

**E7.6 Development Standards**

E7.6.1 Scenic road corridor

Objective:

To ensure the visual amenity of the scenic road corridors is managed through appropriate siting and design of development, including subdivision, to provide for views that are significant to the traveller experience and avoid obtrusive visual impacts on skylines, ridge lines and prominent locations.

**Consistent**

The proposed development will not impact upon the visual amenity of any scenic road corridor.

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...(Cont'd)**

A1 Development (not including subdivision), must not be visible when viewed from the scenic road.
<b>Complies</b> The proposed development will not be visible from any scenic road corridor.

E7.6.2 Scenic management areas

Objective: The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.
<b>Consistent</b> The proposed development is sited and designed to be reasonably unobtrusive in the landscape and to complement the existing and emerging character of the Carr Villa and Punchbowl Reserve Scenic Management Precinct.
A1 No acceptable solution.
<b>Relies on Performance Criteria</b> The lack of acceptable solution requires the reliance on performance criteria.
P1 Development (not including development that involves only the clearance or removal of vegetation, or subdivision) must have regard to: (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3; (b) the impact on skylines, ridgelines and prominent locations; (c) the nature and extent of existing development on the site; (d) the retention or establishment of vegetation to provide screening; (e) the need to clear existing vegetation; (f) the requirements for any hazard management; (g) the need for infrastructure services; (h) the specific requirements of the development; (i) the location of development to facilitate the retention of trees; and (j) design treatment of development, including: (i) the bulk and form of buildings including materials and finishes; (ii) any earthworks for cut or fill; (iii) the physical (built or natural) characteristics of the site or area; (iv) the nature and character of the existing development; and (v) the retention of trees.
<b>Complies</b> The proposed development is located in the Carr Villa and Punchbowl Reserve Precinct and has regard to the character and management objectives of that precinct. The character of the area is one of a vegetated corridor that supplied the treed nature of the surrounding suburbs and habitat for flora and fauna. The precinct characterises the residential development near punchbowl reserve, an area immediately surrounding the site, as bulky residential development with limited opportunity for the establishment of significant vegetation. The proposal is in keeping with the character of the residential development in the area and established vegetation without removing existing vegetation, which is in keeping with management objectives.

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<p>The proposal will have limited impact on the skyline or ridgeline of the hill on which it is located, as it is not at the peak of that hill. There will be some impact on the hill face, but this will blend in with the other dwellings that have been developed or are in the process of being developed on the hill face. There is currently no development or vegetation on the site other than weeds and grasses. The proposal will establish some vegetation, increasing the amount on the site. The requirements for hazard management on the site, particularly any risk of landslip, have been addressed by suitably qualified individuals. The development is fully connected to infrastructure services.</p> <p>The design of the development is appropriate in the locality which is a developing residential area. The bulk of the proposed dwellings is not inconsistent with the surrounding dwellings, which are generally multiple stories and often are built on pier footings and are not cut into the hill to the extent that is proposed. There is also a range of dwelling types, materials and forms in the area, including rendered facades with hip roofs such as is proposed. The earthworks proposed are cuts in order to lower the development on the site and will not have a significant visual impact in an area in which earthworks are typical. The proposed development is considered to be in keeping with the characteristics of the site and the locality.</p>
<p>A2 No vegetation is to be removed.</p>
<p><b>Complies</b> The proposal does not include the removal of any vegetation.</p>

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA TWDA 2018/01514-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

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**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 3 October to 18 October 2018. Eight representations were received. A meeting was held with representors on Thursday, 25 October 2018 at 4:00pm to discuss their concerns. Those representors unable to attend or send representation were contacted after this date to discuss the concerns they raised. The issues raised by representors are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<b>Issue</b>	<b>Planning Comments</b>
Proximity of Unit 1 to No. 8 Cartiere Place and impacts on privacy and amenity.	The impact of the proximity of Unit 1 to the north eastern side boundary and adjoining dwelling was discussed in Clause 10.4.2 P3 of the Launceston Interim Planning Scheme 2015. The impact on the adjoining dwellings, including number 8 Cartiere Place, is considered to meet the performance criteria. The impact on privacy was discussed in Clause 10.4.6 A1 and A2 of the Scheme. The proposal is sufficiently set back and/or screened to meet the acceptable solutions protecting the privacy of surrounding dwellings.
The size, number and design of earthworks is incompatible with the site, does not meet the recommendations of the geotechnical report and will cause impacts on other properties.	The impact of the earthworks and retaining walls was discussed under Clause 10.4.12 P1 and Code E3.0 Landslide Code of the Scheme. The earthworks, batters and retaining walls proposed have been reviewed by a suitably qualified engineer and have been deemed to be safe. The impacts on adjoining properties is considered to be minimal and in keeping with the requirements of the Scheme.
The location and design of carparks and associated areas in the frontage setback is impractical and has a negative streetscape impacts.	The design and construction of the car parking, accesses and manoeuvring areas was discussed under Clauses E6.6.1 P1 and E6.6.2 P1 of the Parking and Sustainable Transport Code in the Scheme. The parking spaces and associated areas meet appropriate standards. The impact on the streetscape was discussed under Clause 10.4.13 A1 and P1 of the Scheme. The location of the turning areas and car parking spaces is considered to have limited impact on the streetscape.

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...(Cont'd)**

<b><i>Issue</i></b>	<b><i>Planning Comments</i></b>
Materials used in construction not lightweight as recommended in the geotechnical report, leading to risk of landslide or landslip.	The impact of the proposed development on the risk of landslide was discussed under the Landslide Code of the Scheme. It should be noted that the site was classified as H1, a 'normal' classification and the plans have been reviewed by a suitably qualified engineer who has confirmed that the design will not cause undue risk.
The proposal is not in keeping with the management objectives and character of the Scenic Management Code - Carr Villa and Punchbowl Reserve Precinct	The compliance of the proposed development with the Scenic Management Code and the Carr Villa and Punchbowl Reserve Precinct was discussed under that Code and specifically Clause E7.6.2 P1. The proposal is considered to be in keeping with the character and objectives of the area. It is important to note that the character and objectives relate to the entire precinct, rather than being in keeping with the design type and streetscape of Cartiere Place.
The development would add too many cars to the street and traffic.	The impact on the traffic of the area is discussed under Code E4.0 Road and Railway Assets under the Scheme. The proposal is considered to meet the acceptable of the Code due to the low number of vehicle movement numbers produced over an existing access.
The design is not aesthetically pleasing and is dissimilar to the other dwellings in the street.	The Scheme does not control the design aesthetics of a dwellings proposed. The General Residential Zone is considered to have a character that accommodates a wide range of dwelling types.
Shape and slope of the site being inappropriate for multiple dwelling development.	The density of the site was discussed in Clause 10.4.1 A1 of the Launceston Interim Planning Scheme 2015. The proposal is easily compliant with the acceptable solution. If the acceptable solutions or performance criteria of other Clauses contained within the planning scheme can be met, the shape and slope of the site is not an impediment to the development of multiple dwellings



**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

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**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.

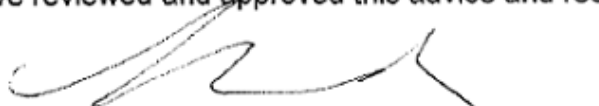
**BUDGET & FINANCIAL ASPECTS:**

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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**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings  
...(Cont'd)**

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**ATTACHMENTS:**

1. Locality Plan (electronically distributed)
  2. Plans to be Endorsed (electronically distributed)
  3. TasWater SPAN (electronically distributed)
  4. Representations (electronically distributed)
  5. Supplementary Plans - Shadow Diagrams (electronically distributed)
-

**8.3 24-26 Conway Street, Mowbray and 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association with Car Storage**

**FILE NO:** DA0563/2018

**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:	Wilkin Design & Drafting
Property:	24-26 Conway Street, Mowbray and 10-12 McKenzie Street, Mowbray
Zoning:	Commercial
Receipt Date:	2/10/2018
Validity Date:	8/10/2018
Further Information Request:	8/10/2018
Further Information Received:	24/10/2018
Deemed Approval:	6/12/2018
Representations:	Five

**REVIOUS COUNCIL CONSIDERATION:**

**10-12 Conway Street, Mowbray**

DA0001/2018 - Subdivision - Boundary adjustment

**10-12 McKenzie Street, Mowbray**

DA0692/2017 - Storage - warehouse; change of use and construction of shed and offices

DA001/2018 - Subdivision - Boundary Adjustment

**14-26 Conway Street, Mowbray**

D156/90 - Development/ use for showroom for new and used car parts and accessories (Scrap Yard)

Develop/use for office, showroom, workshop (Warehouse)

S18/92 - Subdivision 4 lots

DA0146/2010 - Subdivision - boundary adjustment of the rear access

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**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

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DA0365/2015 - Equipment and Machinery Sales and Hire - change of use and construction of alterations

**RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0563/2018 - Storage - Construction of a building for use as a wash bay/car detailing in association with car storage at 24-26 Conway Street, Mowbray and 10-12 McKenzie Street, Mowbray subject to the following conditions:

**1. 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 unless modified by a condition of the Permit:

- (a) Site Plan, Prepared by Wilkin Design, Job Number DA-181133WBV2, Page 2 of 3, Dated 18/9/2018 (Plan to be amended).
- (b) Elevations, Prepared by Wilkin Design, Job Number DA-181133WBV2, Page 3 of 3, Dated 18/9/2018 (Plan to be amended).
- (c) Covering Letter, Prepared by Wilkin Design, Dated 24/10/2018 (plan to be amended).

**2. AMENDED PLANS REQUIRED**

Prior to the commencement of any work and/or use, amended plans must be submitted to the satisfaction of the Manager City Development 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 buildings having a frontage setback from Conway Street of at least 4.5m;
- (b) Landscaping between the buildings and the Conway Street frontage that includes at least one species that will grow to a mature height above 5m;
- (c) Plans showing a solid fence (including gate) on Conway Street to a height of at least 2.1m;
- (d) Updated covering letter describing the use and development; and
- (e) Provision of a gravity connection to the public stormwater system in McKenzie Street that is fully independent of all other lots.

**3. LEGAL TITLE**

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

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**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

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**4. USE LIMITATION**

This permit allows the use for storage under the Launceston Interim Planning Scheme 2015 at 24-26 Conway Street, Mowbray (CT 175296/3). The use is limited to:

- (a) The storing, cleaning and detailing of vehicles associated with the Storage use at 10-12 McKenzie Street, Mowbray approved by DA0692/2017.

**5. HOURS OF CONSTRUCTION**

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

7.00am to 6.00pm - Monday to Friday

8.00am to 5.00pm - Saturday

No works on Sunday or Public Holidays

**6. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01632-LCC and attached to the permit.

**7. SITE LANDSCAPING**

The landscaping must be:

- (a) Installed in accordance with the endorsed plan; and
- (b) Completed prior to the use commencing; and
- (c) Maintained as part of non-residential development.

It must not be removed, destroyed or lopped without the written consent of the Council.

**8. SUBMISSION AND APPROVAL OF PLANS FOR PUBLIC WORKS**

Prior to the commencement of the development of the site, detailed plans and specifications for any public stormwater works to provide a gravity connection for the development must be submitted to the Director Infrastructure Services for approval. Such plans and specifications must:

- (a) include all infrastructure works required by the permit or shown in the endorsed plans and specifications.
  - (b) be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
  - (c) be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
  - (d) be accompanied by an estimate of the construction cost of the public works together with a schedule of the major components and their relevant costs; and a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.
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**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

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## **9. CONSTRUCTION OF WORKS**

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the Director Infrastructure Services. The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

1. The provision of gravity connection to the public stormwater system located in McKenzie Street - all construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:
  - (a) Construction requirements,
  - (b) Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
  - (c) Construction Audit inspections,
  - (d) Practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

## **10. ACCESS OVER ADJACENT LAND**

Where it is necessary, for the construction of the public works, to gain access to land not in the ownership of the developer the supervising engineer must:

- (a) Advise Council 21 days before access is required onsite so that notices pursuant to the *Urban Drainage Act 2013* can be issued to the landowner, then
- (b) Contact the adjacent land owners to advise them of the proposed works and assess any of their (reasonable) requirements which should be incorporated in the works and,
- (c) Ensure that client provides a signed statement advising the Council that they will pay all compensation cost for the easements and the Council's out-of-pocket costs (ie. legal, valuation, etc. if any). If the compensation claims appears unacceptable then the process under the *Land Acquisition Act 1993* will be followed.

## **11. EASEMENTS**

Easements are required over all Council and third party services located in private property. The minimum width of any easement must be 3m for Council (public) mains. A lesser width may be approved for a private stormwater service through the McKenzie Street property prior to the lodgement of a final plan of survey.

## **12. AMENITY - COMMERCIAL/INDUSTRIAL USE**

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

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**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

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**13. CAR WASH AREA**

- (a) All car, vehicle, equipment washing must be carried out within the washing bay provided for this purpose.
- (b) The car wash area must:
  - (i) be bunded and graded to direct waste water to sewer;
  - (ii) have all plant and machinery associated with the car wash located, enclosed or otherwise attenuated to prevent noise emission from affecting occupiers of other premises.

**14. STORMWATER**

No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses.

**15. CONTAMINATED LAND**

The applicant must comply with the Environmental Site Assessment Report prepared by Environmental Service and Design dated 05/02/2018.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and (Environmental Protection Authority if relevant) immediately upon discovery.

Notes

- A. All building and demolition work is to comply with the Building Act 2016 and the National Construction Code  
*Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.*
  - 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. All plumbing work is to comply with the Building Act 2016 and the National Construction Code  
*Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a*
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**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

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*plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.*

**D. General**

*This permit was issued based on the proposal documents submitted for DA0563/2018. 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 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 withdrawn 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 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 affected, 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.*

*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>>*

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**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

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**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.*

**H. Spill Kits**

*Spill kits, appropriate for the types and volumes of materials handled on the land must be kept in appropriate locations and be appropriately maintained to assist with the containment of any spill of environmentally hazardous materials. If an incident causing or threatening serious or material environmental harm from pollution occurs in the course of the activity (or activities) to which this Permit relates, then the person responsible for the activity (or activities) must:*

- (a) Immediately take all practicable action to minimise any adverse environmental effects from the incident, and*
- (b) As soon as reasonably practicable, but not later than 24 hours, after becoming aware of the incident, contact Council's Customer Service on 6323 3000.*
- (c) Not later than 24 hours after becoming aware of the incident, provide a report to the Council's Health and Compliance Department, outlining the nature of the incident, the circumstances in which it occurred and the action taken to deal with the incident. This report must be provided irrespective of whether the person responsible for the activity (or activities) has reasonable grounds for believing that the incident has already come to the notice of Council's Health and Compliance Department or any officer engaged in the administration or enforcement of the Environmental Management and Pollution Control Act 1994.*

**I. Environmental Management and Pollution Control Act 1994**

*The applicant has a general environmental duty under the Environmental Management and Pollution Control Act 1994 to take such steps as are practicable or reasonable to prevent or minimise environmental harm or environmental nuisance being caused, or likely to be caused, by the activity.*

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**REPORT:**

**1. THE PROPOSAL**

Council has received an application for planning approval to change the use of the site to storage and for the construction of a wash bay and detailing shed at 24-26 Conway Street, Mowbray (CT175296/2).

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## **8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

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The proposed use is classified as 'Storage' under the planning scheme.

Storage is defined as:

*use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, contractor's yard, freezing and cool storage, liquid fuel depot, solid fuel depot, **vehicle storage**, warehouse and wood yard.*

A storage use is permitted in the Commercial zone, and retains this status if it meets all the acceptable solutions of the relevant use standards in the zone.

The storage use of the site is to store, wash and detail cars awaiting sale in auctions and online sales. The use is directly associated with and subservient to the approved use (DA0692/2017) on the adjoining title at 10-12 McKenzie Street.

DA0692/2017 approved the use of 10-12 McKenzie Street for storage, including warehousing, workshop and offices associated with an online car auction business. The current application is to use the adjoining title to the north to wash, store and detail cars awaiting sale via the online auction. No retail sales are to occur from the site. Neither the wash bay nor the detailing shed will be available for public use.

The design of the wash bay and detailing shed has been altered in response to concerns raised in representations. The new design has been circulated to all parties who made representations. They are, therefore, aware of the proposed changes to the design.

The changes to the design are to the orientation of the buildings, and their distance to the Conway Street frontage. The size of the buildings, or their usage, is not changing.

The detailing shed has an area of approximately 40m<sup>2</sup>, with a maximum height of 5.3m. Access is via a roller door which faces west. The detailing shed is to be used for general cleaning and vacuuming of cars. A screw compressor will operate within the shed.

The wash bay is to provide space for up to three vehicles to be washed at a time, with an area of 80m<sup>2</sup>, a maximum height of 5.3m. The wash bay will be partially enclosed, and will wash up to 10-20 cars per day.

It is likely that the Conway Street access will be utilised for the access to the storage use, being a legal crossover. There is a 10 tonne limit on Conway Street, so its usage would be limited to smaller vehicles. Minor cut and fill is required up to 400mm on the northern and southern side of the structures.

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**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

The applicant has provided details of the chemicals and machinery to be used in the wash bay and detailing shed. They have raised no concerns with Council's Environmental Health Officers.

The changes to the design are described below.

**The Submitted Design**

The advertised plans show the detailing shed and wash bay setback 1m from the northern side boundary, and 1m from the eastern side boundary. The detailing shed is closest to Conway Street, with the wash bay attached to its southern wall and running along the eastern side boundary.

Landscaping was proposed along the frontage and side boundary.

The plans were advertised, and representations were received objecting to the design.

Figure 1 shows the originally submitted plans.

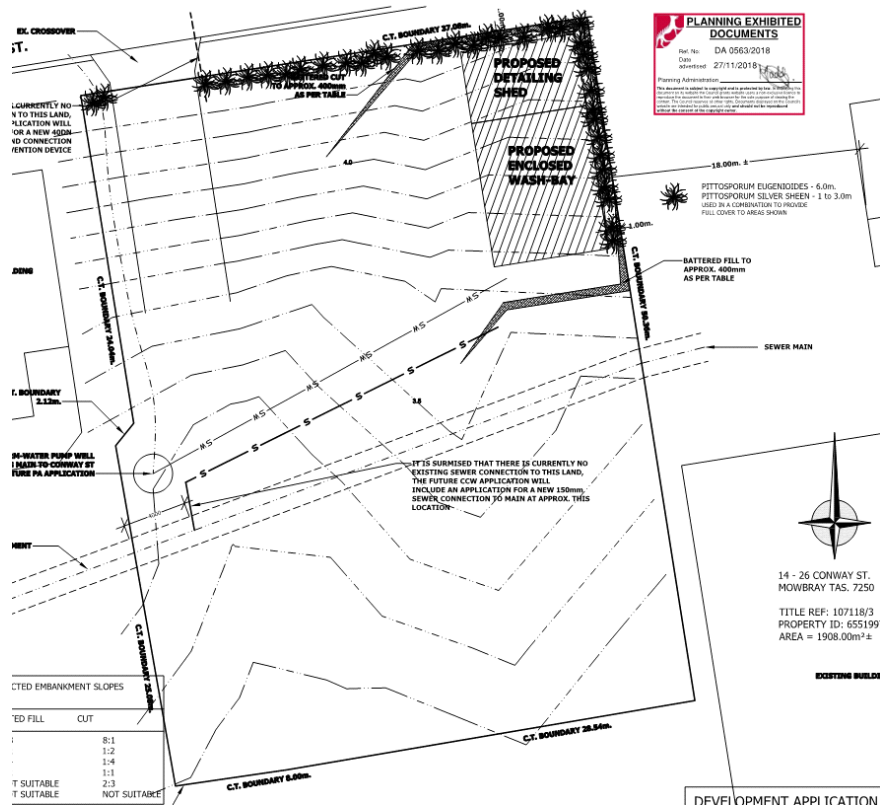


Figure 1 Advertised Plans

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

**Design Changes after Representations**

The Planning Authority received updated plans after the advertising period showing the wash bay and detailing shed setback 4.5m from the frontage, rather than 1m. The eastern side setback will remain at 1m. The orientation of the buildings has changed, with the wash bay now being closest to Conway Street, and the detailing shed attached to its southern wall.

The applicant has also proposed a 2.3m colorbond fence along the Conway Street frontage, which will replace the existing damaged fence. Additional landscaping is also proposed along the frontage, with includes species that can grow up to 6m.

Additional landscaping is now proposed along the frontage, with includes species that can grow up to 6m.

Figure 2 shows the plans submitted in response to the representations concerns. It shows the adjoining title on McKenzie Street to clarify that the use is to be associated with that property.

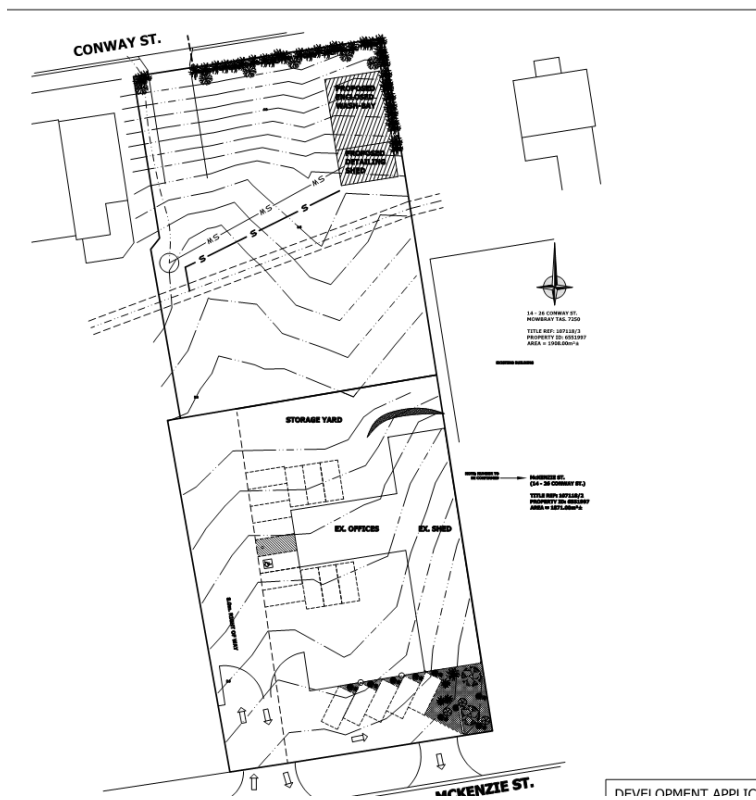


Figure 2 Updated Plans in Response to Representations

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

24-26 Conway Street is rectangular, with an area of approximately 1902m<sup>2</sup>. It has frontage and access from Conway Street, and benefits from a right of carriageway over 10-12 McKenzie Street (CT175296/2). The site is relatively flat, is mostly gravelled, and is vacant.

Conway Street is zoned Commercial on the southern side, and residential on the northern side. The surrounding nearby uses are a combination of service industry, storage, transport depot and residential.

There is an existing dwelling on the adjoining site to the east, zoned Commercial. It appears it is being used as an office for a transport depot and distribution use on that site. There is an existing residential use on the upper level of the property at 14-26 adjacent to the Conway Street frontage. It appears this was previously approved as a caretaker's dwelling or similar.

The adjoining title to the south has been recently approved for storage use and the construction of a number of large outbuildings.

The site is - or is able to be - connected to all reticulated services.

**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

**23.0 Commercial Zone**

<p>23.1.1 Zone Purpose Statements</p> <p>23.1.1.1 To provide for large floor area retailing and service industries.</p> <p>23.1.1.2 To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility.</p> <p>23.1.1.3 To ensure uses support and do not threaten the established activity centre hierarchy.</p>
<p><b>Consistent</b></p> <p>The proposed storage use is permitted in the zone, and will provide for a large area car storage facility to be used in conjunction with the approved use at 14-26 McKenzie Street.</p> <p>The proposal is consistent with the intent of the zone as it has demonstrated compliance with all relevant use and development standards.</p>

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

**23.3 Use Standards**

**23.3.1 External storage of goods**

<p>Objective: To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.</p>
<p><b>Consistent</b> The proposal is assessed as satisfying the performance criteria. Vehicles stored on site may be visible from McKenzie Street although the view will be fleeting, and obscured by the large buildings along McKenzie Street.</p>
<p>A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.</p>
<p><b>Relies on Performance Criteria</b> Given the height of the frontage fence along Conway Street and the distance of the site from McKenzie Street, it is unlikely goods, materials or waste stored on the site will be visible. Nonetheless, the performance criteria must be assessed.</p>
<p>P1 Storage of goods and materials, other than for retail sale, or waste must be located or screened to minimise its impact on views into the site from any roads or public open space adjoining the site, having regard to: (a) the nature of the use; (b) the type of goods, materials or waste proposed to be stored; (c) the topography of the site; (d) the landscaping of the site; and (e) any screening proposed.</p>
<p><b>Complies</b> As discussed, it is unlikely that the stored vehicles will be visible from Conway Street given the existing and proposed fence. The views of the site from McKenzie Street will be fleeting given the 70m separation between the street and the site, and the number of large buildings along McKenzie Street that will screen the subject site. The proposal is assessed as satisfying P1.</p>

**23.4 Development Standards**

**23.4.1 Building height, setback and siting**

<p>Objective: To ensure that building bulk and form, and siting: (a) is compatible with the streetscape and character of the surrounding area; and (b) protects the amenity of adjoining lots.</p>
<p><b>Consistent</b> The proposal satisfying the performance criteria in regard to the frontage setback of the detailing shed via an amended plan condition. The condition will require the frontage setback to be at least 4.5m, which will enable the frontage setback of the building to be compatible with the streetscape and character of the surrounding area.</p>

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

<p>A1 Building height must be no greater than:                  (a) 10m; or                  (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.</p>
<p><b>Complies</b>                  The buildings have maximum height of approximately 5.3m, so meets (a).</p>
<p>A2 Setback from a frontage must be:                  (a) no less than 5.5m; or                  (b) no less than the setback of an adjoining building.</p>
<p><b>Relies on Performance Criteria</b>                  The submitted documents show the detailing shed 1m from the frontage setback. The applicant is therefore relying on the performance criteria for the granting of a permit. A number of representations have raised matters relevant in determining the performance criteria of P2.</p>
<p>P2 Buildings must be sited to be compatible with the streetscape and character of the surrounding area, having regard to:                  (a) the topography of the site;                  (b) the setbacks of surrounding buildings;                  (c) the height, bulk and form of existing and proposed buildings;                  (d) the appearance when viewed from roads and public places;                  (e) the existing or proposed landscaping; and                  (f) the safety of road users.</p>
<p><b>Complies</b>                  Compatibility, for the purposes of the assessment of the siting of buildings, does not require that the proposal has exactly the same setback as those other buildings on the streetscape. Rather, it requires that the setback of the proposed building is 'in harmony' with the setback of other buildings, or being able to coexist with those other buildings (within the Commercial Zone) on Conway Street.</p> <p>In regard to the 'surrounding area', the assessment must also be limited to the Commercial Zone on the southern side of Conway Street. If the residential zoning of the land across the road was taken into account, then the zone standards of the Commercial Zone would become less important than the residential zone. Such an approach was taken by the Tribunal in <i>C &amp; H Margetts v Burnie City Council [2017] TASRMPAT 18</i> where it said:</p> <p style="padding-left: 40px;"><i>The Appellants' case is dependent upon ... factoring in smaller lot sizes in zones other than the relevant Rural Living Zone. That is an impermissible course which would effect a dilution of zone standards, and would be tantamount to the Tribunal attempting to rezone the subject site (at para 97).</i></p>

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**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

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Therefore, the assessment will be limited to land in the Commercial Zone.

The property to the east 28 Conway Street has a dwelling with a frontage setback of approximately 7m. The property further east at 30 Conway Street has a colorbond outbuilding with a frontage setback of 9m, and a dwelling built right up to the frontage Derby Street and Conway Street frontages.

The property to the west at 14-26 Conway Street has a large warehouse type building with a frontage setback of approximately 4.5m. Further west is a number of dwellings (zoned Commercial) which have frontage setbacks no less than approximately 3.3m.

Apart from the dwelling at 30 Conway Street, there is a pattern of development on Conway Streets where colorbond structures are setback at least 4-5m from the frontage. This has been raised in a number of representations objecting to the proposal. The applicant provided little in the way of a justification for a departure from the acceptable solution in the initially submitted documents. However, in response to the representations, the applicant has changed the design of the structure to be at least 4.5m from the frontage.

It is, therefore, considered that a 4.5m setback from Conway Street will achieve compliance with (b). Amended plans will be required so that the changes can be endorsed.

The site is currently vacant so there are no existing buildings. The proposed colorbond buildings have a significantly smaller height and bulk than the large buildings on adjoining lots, and are also significantly of a lesser height. The proposal is therefore assessed as meeting (c).

The proposed buildings, at 1m from the frontage, would be out of character on Conway Street in terms of visual impacts when viewed from the Street. The large colorbond building at 14-26 Conway Street has a frontage setback of at least 4m.

The applicant has changed the design of the buildings to be setback at least 4.5m from the frontage, which will reduce its visual impact when viewed from the street. A new 2.3m high colorbond fence is also proposed.

It is, therefore, considered that a frontage setback of at least 4.5m from Conway Street will achieve compliance with (d). Amended plans will be required so that the changes can be endorsed.

There is currently no existing landscaping on the site. The applicant initially provided a landscaping plan showing landscaping in the 1m frontage setback and along parts of the eastern side boundary. The applicant has provided an updated landscaping plan which

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**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

<p>now shows a mixture <i>Pittosporum eugenioides</i> and <i>Pittosporum</i> silver sheen plants within the frontage setback. The species can grow from 1m - 6m. It is, therefore, considered that the amended landscaping plan will enable compliance with (d). Amended plans will be required so that the changes can be endorsed.</p> <p>The building will not obstruct views of Conway Street for motorists so (e) is satisfied.</p> <p>It is, therefore, considered that P1 is satisfied subject to amended plans being submitted showing: a frontage setback of least 4.5m; details of a replacement fence; and an amended landscaping plan.</p> <p>Conditions apply.</p>
<p>A3 Buildings can be built up to the side and rear boundaries.</p>
<p><b>Complies</b> The structure is to be built to within 1m of the side boundary.</p>
<p>A4 Where the site is located on the boundary of the General Residential, Inner Residential and Low Density Residential zones, new buildings or alterations to existing buildings, must:</p> <p>(a) be set back a horizontal distance of no less than 3m from the zone boundary; and</p> <p>(b) have a solid fence no less than 1.8m high on the zone boundary.</p>
<p><b>Complies</b> The site is located on the boundary of the Inner Residential Zone to the north. The initially supplied plans showed the buildings setback approximately 1m from the zone boundary. Compliance with (a) therefore could not be achieved. This was raised in a representations received during the advertising period.</p> <p>However, the applicant has provided updated plans showing the buildings being at least 4.5m from the frontage (zone boundary) and a replacement colorbond (solid) fence along the frontage to a height of at least 2.3m.</p> <p>The proposal, therefore, complies with A4 subject to amended plans.</p>
<p>A5 The façade and entrance of the primary building, must be clearly visible and accessible from a road, for pedestrians and persons with a disability.</p>
<p><b>Relies on Performance Criteria</b> The facade and entrance of the wash bay and detailing shed will be not be 'clearly visible' from Conway Street due to the measures proposed to lessen the visual impact of the structures on the streetscape.</p> <p>It must be noted that it is unlikely that, given the nature of the use (being a private car storage yard associated with an online auction), pedestrians would be wishing to visit the building. Nonetheless, the application must be assessed against the performance criteria.</p>

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

<p>P5 Building orientation and access must have regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the nature and specific needs of the use;</li> <li>(c) safe access for pedestrians and persons with a disability;</li> <li>(d) traffic access and parking requirements;</li> <li>(e) the relationship with buildings on the site or adjacent sites and access between sites; and</li> <li>(f) the streetscape.</li> </ul>
<p><b>Complies</b></p> <p>As discussed, the wash bay and detailing shed will not be for public use. Rather, it will be for the exclusive use of the business at 10-12 McKenzie Street. The site is able to be accessed via 10-12 McKenzie Street via a legal right of way and via Conway Street. It is considered that the proposal will be in keeping with the orientation of existing buildings on Conway Street. The proposal is assessed as satisfying P5.</p>

23.4.2 Streetscape

<p>Objective: To ensure that development has an acceptable impact on the streetscape.</p>
<p><b>Consistent</b></p> <p>The proposed structure has been assessed as meeting the performance criteria. There is a consistent pattern of colorbond buildings nearby on Conway Street.</p>
<p>A1 Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must:</p> <ul style="list-style-type: none"> <li>(a) have external walls constructed with no less than 50% brick, concrete, masonry or glass;</li> <li>(b) have external walls, unless brick or glass, painted or finished with a texture coat; and</li> <li>(c) have no less than 50% glazing to the external walls of the office components of the buildings.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The structure is to be clad in colorbond.</p>
<p>P1 New buildings or extensions to existing buildings must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the nature of the proposed use;</li> <li>(c) the visibility of the building from the road;</li> <li>(d) the external treatment and finish of buildings; and</li> <li>(e) the building materials used in the surrounding area.</li> </ul>

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<p><b>Complies</b>                  There are numerous examples of colorbond buildings on Conway Street within the Commercial Zone. The most notable of those is the adjoining lot at 14-26 Conway Street. The use has been previously described, and is permitted in the zone (b).</p> <p>The proposed building is consistent with the building materials used on the streetscape and surrounding area, being clad in colorbond or similar (d), (e).</p> <p>The applicant has also provided updated plans, which show a frontage setback of at least 4.5m from Conway Street, and a colorbond fence to a height of at least 2.3m. This will assist in softening the appearance of the building on the streetscape (c). It is also noted that the site is flat, so topography bears no weight in the assessment (a).</p> <p>The proposal is assessed as meeting P1 subject to amended plans.</p>
<p>A2 Car parking must not be located within 3m of the frontage.</p>
<p><b>Complies</b>                  No car parking is proposed within 3m of the frontage.</p>

23.4.3 Fences

<p>Objective:                  To provide for fences appropriate to the site and character of the area.</p>
<p><b>Consistent</b>                  The proposal is assessed as meeting the performance criteria subject to conditions. There is an existing fence along the Conway Street frontage which was not to be altered in the advertised plans. The fence is in poor condition. However, in response to the concerns in representations received during advertising, the applicant has submitted updated plans which show the fence to be replaced with a colorbond fence to a height of at least 2.1m. The proposed fence is considered appropriate to the site (replacing an existing fence at much the same height) and the character of the area (characterised by a combination of large commercial/industrial structures).</p>
<p>A1.1 Fences must be no higher than:                  (a) 1.8m on a frontage; or                  (b) 2.1m on a side or rear boundary that abuts a public reserve; or                  (c) 3m on a side or rear boundary otherwise.                  A1.2 Front fences must be 50% transparent above a height of 1.2m.                  A1.3 Front fences higher than 1.2m must be located no less than 1m from the frontage, and the setback landscaped between the frontage and the fence.</p>
<p><b>Relies on Performance Criteria</b>                  The applicant has provided updated plans in response to concerns submitted in representations. The plans show a 2.3m solid colorbond fence to replace an existing colorbond fence at much the same height.</p>

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Figure 3 shows the existing fence to be replaced.



The proposed fence must be assessed against the performance criteria.

P1 Boundary fences must not have an unreasonable impact on the amenity of adjoining sites and the streetscape, having regard to:

- (a) the topography of the site;
- (b) the need for security;
- (c) the materials and finish of the proposed fence;
- (d) the need and opportunity for passive surveillance, particularly where the fence adjoins a road or public reserve;
- (e) overshadowing;
- (f) the character of the streetscape; and
- (g) the character of the surrounding area.

**Complies**

As discussed, the frontage fence is replacing a fence at much the same height that is in need of repair or replacement. Given that the site will be used to store cars, it is considered that having a solid, secure fence is essential (b). It appears that the site has historically been used to store cars, which is why there is already an existing solid fence for security.

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The proposed fence will match the existing, damaged fence that is to be replaced which may actually improve the appearance of the fence when viewed from the frontage (c). It is considered that passive surveillance is not a priority given that the use of the site is to be for storage and that the existing fence is solid (d).

Given that the fence is replacing a fence at much the same height, the proposed fence is considered appropriate to the streetscape and surrounding area (f), (g).

The proposal is assessed as satisfying P1 subject to amended plans.

23.4.4 Site landscaping

<p><b>Objective:</b> To ensure that new development improves the amenity of the site and the streetscape.</p>
<p><b>Consistent</b> The proposal has been assessed as meeting the performance criteria via condition. The advertised landscaping plan showed landscaping in the 1m gap between the frontage and the buildings. In response to concerns received in representations', the applicant has now provided a frontage setback of 4.5m from Conway Street and additional landscaping within the setback.</p> <p>The updated landscaping plan will be endorsed via an amended plan condition on the permit.</p>
<p>A1 New buildings or extensions with a gross floor area greater than 100m<sup>2</sup> or 50% of the existing gross floor area, whichever is less, must:</p> <ul style="list-style-type: none"> <li>(a) landscape an area within the front setback of not less than the 50% of that area; and</li> <li>(b) provide a minimum of 1 tree capable of growing to a height of no less than 10m planted for every 1 000m<sup>2</sup> of site area. Trees must be located within a minimum 3m diameter landscaped area.</li> </ul>
<p><b>Complies</b> The advertised landscaping plan had landscaping within the frontage setback but did not show the one required tree able to grow to 10m. The performance criteria must be relied upon.</p>
<p>P1 Landscaping must improve the amenity and appearance of the site and the streetscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the existing vegetation on the site;</li> <li>(c) shade for users of the site and car parking areas;</li> <li>(d) the location, type and growth of the proposed vegetation;</li> <li>(e) the area set aside for landscaping and its suitability;</li> <li>(f) any proposed screening; and</li> <li>(g) the character of the streetscape and surrounding area.</li> </ul>

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**Complies**

The updated landscaping plan shows proposed planting in the frontage setback, and part of the eastern side setback. Concerns were raised in representations that the initial design (having a 1m setback) would not allow for plants to grow adequately due to lack of sunlight.

The updated plans show a 4.5m frontage setback which will allow ample space for plants to grow to their mature height and to act as additional screening on Conway Street. It is considered that matters such as shading of car parking areas is not relevant to the use. The adjoining site to the west has landscaping within the frontage setback so the proposed landscaping will be in keeping with this pattern of development.

Ultimately, the proposed landscaping will be an improvement on the appearance of the site and streetscape compared to how it currently appears.

The proposal is assessed as satisfying P1 subject to amended plans.

**E2.6 Development Standards**

**E4.0 Road and Railway Assets Code**

E4.1 The purpose of this provision is to:

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

**Consistent**

**E4.5 Use Standards**

**E4.5.1 Existing road accesses and junctions**

Objective:

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

**Consistent**

A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

**Complies**

Given that the previous approved use at 10-10 McKenzie Street (DA0692/2017) was assessed and approved as generating less than 40 vehicle movements per day shared over two crossovers, it is considered that the numbers will be far less via the Conway Street access as the total number of movements for the use will be now be shared over three accesses. Conditions apply restricting the use of 10-12 Conway Street to be limited to DA0692/2017.

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

**E4.6 Development Standards**

**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 is assessed as satisfying the relevant standards of the code. The site will be used to store cars in conjunction with the use at 10-12 McKenzie Street, and will not be accessible to the public.

It is considered that providing additional parking on the subject site (24-26 Conway Street) is not necessary. Council's Infrastructure Department has provided conditional consent to the proposal on traffic and infrastructure grounds.

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

Objective:

To ensure that an appropriate level of car parking is provided to meet the needs of the use.

**Consistent**

The proposal is assessed as meeting the performance criteria subject to conditions. Providing additional parking on site is not considered necessary. Conditions apply.

A1 The number of car parking spaces must:

- (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
- (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or
- (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or
- (d) be in accordance with an acceptable solution contained within a parking precinct plan.

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**Relies on Performance Criteria**

A storage use is to provide 1 space per 200m<sup>2</sup> of the site area or one space per two employees; whichever is greater. The site area is approximately 1908m<sup>2</sup>. Therefore, up to 10 parking spaces are required to satisfy the acceptable solution. No parking is provided on site. The performance criteria must be relied upon to satisfy the standard.

P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:

- (a) the availability of off-road public car parking spaces within reasonable walking distance;
- (b) the ability of multiple users to share spaces because of:
  - (i) variations in car parking demand over time; or
  - (ii) efficiencies gained by consolidation of car parking spaces;
- (c) the availability and frequency of public transport within reasonable walking distance of the site;
- (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;
- (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;
- (f) an assessment of the actual car parking demand determined in light of the nature of the use and development;
- (g) the effect on streetscape; and
- (h) the recommendations of any traffic impact assessment prepared for the proposal; or

P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:

- (a) the intensity of the use and car parking required;
- (b) the size of the dwelling and the number of bedrooms; and
- (c) the pattern of parking in the locality; or

P1.3 The number of car parking spaces complies with any relevant parking precinct plan.

**Complies**

As previously discussed, the use of the site will be associated with, and subservient to, the approved use DA0692/2017 at 10-12 McKenzie Street. The site will be used to store, wash and detail cars awaiting sale via an online auction operating out of 10-12 McKenzie Street. The site is not available for the public use. The previous approval at 10-12 McKenzie Street provided 18 parking spaces, which was deemed to satisfy the acceptable solution. It is considered that no parking is required on site given the fact that the site will realistically be a car park for cars awaiting pick up.

It is therefore considered that the proposal satisfies the performance criteria subject to conditions.



**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

**4. REFERRALS**

<b>REFERRAL</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Infrastructure Services	Conditional consent provided with recommended conditions in relation to: <ul style="list-style-type: none"> <li>• The minimum requirements for easements over public land, and the construction of public and private infrastructure.</li> <li>• Requiring amended plans showing the provision of a gravity connection to the public stormwater system in McKenzie Street that is fully independent of all other lots.</li> <li>• Requirements to gain access to land not in the ownership of the developer.</li> </ul>
Environmental Health	Conditional consent provided with recommended conditions in relation to: <ul style="list-style-type: none"> <li>• Standard amenity conditions for a commercial/ industrial use.</li> <li>• Requirements for the construction of the car wash;</li> <li>• Site contamination.</li> </ul>
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA TWDA 2018/01632-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

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

**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 27 October to 13 November 2018. Six representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

It is noted that this is the second application received in 2018 for a wash bay on 24-26 Conway Street. The first application was withdrawn after receiving representations. In response to the representations' concerns with the current proposal, the applicant and Council's planning officers have worked towards reaching a compromise that is both within the bounds of the planning scheme requirements, and which minimises potential amenity impacts on the sensitive uses within the adjoining residential zone to the north.

The updated plans are to be endorsed as amended plans via condition.

<b>Issue</b>
The proposal does not satisfy the use standard of Clause 23.3.2 - Emissions impacting sensitive uses.
<b>Response</b>
The use standard does not apply to a storage use pursuant to table 23.3 of the Commercial Zone.
<b>Issue</b>
The construction of buildings approved by previous applications are being undertaken after permissible hours.
<b>Response</b>
Not relevant to determining this application.
<b>Issue</b>
Insufficient information provided to justify a reliance on the performance criteria regarding the frontage setback (Clause 23.4.1 P1). The proposal does not satisfy the acceptable solution of Clause 23.4.1 A4, as the building is less than 3m from the zone boundary of the Inner Residential zone to the north on Conway Street. Given that noncompliance, the applicant must demonstrate compliance with the performance criteria.
<b>Response</b>
The applicant has agreed to rearrange the design so that it complies with the frontage setback. Amended plans will be required (and endorsed) via conditions.

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

<b>Issue</b>
Concerns with emissions (noise and odour) with a building being so close to the frontage. Noise and odour reports are requested.
<b>Response</b>
The use standard dealing with emissions impacting on nearby sensitive uses does not apply to a permitted use in the zone. Those matters are dealt with under the Environmental Management and Pollution Control Act 1994 ('EMPCA'). Nonetheless, the applicant has provided details of chemicals and equipment to be used which have been deemed appropriate by Council's Environmental Health Officers. Notes have been provided on the permit which alert the application of their responsibility under EMPCA.
<b>Issue</b>
Clarification of whether the use is associated with the approved use (DA0692/2017) at 10-12 McKenzie Street.
<b>Response</b>
The applicant has provided an update covering letter explaining that the use of 24-26 Conway Street is associated with the storage use at 10-12 McKenzie Street. This letter has been circulated to all the parties who made a representation and will be endorsed via an amended plan condition. Conditions apply restricting the use to be associated with DA0692/2017.
<b>Issue</b>
Queries as to whether DA0692/2017 restricted access only from 10-12 McKenzie Street. Clarification of the usage of Conway Street access and likely traffic movements.
<b>Response</b>
Conway Street has a 10 tonne limit, regulated outside of the planning scheme. Therefore, an increase in the movement of large trucks on Conway Street is unlikely. The Conway Street access is a legally constructed access. DA0692/2017 approved the Storage use at 10-12 McKenzie Street, which included approval of an additional crossover. Given the low intensity of the proposed use and the fact that the traffic would be spread over two accesses; the proposal was assessed as resulting in less than 40 additional vehicle movements per day to the site. The current application will use the site at 24-26 Conway Street in conjunction with the online auction approved by DA0692/2017 at 10-12 McKenzie Street. If less than 40 vehicle movements per day was expected for the DA0692/2017 over two crossovers, than it is expected that over three crossovers the traffic would be far less. The usage of the Conway Street access will therefore be less than 40 movements per day, so complies with the acceptable solution of Clause E4.5.1 (A3). Council's Infrastructure Department has provided conditional consent to the proposal on traffic grounds and have raised no concerns with the access.

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

<b>Issue</b>
Not appropriate for the planning authority to justify the proposal against performance standards.
<b>Response</b>
Clause 8.10 of the Scheme sets out those matters a Planning Authority is required to take into account in determining applications. This is not strictly limited to the justification that is provided by the applicant.
<b>Issue</b>
The proposal will cause an environmental nuisance
<b>Response</b>
EMPCA deals with offences relating to environmental nuisance. Council's Environmental Health Officers have provided a note on the permit which makes the application aware of their responsibilities under EMPCA. The use standard that deals with emissions is not applicable to a Storage use.
<b>Issue</b>
Wash bay has increased in size since last application that was withdrawn
<b>Response</b>
This is not a relevant matter in determining the application.
<b>Issue</b>
Noise during construction
<b>Response</b>
This is not a relevant matter in determining the application. EMPCA regulates such matters pertaining to nuisance.
<b>Issue</b>
Increases in traffic on Conway Street, and the access onto the site via Conway Street.
<b>Response</b>
Conway Street has a 10 tonne limit, regulated outside of the planning scheme. Therefore, an increase in the movement of large trucks on Conway Street is unlikely. The Conway Street access is existing and is of legal construction. A condition requires that the use of the site must be limited to the use approved by DA0692/2017.
<b>Issue</b>
Proposed frontage setback will leave little room for plants to grow
<b>Response</b>
The applicant has redesigned the proposal so that it satisfied the frontage setback. They have also proposed additional landscaping within the frontage setback.

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

<b>Issue</b>
The wash bay could operate seven days per week
<b>Response</b>
The Planning Authority does not have a free reign to condition planning approvals. Rather, a condition must be found to be for a 'legitimate planning purpose' which must be ascertained from a consideration of the applicable legislation and town planning instruments to which the responsible authority is subject" (see Planning Commission (WA) versus Temwood Holdings Pty Ltd). The applicable legislation is the <i>Land Use Planning and Approvals Act 1993</i> , and the relevant planning instrument is the Launceston Interim Planning Scheme 2015. The RMPAT has recently determined that for a permitted use, conditions must be derived from the planning scheme, which is set out in section 51(4) of LUPAA (See Clegg and Ors versus Clarence City Council [2018] TASRMPAT 26). Therefore, any condition imposed on a planning permit must be reasonably derived from the planning scheme provisions to which the application is subject to rather than more generic objectives of LUPAA. The Commercial Zone does not require hours of operation to be considered in the use standards. It is also noted that the use standard that deals with emissions is not enlivened by the use. Therefore, to condition hours of operation would not be an exercise of power for a purpose specified in the relevant parts of the planning scheme. Nonetheless, if extended hours impact on the amenity of nearby sensitive uses, they will be investigated on case by case basis pursuant to the provisions of EMPCA.
<b>Issue</b>
Numbers of cars to be washed will be excessive
<b>Response</b>
The use is permitted in the zone and has been assessed as meeting all relevant use standards. As above, little can be done to restrict the operation of the use in terms of the use. Nonetheless, conditions apply limiting the usage of the wash bay and detailing shed to be strictly limited to approved use DA0692/2017.
<b>Issue</b>
Proximity to adjoining sensitive uses on Conway Street will result in loss of amenity.
<b>Response</b>
The adjoining properties are zoned Commercial. Both of the uses are existing non-conforming uses in the zone. The zone allows buildings to be built up to the side boundaries.

**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.

**8.3 24-26 Conway Street, Mowbray And 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)**

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**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:**

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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Association With Car Storage ...(Cont'd)**

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**ATTACHMENTS:**

1. Locality Map (electronically distributed)
  2. Plans to be Endorsed (electronically distributed)
  3. TasWater SPAN (electronically distributed)
  4. Representations (electronically distributed)
  5. Specifications in Response to Representations (electronically distributed)
  6. Plans submitted in Response to Representations Concerns (to be endorsed via condition) (electronically distributed)
  7. Applicant's Final Response to Representations' Concerns (to be endorsed via condition) (electronically distributed)
-

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

---

**Thursday 22 November 2018**

- Attended the School of Creative Arts Graduate Exhibition

**Friday 23 November 2018**

- Officiated at the Work Discovery Student Program at Town Hall
- Attended the Brunch in the Bays White Ribbon event at Launceston Fire Brigade
- Attended the Marita Bardenhagen Memorial Award for Local History 2018 at LINC
- Attended the Laughs of Launnie official launch at Peppers Silo Hotel
- Attended the Launceston College Extravaganza Concert at Albert Hall

**Saturday 24 November 2018**

- Attended the Apex Launceston Christmas Parade at The Esplanade
- Attended the Family Colonial Picnic at St Matthias Church Windermere
- Attended the Vietnam Veterans Sub Branch of Launceston Christmas Dinner at the Launceston RSL

**Sunday 25 November 2018**

- Attended the Thai Food and Culture Festival at St Ailbes Hall
- Attended the 175 year Anniversary of St Matthias Church (River Cruise and Commemorative Eucharist Service) at Windermere Church

**Monday 26 November 2018**

- Officiated at a White Ribbon event at Kings Meadows High School

**Tuesday 27 November 2018**

- Attended a Channel 7 Tasmania Christmas event at the Channel 7 Tasmanian Studio
- Attended Tour de Cure dinner event at Hotel Grand Chancellor

**Wednesday 28 November 2018**

- Officiated at the City of Launceston Employee Recognition event at the Town Hall
  - Attended Launceston College Dance Fever: Fusion Production at Door of Hope
-



**9.1 Mayor's Announcements ...(Cont'd)**

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**Thursday 29 November 2018**

- Officiated at the Launceston Historical Society School History prize presentations at Town Hall
- Attended the Launceston Catholic Schools Music Program 16th Annual Concert and Awards evening at St Patricks College

**Friday 30 November 2018**

- Attended an ANZ business breakfast event at Peppers Silo Hotel
- Attended the James Boag Beer Garden launch party at James Boag Brewery
- Officiated at a welcome for guests of the Monaro Nationals at Penny Royal

**Saturday 1 December 2018**

- Attended a Tamar Valley Christian Church morning tea at the Tailrace Centre
- Officiated at the First Nation Event at Zions Hill Church

**Sunday 2 December 2018**

- Attended a Thanksgiving Service at Summerhill Baptist Church
- Attended a Thanksgiving Service at House of Prayer
- Attended the Public Menorah Lighting at Launceston Synagogue

**Monday 3 December 2018**

- Attended the Tasmanian Chamber of Commerce and Industry Tasmanian Report Roadshow luncheon at Country Club Tasmania
- Officiated at the 2018 Tasmanian Human Rights Awards presentation at Town Hall

**Tuesday 4 December 2018**

- Attended Student Works Celebration of Success 2018 at Student Works

**Wednesday 5 December 2018**

- Attended a celebration of the Arts event at Summerdale Primary School
-

**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.)*

**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.)*

**No Aldermen's Questions on Notice have been identified as part of this Agenda**

**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.)*

**12 COMMITTEE REPORTS**

**No Committee Reports have been identified as part of this Agenda**

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## 13 COUNCIL WORKSHOPS

Council Workshops conducted on 29 November and 6 December 2018 were:

- Coordinator-General Update
- City Heart - Future Works, St John Street and Public Transport Infrastructure
- University of Tasmania Update
- Community Engagement - Capire Consulting
- LGAT Agenda Discussion
- JAC Update

## 14 NOTICES OF MOTION

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

**No Notices of Motion have been identified as part of this Agenda**

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**15 DEVELOPMENT SERVICES DIRECTORATE ITEMS****15.1 Launceston Building Heights and Massing Study Consultation****FILE NO:** SF6749**AUTHOR:** Damien Fitzgerald (City Development Team Leader Strategic City Planning)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To endorse the community consultation findings and recommendations of the draft Paul Davies Launceston CBD Building Height and Massing Study 2018.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 4 June 2018 - Launceston Building Heights and Massing Study

Council - 30 July 2018 - Agenda Item 15.1 - Launceston CBD Building Height and Massing Study

Workshop - 1 October 2018 - Launceston CBD Building Height and Massing Study (Paul Davies Pty Ltd) - Consultation Update

Workshop - 15 November 2018 - Launceston CBD Building Heights

**RECOMMENDATION:**

That Council:

1. receives the Launceston Building Heights and Massing Community Consultation report and findings.
  2. adopts the recommendations in the report prepared by Paul Davies Pty Ltd:
    1. *Preparation of 'design guidelines' to interpret and support the Planning Scheme.*
    2. *Prepare amendments and provisions for the Planning Scheme (to the study area):*
      - (i) *Retain and amend the Acceptable Solution (AS) and reduce to 9m.*
      - (ii) *Introduce a Performance Criteria (PC) for an absolute maximum height limit of 24m.*
-

## 15.1 Launceston Building Heights and Massing Study Consultation ...(Cont'd)

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- (iii) Areas that should not be subject to controls in the study area be excised and remain in their current zonings and controls (refer to study mapping for details).*
- (iv) Develop a Special Area Plan (SAP) to address the changes proposed.*
- (v) Establish design guidelines as part of the discretionary controls.*
- (vi) Undertake separate guidelines that can provide a clear framework for new development in the city.*
- (vii) Establish exemptions for minor works where the application of the design guidelines is not appropriate.*
- (viii) Determine a Planning Scheme Amendment process for proposals that exceed the maximum height limit provision.*
- (ix) Design panels or other review processes to be considered separately, as the recommendations arising from this study are independent of that consideration.*

3. requests the General Manager to prepare relevant draft Planning Scheme provisions to implement the recommendations.
- 

### REPORT:

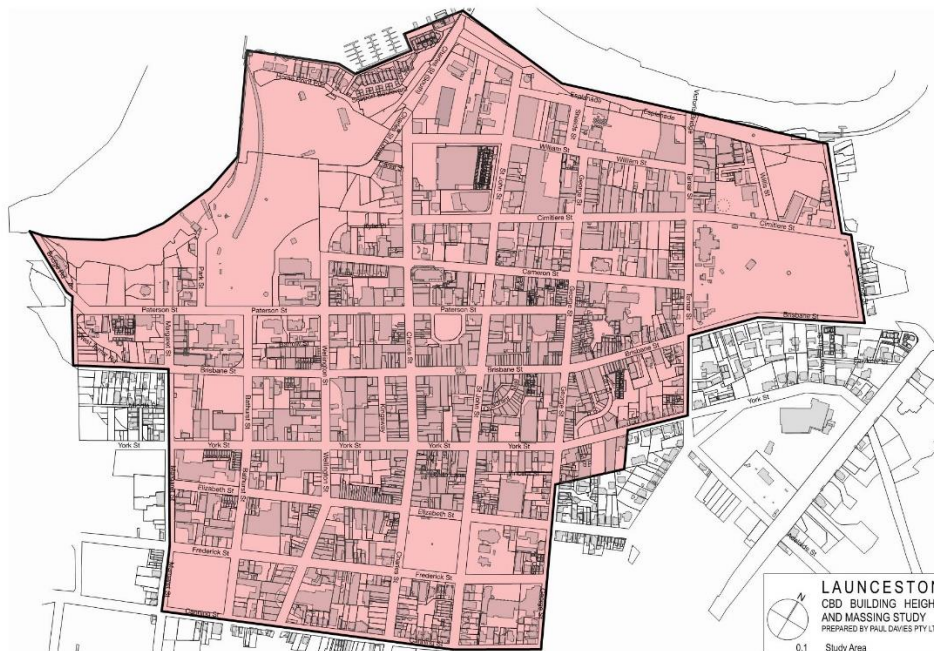
#### **Summary - The Launceston Building Height and Massing Study**

The City of Launceston commissioned Paul Davies Pty Ltd to write the Launceston Building Height and Massing Study, a report/discussion paper analysing existing local context in terms of height and providing potential options to facilitate suitable development in Launceston.

The study area is contained within the Launceston Central Activities District (LCAD) boundary area shown in Figure 1.

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## 15.1 Launceston Building Heights and Massing Study Consultation ...(Cont'd)



**Figure 1 - Launceston Central Activities District Boundary (Paul Davies Study Area)**

The study provides clear objectives within four key precinct areas to protect the historic character of Launceston and to manage the potential increase in demand for development that may seek greater height and scale. The study also provided building envelopes that directly responds and respects the fabric of Launceston's streetscape, while giving certainty to future development in the central city area.

The objectives of the study focused on:

- The protection of the historic character of Launceston;
- The protection of amenity and other values set out in the Launceston Planning Scheme;
- The management of the potential increase in demand for development in the city with buildings that may seek greater height and scale; and
- To facilitate appropriate and contextually designed developments.

Building height is one piece of a puzzle. The study provided Council with a strong starting point to engage directly with the community in regards to future development in Launceston. The consultation process provided opportunity for the broader community to share and discuss what is important to development in Launceston.

### **Summary - Community Consultation Process (Attachment 1)**

Consultation was undertaken from on 31 July to 14 September 2018 (six weeks). The consultation responses raised a diverse range of comments and concerns. The responses were captured and analysed to identify key themes and ideas raised by the community.

**15.1 Launceston Building Heights and Massing Study Consultation ... (Cont'd)**

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**Summary - Paul Davies Recommendation Report (Attachment 2)**

It is not planned to revise the Launceston Building Height and Massing Study resulting from feedback received during the consultation process. Rather, Paul Davies has provided Council with a supplementary report, addressing the feedback, making recommendations for dealing with building controls and options for planning scheme provisions in the study area.

This report strongly recommends introducing a set of controls and/or guidelines to facilitate new development in the City to achieve good design and urban outcomes. Once completed the guidelines document will support the Planning Scheme provision.

In summary, the report seeks Council endorsement for the following:

1. Preparation of 'design guidelines' to interpret and support the Planning Scheme.
2. Prepare amendments and provisions for the Planning Scheme (to the study area):
  - (i) Retain and amend the Acceptable Solution (AS) and reduce to 9m.
  - (ii) Introduce a Performance Criteria (PC) for an absolute maximum height limit of 24m.
  - (iii) Areas that should not be subject to controls in the study area be excised and remain in their current zonings and controls (refer to study mapping for details).
  - (iv) Develop a Special Area Plan (SAP) to address the changes proposed.
  - (v) Establish design guidelines as part of the discretionary controls.
  - (vi) Undertake separate guidelines that can provide a clear framework for new development in the city.
  - (vii) Establish exemptions for minor works where the application of the design guidelines is not appropriate.
  - (viii) Determine a Planning Scheme Amendment process for proposals that exceed the maximum height limit provision.
  - (ix) Design panels or other review processes to be considered separately, as the recommendations arising from this study are independent of that consideration.

**Next Steps - Indicative Milestones:**

- Council endorsement - Release the findings of the community consultation process on Your Voice Your Launceston (YVYL). Individual written submissions will receive individual responses - December 2018.
  - Commence Planning Scheme draft provisions to inform a Special Area Plan (SAP) - December 2018 - March 2019.
  - Tasmanian Planning Commission briefing and feedback on draft SAP (Structure) - February/March 2019 (TBC).
  - Council Workshop to update on SAP and guidelines development - February/March 2019 (TBC).
  - Community Consultation on the SAP - March - April - 2019 (TBC).
  - To commence the accompanying guidance documents to support the relevant Planning Scheme provisions - completion by June 2019 (TBC).
-

**15.1 Launceston Building Heights and Massing Study Consultation ...(Cont'd)**

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- TPC briefing and signoff of SAP, ready for Planning Scheme Amendment - June 2019.
- Lodge Planning Scheme Amendment - June/July 2019 (TBC).

**ECONOMIC IMPACT:**

Considered in 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 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 Direction -

4. To promote Launceston's rich heritage and natural environment

Priority Area 6 - A city building its future

Ten-year goal - To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions

Key Directions -

2. To develop and take a strategic approach to development sites to maximise public benefits of development
3. To ensure that the planning system at a local and regional level is effective and efficient

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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**15.1 Launceston Building Heights And Massing Study Consultation ...(Cont'd)**

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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.



**Leanne Hurst: Acting General Manager**

**ATTACHMENTS:**

1. CoL Building Heights Consultation Report - October 2018
  2. Paul Davies Recommendation Report - 7 November 2018
-

*Attachment 1 - CoL Building Heights Consultation Report - October 2018*

## Launceston Building Height & Massing Study Community Consultation Report

25th October 2018

### 1. Acknowledgements

We would like to acknowledge the significant contributions to the Launceston Building Heights and Massing Study Community Consultation by the following:

- Paul Davies Pty Ltd, for writing the study report and hosting information sessions
- The community, for engaging with the consultation program and providing feedback
- City Development Department staff, City of Launceston for support and assistance with the consultation program
- Communications Department staff, City of Launceston for support and assistance with the consultation program.

**Report prepared by:**

- Damien Fitzgerald (Team Leader Strategic City Planning)
- Marilyn Burns (Urban Design Planner).

### 2. Executive Summary

City of Launceston, commissioned Paul Davies Pty Ltd to write the Launceston Building Height and Massing Study, a study report analysing existing local context in terms of height and providing potential options to facilitate suitable development in Launceston. This document summarises the community responses within a 6-week public consultation process.

There were several points that were highlighted and reiterated during the consultations, and they are:

- The need to retain the unique character of Launceston;
- The desire for design excellence in building proposals;
- The value of heritage buildings within the CBD;
- The desire for an absolute building height to provide certainty; and
- The concern about development that is out of character with existing context.

Following the study, further work by the City of Launceston will commence including:

- To determine a set of key development objectives and aspirations resulting from the consultation;
- To consider and implement appropriate assessment methodologies to achieve better design outcomes (excellence);
- To develop and revise relevant planning scheme provisions;
- To determine a process for developments that chose to exceed the maximum building height; and

- To develop a set of development guidelines which underpin the Planning Scheme and to assist with future development.

### 3. Introduction

The overriding quality of Launceston historically is the very fine quality of low-rise buildings and human scale built form. In recent years, the community has expressed considerable concern about the appropriateness of new development. Proposals that are perceived to be out of scale or to negatively impact on streetscapes have been subject to objections and appeals. These contested developments are costly in terms of time and money for the developer and can be divisive for the community for many reasons.

Based on recent trends and a broader interest in Tasmania (affordability and offering), it is anticipated that over the coming years the City of Launceston will be required to facilitate and determine a number of development proposals for taller buildings. Much of the controversy comes from the generic nature of the planning provisions and the degree to which subjectivity is required in order to assess the appropriateness of proposals.

The Council has commissioned a report to analyse existing context and provide a starting point for a conversation about what is considered appropriate development in Launceston. The resultant building heights and massing study was completed in July 2018.

Following this, the Council arranged for a community consultation period during August and September 2018 to provide the community and stakeholders an opportunity to respond to the report. The findings of this community consultation are presented in this document. This information will be used to provide an accompanying report, guidelines and the preparation of new planning provisions in the Tasmanian State-wide Planning Scheme.

Building height is one piece of a puzzle. The engagement process provided the City of Launceston and the broader Community a great opportunity to share and discuss what is important to Launceston in regards to future development.

### 4. Purpose

This report records the findings of the community consultation conducted for the Launceston Building Heights and Massing Study. Consultation commenced on the 31 July and was then extended to 14 September 2018.

### 5. Consultation Approach

A communication strategy was developed with assistance from Council's communication staff. The strategy included a range of consultation methods to capture a broad range of respondents based on local demographics. It also identified important stakeholders such as design professionals, developers and government agencies to be invited to take part in the consultation.

## 6. Consultation program

The Community was notified of the consultation program using a variety of methods including:

- Advertisements in newspapers and via radio;
- Online information and survey on Your Voice Your Launceston web page (YVYL);
- Emailing list providing links to the survey;
- Advertising using Council's social media platforms, including targeted promotion methods; and
- Directed invitations to participate in focus groups.

Table 1: Summary of consultation program

Event/Method	Approach	Outcome
Stakeholder and public forums	A series of forums were organised to present the building heights study and provide the opportunity for comments.	The events were well attended and many points of concern were raised. There was some confusion about the nature of the consultation which will need to be addressed prior to future consultations.
Individual responses	During the consultation period the public was advised of the opportunity to email individual responses to the planning department for consideration.	14 individual responses were received.
Survey	<p>A survey was prepared to collect information regarding the community's response to the building height study.</p> <p>Hardcopy surveys were distributed at the forums, and available at the Council's Customer Service Centre.</p> <p>The survey was also available online on the Your Voice Your Launceston web page.</p>	<p>A total of 116 surveys were returned:</p> <ul style="list-style-type: none"> <li>• 111 surveys were completed online via Your Voice Your Launceston</li> <li>• 6 surveys were completed using hard copies</li> </ul>

## 7. Report methodology

The consultation responses raised a diverse range of comments and concerns, recorded in a variety of ways for the different consultation methods as indicated above. The responses have been analysed using coding techniques to identify key themes and ideas raised by the community.

Sections 8 to 10 present an analysis of the responses collected during the forums and from surveys and emails.

The words used below are an interpretation of the responses from the community. Deciding on actions and solutions responding to the issues identified is part of the work involved in revising the Launceston Building Heights and Massing Study and designing the planning scheme standards and building development controls (guidelines).

## 8. Forums

There were several forum/workshops hosted and presented by Paul Davies and the City of Launceston, to present the building heights study report and provide opportunities for feedback. Each forum was arranged to target a specific stakeholder group, with an additional public forum. The forums were as follows:

- City Prom, Chamber of Commerce and Northern Tasmanian Development Corporation Ltd. (NTDC);
- Local Design Professionals;
- UTAS School of Architecture;
- Local Planning Professionals;
- Co-ordinator General, property Council and REIT;
- Launceston Heritage Advisory Committee; and
- Public Evening Session

The forums/workshops were held from Wednesday the 22<sup>nd</sup> of August until Friday the 24<sup>th</sup> of August 2018. At each session, Paul Davies provided on average a 60 minute presentation on the report. This was followed by 30 minutes for questions and commentary.

Comments on the report itself were positive. A common concern was that the report focused on height as opposed to a broader discussion on design excellence. While this was due to the project brief, future communication should indicate how the proposed building heights will work in conjunction with existing planning provisions to ensure appropriate design of a proposal as a whole. There were also suggestions for a design panel or committee to assess applications for design excellence.

It is worth noting that an external design panel would not provide any statutory merit under the current state-wide Planning Scheme process and may have an adverse impact to development timeframes etc. More discussion around this will be required moving forward.

It is noted that there were some concerns with limited amount of time between the invitations being sent out and the sessions being held. This was rectified by extending the consultation by two (2) additional weeks. For future consultation this will be taken into consideration.

**9. Individual Responses**

During the consultation period, it was published that along with responding to the online survey, the community to provided individual responses via email or mail. 14 responses were received. The main comments in the letters referred to the need to protect heritage values, the desire for an absolute height limit and protecting the existing character of development. Several responses referred to keeping height limits as is and not allowing height limits to increase.

This indicates confusion as the existing situation regarding height limits and the proposed changes, as currently there is not an absolute height limit. Future consultation will need to ensure that the current and proposed situations are clearly defined.

Figure 2: Top comments included in the individual letters received.



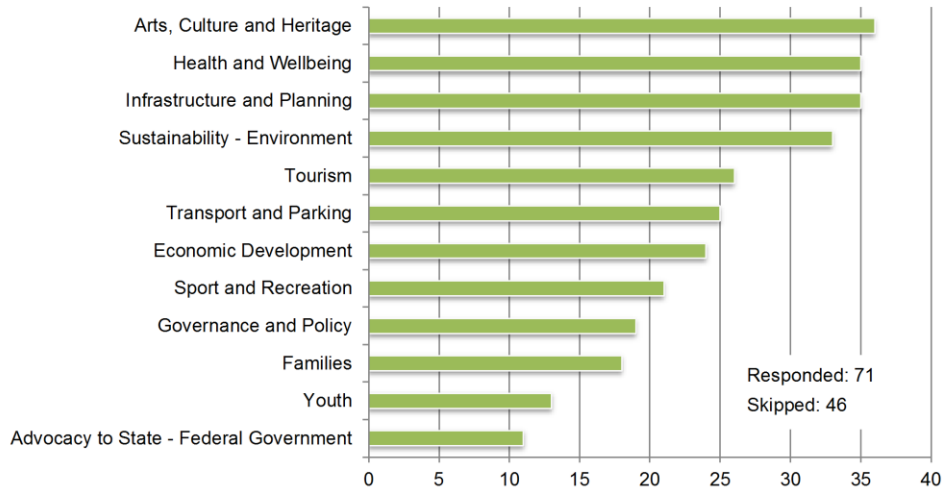
**10. Survey**

As discussed in table 1, a total of 117 surveys were returned. 111 were submitted online and 6 were submitted in hardcopy.

There were a total of 1,125 visits to the online survey, and the report and appendixes were downloaded 288 times.

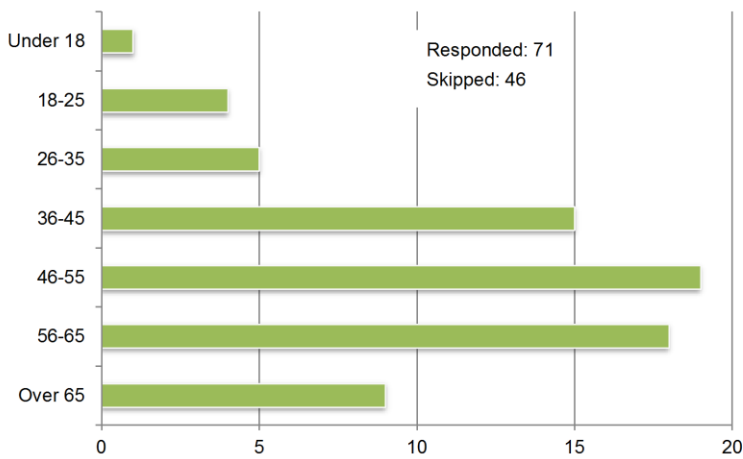
The majority of the visits were in the first and fourth week and via a direct link to Your Voice Your Launceston.

Figure 3: Responses to the query "Please indicate if you have an interest or expertise in any of the following:"



The respondents had a wide variety of interests and areas of expertise. The most common indicated interest was in Arts, Culture and Heritage, which can be seen through the response provided. The majority of respondents were between 36 to 65 years of age.

Figure 4: Responses to the query "Please indicate your age."



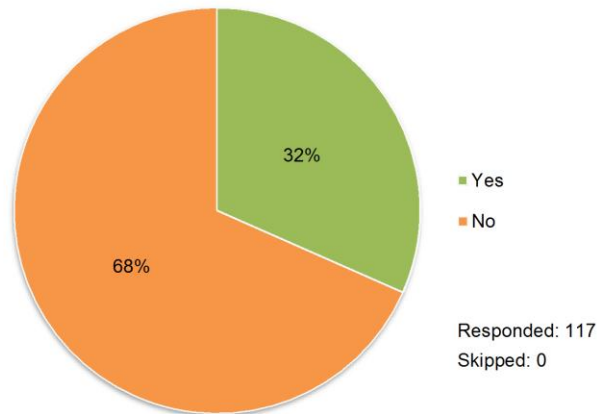
The responses to the survey are grouped based on the focus of the questions asked.

**10.1 Planning Scheme Amendment**

The majority of respondents (80) did not think a development should be allowed to go higher in special circumstances via a planning scheme amendment. Comments at the end of the survey indicated concerns that a proposal that went through a planning scheme amendment would be similar to the process for the Telstra building and would not involve community consultation.

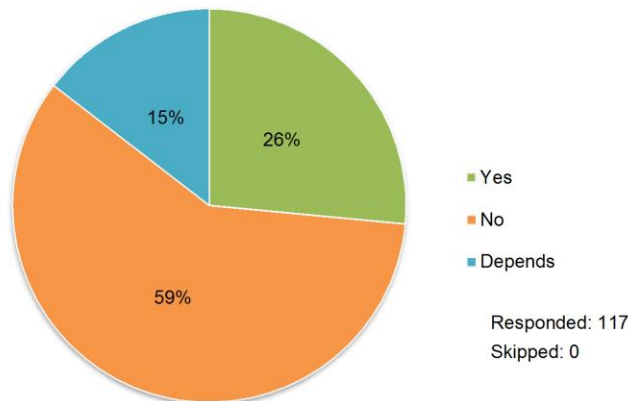
Future consultations should expand on the different planning pathways that are currently available and how they operate in regards to community consultation.

*Figure 5: Responses to the query "Do you think a development should be allowed to go higher in special circumstances if they are successful in applying for a Planning Scheme Amendment?"*



**10.2 Tall Buildings**

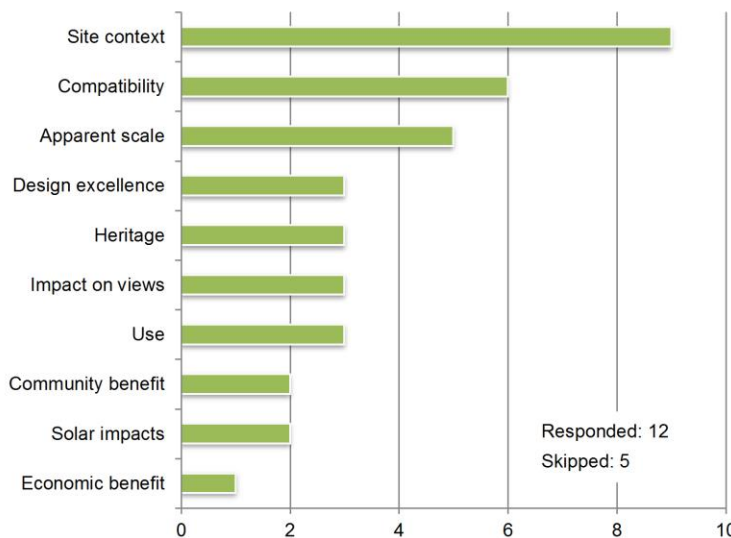
*Figure 6: Responses to the query "Do you support taller buildings in Launceston?"*





Over half of the respondents (69) did not support taller buildings in Launceston. Of the 15% (17 respondents) that stated that it depended on additional factors, half referred to the surrounding site context. Compatibility of the proposal with neighbouring properties and the apparent scale of the building were also considered important factors.

Figure 7: Responses to the query "Please advise how it depends on the location to support taller buildings?"

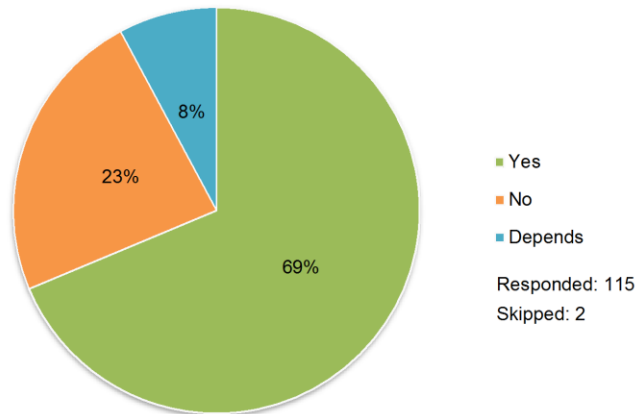


### 10.3 Absolute Height Limit

The majority of respondents (79) stated that they think there should be an absolute height limit in the CBD. When comparing the responses to this question in comparison to following questions and comments received during the consultation period, there appears to be confusion about the difference between an acceptable solution height limit and a maximum height limit.

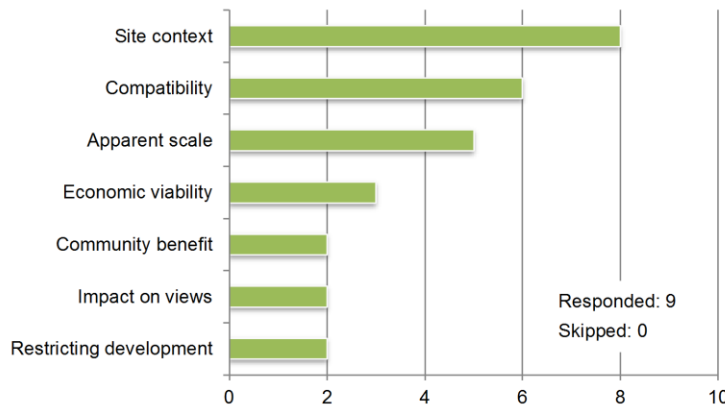
While it was discussed in the report, in future it may be beneficial for the definitions to be readily accessible to the community to ensure that all involved are working within the same assumptions.

Figure 8: Responses to the query "Do you think there should be an absolute height limit in the CBD?"



Of the 8% (9 respondents) that stated that it depended on additional factors, the majority referred to the surrounding site context. Once again, compatibility and the apparent scale of the proposal were also considered important factors.

Figure 9: Responses to the query "Please advise how it depends on the location for an absolute height limit?"

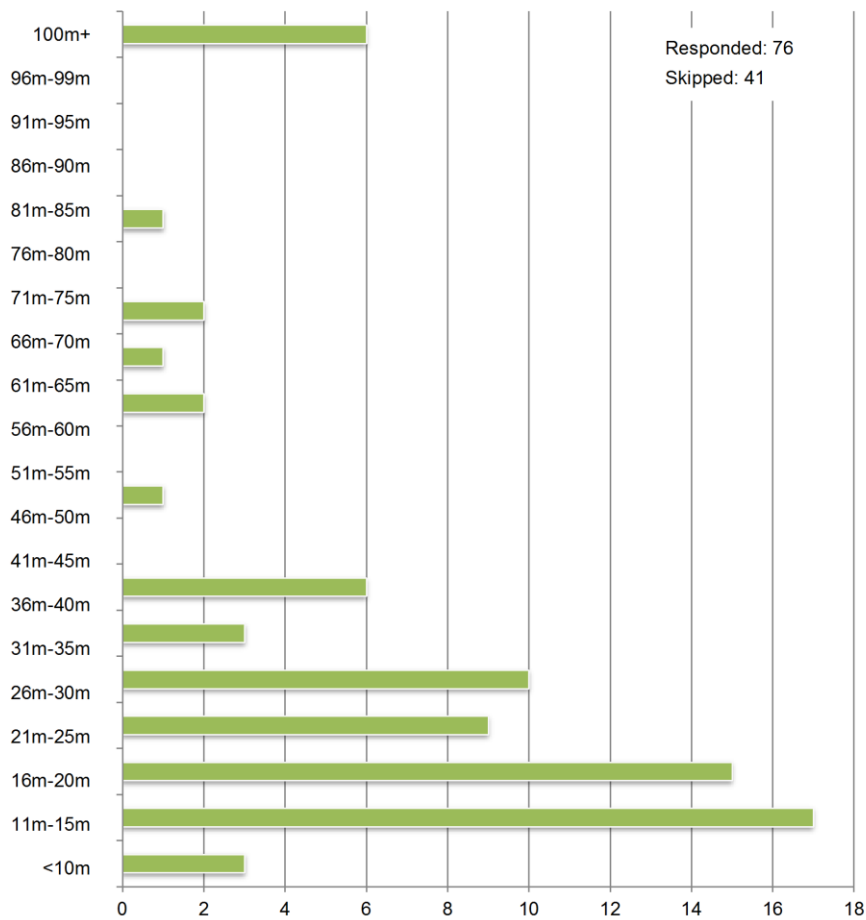


The most common proposed maximum building height was between 10m to 15m (17 respondents). Given that the current acceptable solution in the Central Business zone is 14.5m, it is considered possible that answers may have been affected by confusion over whether the question was related to the acceptable solution height limit or absolute height limit.

It is noted that the majority of responses (66%) are situated within a height limit of 11m to 30m. Existing acceptable solution heights and the proposed absolute height limits in the study are within this range, as the majority of existing development. A few responses (8%) suggested maximum building heights over 100m.

It should be noted that does not mean that the respondents approve of development at this height; rather based on previous responses they do not support an absolute height limit.

Figure 10: Responses to the query "Given the Telstra building in St John Street is approximately 40m high, how high (in metres) should we allow future developments in Launceston?"

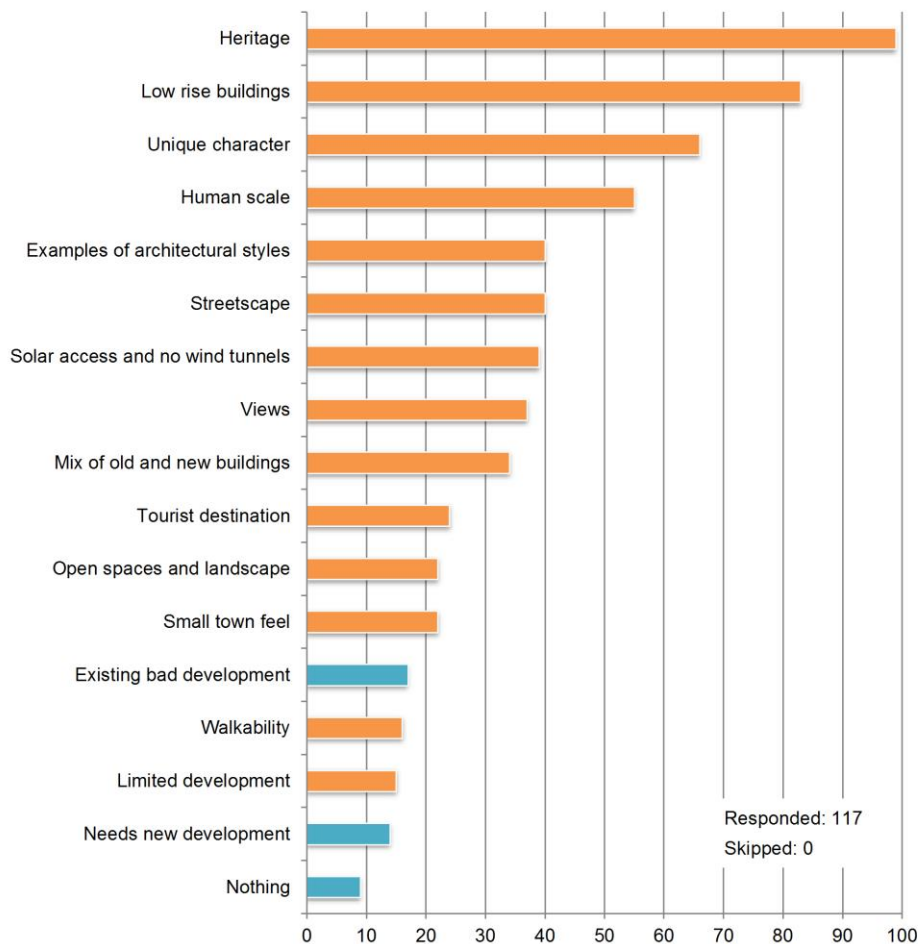


**10.4 Existing Built Form**

When asked about what the community valued most about Launceston's built form, the majority of respondents listed the large number of heritage buildings in the CBD (99), closely followed by low rise development (84).

Launceston's unique character (66 respondents) and the human scale of development (55 respondents) were also commonly mentioned. A few responses stated things they disliked about Launceston, with most referring to existing bad development (17 respondents). The Telstra building was mentioned several times as an example of bad development.

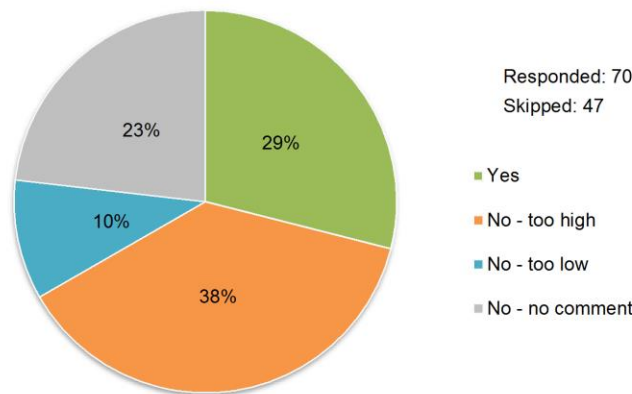
Figure 11: Responses to the query "What do you value most about Launceston's built form?"



**10.5 Precinct A**

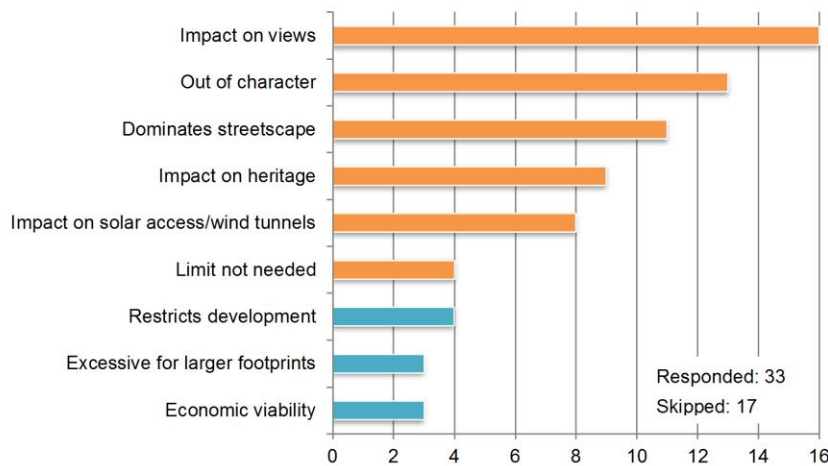
A quarter of respondents agreed with the proposed limits for Precinct A. Of the 71% of respondents that disagreed with the proposed limits, half (26 respondents) indicated that the limits were too high.

Figure 12: Responses to the query "Do you agree with the proposed limits for Precinct A?"



The most common reasons for stating the proposed limits were too high in Precinct A was that there would be a negative impact on existing views into and around the CBD (16 respondents) and that proposed development would be out of character with existing buildings (13 respondents). The potential to dominate the streetscape and negative impact on heritage were also considered. Of the 7 respondents who stated that the height limits were too low, the primary concern was restricting potential development and whether the limit was needed.

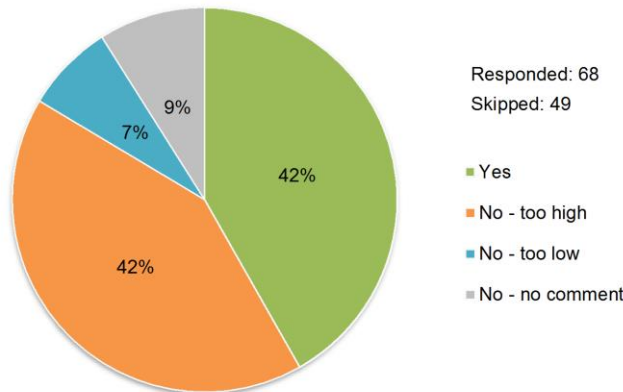
Figure 13: Responses to the query "Please comment on what you disagree with and why for Precinct A?"



10.6 Precinct B

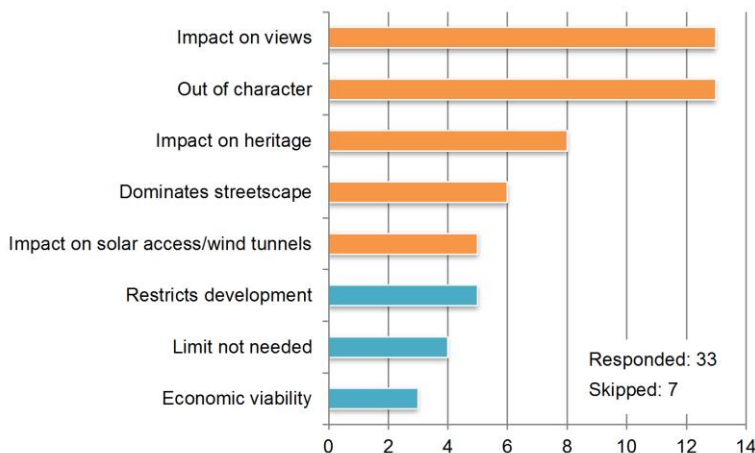
28 respondents agreed with the proposed limits for Precinct A. Of the 58% respondents that disagreed with the proposed limits, 70% (28 respondents) indicated that the limits were too high.

Figure 14: Responses to the query "Do you agree with the proposed limits for Precinct B?"



The most common reasons for stating the proposed limits were too high in Precinct B was potential negative impact on existing views (13 respondents) and that proposed development would be out of character with existing buildings (13 respondents). Of the 5 respondents who stated that the height limits were too low, all were concerned about the height limit restricting potential development.

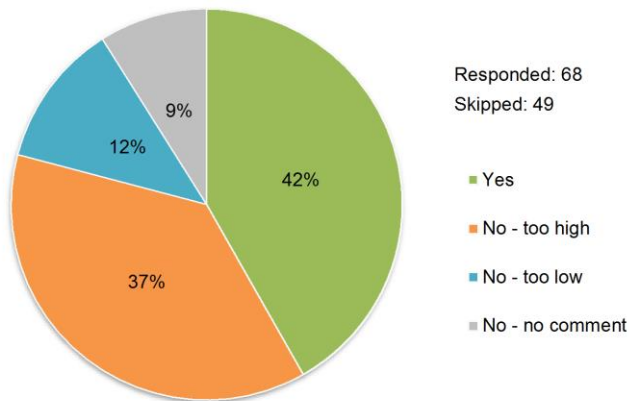
Figure 15: Responses to the query "Please comment on what you disagree with and why for Precinct B?"



**10.7 Precinct C**

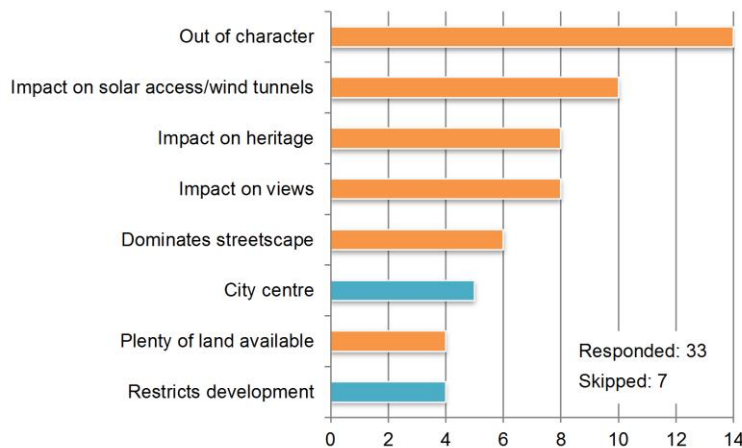
42% of respondents agreed with the proposed limits for Precinct A. Of the 58% of respondents that disagreed with the proposed limits, 62% indicated that the limits were too high.

Figure 16: Responses to the query "Do you agree with the proposed limits for Precinct C?"



The most common reasons for stating the proposed limits were too high in Precinct C was that proposed development would be out of character with existing buildings (14 respondents) and the potential impact on solar access (10 respondents). The potential negative impact on views and heritage were also considered. Of the 8 respondents who stated that the height limits were too low, most stated that the city centre should contain higher buildings than the surrounding precincts.

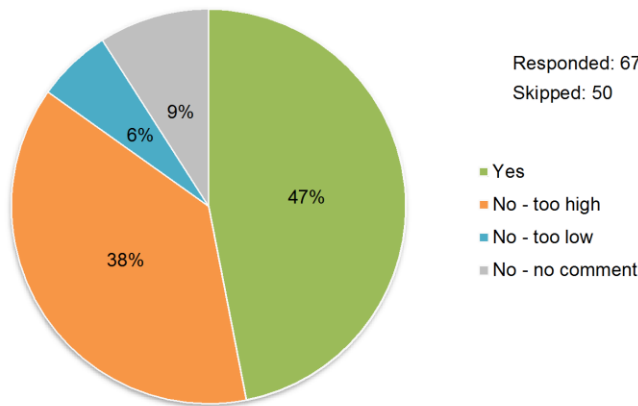
Figure 17: Responses to the query "Please comment on what you disagree with and why for Precinct C?"



10.8 Precinct D

Nearly half of respondents agreed with the proposed limits for Precinct A. Of the 36 respondents that disagreed with the proposed limits, 25 indicated that the limits were too high.

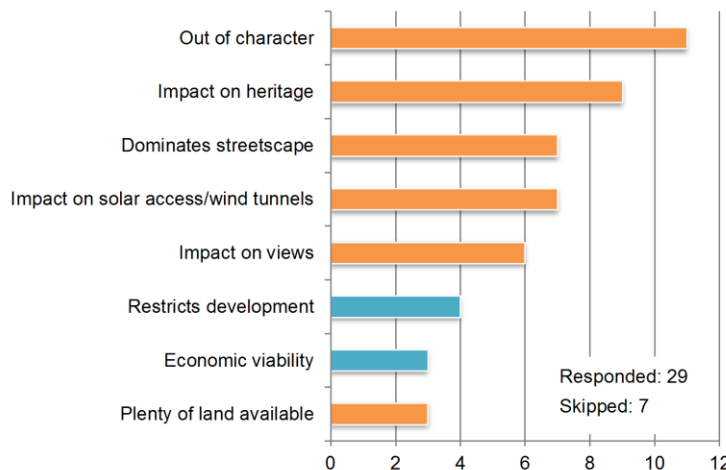
Figure 18: Responses to the query "Do you agree with the proposed limits for Precinct D?"



The most common reasons for stating the proposed limits were too high in Precinct C was that proposed development would be out of character with existing buildings (11 respondents) and the potential negative impact on existing heritage (9 respondents).

The potential impact on solar access and the streetscape were also considered. Of the 4 respondents who stated that the height limits were too low, all were concerned about the height limit restricting potential development.

Figure 19: Responses to the query "Please comment on what you disagree with and why for Precinct D?"

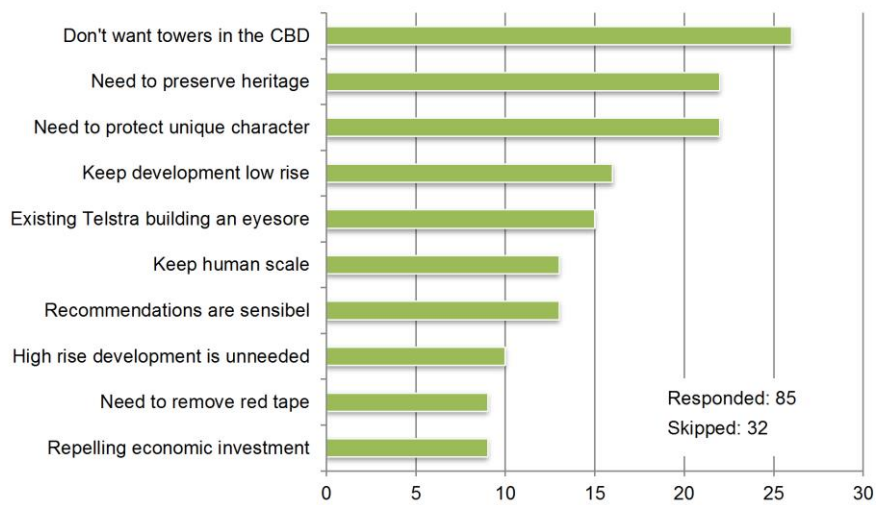




**10.9 Additional Comments**

The most common comments provided were that the respondent did not want towers or tall buildings in the CBD and indicated the importance of protecting Launceston’s unique character and heritage buildings.

*Figure 20: Top ten most common additional comments regarding building heights in Launceston.*



**10. Next Steps?**

The next step is to provide an accompanying report to the study in response to the consultation. This report will outline key objective and recommendations.

Further workshop/briefings with the newly elected Council be required. From there, a recommendation report, consultation report and study report will seek endorsement in the New Year.

The next body of work for the City of Launceston will consider the following:

- To determine a set of key development objectives and aspirations resulting from the consultation;
- To consider and implement appropriate assessment methodologies to achieve better design outcomes (excellence);
- To develop and revise relevant planning scheme provisions;
- To determine a process for developments that chose to exceed the maximum building height; and
- To develop a set of development guidelines which underpin the Planning Scheme and to assist with future development.

## 11. Conclusion

This consultation report provides a collation of the material and input provided by the community during the consultation program.

The views of the community will form an important reference for the refinement of the Launceston Building Heights and Massing Study and to assist with the next stage of work.

Further consultation regarding the planning provisions and development controls proposed will occur to test the concepts with the community before it is finalised.

## APPENDIX 1

### TERMINOLOGY

**Building Envelope** - the three-dimensional space within which buildings are to occur.

**Building Footprint** - the area of land enclosed by the external walls of a building, measured at finished ground level.

**Building Height** - the vertical distance from natural ground level at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aerials, antennae, solar panels, chimneys and vents.

**Character** - the particular combination of qualities in a person or place (Cambridge English Dictionary)

**Planning Scheme** - regulates the way land can be used or developed. It sets out the overall approach to planning in each council's area and the specific requirements or standards for the use, development and protection of land.

**Setback** - the distance from any lot boundary to a building on the lot.

**SAP (Special Area Plan)** - is in place for areas that have a unique character that is desirable to be maintained, is encumbered by a Development, Local Area or Master Plan or has specific use or development requirements that are over and above the Zone or Code provisions of a Planning Scheme.

**Site Coverage** - the proportion of a site (excluding any access strip) covered by roofed buildings.

**Streetscape** - a view or scene of streets, especially in a city (Oxford and Collins English Dictionaries).

**TPC** - Tasmanian Planning Commission

***Attachment 2 - Paul Davies Recommendation Report - 7 November 2018***

## Launceston CBD Building Height and Massing Study Report to City of Launceston Council

Paul Davies

7<sup>th</sup> November 2018

### **Background**

This report has been prepared for City of Launceston Council following the public consultation and workshop process. This study was presented to Council in July 2018 and again in September 2018. The study document has not been amended or updated, rather this report makes recommendations based on the study findings and the outcomes of the consultation and workshops and further discussions with council staff. The report was not changed as overall it was generally well received and while our recommendations vary from those in the study, the analysis and basis of the study remain unchanged.

The building height and massing study considers a range of related but essentially separate issues about how the future of Launceston city should be managed.

The study was focused around building height, determining if the current controls and approach can provide certainty for the future built form of Launceston and allow the management of applications for potentially larger development or whether a variation to the controls or new controls are required. Council expressed a desire to facilitate suitable development but also to manage it to avoid adverse impacts on the character and quality of the city.

How high a building should be in any location is subjective in that it depends on whether the commentator has an opinion that taller buildings are acceptable or not acceptable. There are strongly held opinions in the community on building height as a stand alone issue apart from the design and setting, etc. of any particular development. There also appears to be an understanding that the impact of height is not solely related to the absolute measurement of height, but a product of a range of factors including location, topography, built context and other factors that are relevant to visual impact.

The report recommended adjustments to the acceptable solution heights and then maximum height limits in the four identified precincts. The report also strongly recommended a set of controls or guidelines on how to fit new development into the city to achieve good design and urban outcomes.

The study also made comment on the desire to have good quality architecture in the city, although this was not a specific requirement of the brief.

### **Public Consultation**

The public consultation has been informative and interesting. There was a high level of involvement and feedback was provided via questionnaires, attendance at workshops and meetings and in a number of detailed written responses.

Of most interest are the detailed responses that a number of individuals and groups have provided. They provide insights into how some parts of the community see their city. They vary in response but do have some consistent themes.

Understandably there is concern from the general public (not organisations) that building heights may increase and there appears to be a general consensus that height should be limited and at levels that are less than were recommended. The 30 metre height limit proposed for precinct A was not clearly understood (it was perceived as the recommended height limit across the city), but even where it was, it has been considered in many responses to be too great.

The Chamber of Commerce and several other groups do not want to see maximum heights imposed but have also provided valuable input on achieving good design outcomes, irrespective of height.

The most consistent response is the desire for 'design excellence' to be a key factor in determining new forms for the city, irrespective of potential height and scale. This was not part of the brief for the study but is very encouraging in that all groups appear to want the future of city development to be of high quality. We are in agreement with this and if this were to be a key driver of future city controls it would change the way in which height controls may be considered.

### **Council Workshops**

Council have participated in several workshops, with the former and new councillors, to discuss the study recommendations. The recent workshop (November 14) reviewed the project and involved discussions around 'design excellence' and simplifying the study recommendations to adopt a single acceptable solution height, a single maximum height limit and the use of Scheme amendments to address major projects that may fall outside those controls.

It was generally agreed at that workshop that the term 'design excellence' should not be used as it does not accurately reflect the purpose of having design guidelines and that the term should be 'design guidelines' irrespective of whether they are embedded in the Scheme provisions or become a referenced document. This better reflects the purpose of guidelines which is to provide a clearer way of designing in the city for applicants and their architects, particularly around heritage places and a consistent way for Council to assess applications using the same criteria.

The recommendations arising from the last Council workshop are set out at the end of this report.

### **Current Controls**

The current controls under the uniform planning scheme provisions are for an acceptable height with any further height allowable at the discretion of Council, having regard to a number of criteria. There is no actual height limit. This was often misunderstood by the public with a number of submissions indicating they did not understand that there was no absolute height control. The acceptable solutions now are predominantly 12 and 14.5 metres and are applied broadly to use zones.

Height controls are applied in isolation of other controls such as heritage, amenity, over shadowing and constructability as these controls have to be considered in their own right and may place greater constraints on a site than a simple height control. It is not possible to predict how other controls may affect height on a specific site as the parameters for a specific development cannot be known or anticipated.

It is also known that the Statewide Tasmanian Planning Scheme default for the CBD zone has an acceptable solution of 20 metres unless Council provide a response (such as that provided by this study) to support a different outcome. Based on the consultation an increase generally to 20 metres would meet community opposition and would not encourage design excellence.

The issue with having an acceptable solution for height and wanting design excellence is that once the acceptable height is satisfied, design excellence is not a factor considered by the current or proposed Planning Schemes unless additional criteria are brought in at a local level.

### **The Study Recommendations**

The study identified four city precincts that were broadly accepted in the submissions made. Base acceptable heights of 12 and 15 metres were proposed with local variations to address potential for development. The study then proposed maximum heights of 24 and 30 metres that are allowable through the discretionary process.

Based on observations made in various submissions there are a number of ways in which controls could be developed. We have refined our recommendations to reflect some of the more nuanced comments and set out below options for council to consider on how to best achieve control over the future character of the city, to provide for design excellence and to encourage development.

We remain convinced that a height limit is necessary and desirable. It could remain as set out in the study or could be simplified to a single height of 24 metres. This height limit allows for approximately 7 storeys of development which we assess would cover most potential developments within the city area. More importantly it establishes a limit that can be managed in terms of retaining the character and scale of the city.

The study did not promote 'design excellence' as a principal way to manage height, however that has arisen as a key theme in submissions and consultation and is included in our recommendations.

Perhaps the most critical part of the study is the recommendation that links heights to a series of guidelines on how to undertake development within the city so that each potential development is contextually considered and managed. This is achieved by height and setback controls and by proposing a set of design guidelines or controls. How they are included in the Planning Scheme requires further consideration.

A summary of key issues in relation to height is:

- i There should be a maximum height limit in the city that is the height that includes infrastructure, mechanical plant etc. For simplicity we are recommending that a common height be adopted across the study area.
- ii Street frontage heights are proposed in all areas to ensure that infill and new development responds to the immediate contextual setting of the specific site. The current controls allow development to fit into the existing context and we recommend that this approach, with further nuance, be continued.
- iii An acceptable solution height does not need to be imposed if the design guidelines and the concept of design excellence were to apply to all development. A number of respondents noted that some buildings beneath the acceptable height limit have an adverse impact on the character

of the city and consequently there is strong argument to support removing any acceptable height solution.

- iv If an acceptable height is deemed to be necessary, it should be a relatively low height, less than was recommended in the report, to ensure that any building that has potential to have a detrimental impact on the quality of the city can be assessed against design criteria. A height within the range of 6- 9 metres should be considered.
- v If proposals greater than the height limit are proposed they should be undertaken with a Scheme amendment. This was not supported by several submissions largely on the basis that this is considered to be time consuming and difficult and the belief that it is design and not height that is the key issue. However, this approach is not supported as height can of itself create adverse impacts irrespective of design. The value of the recommended approach is that it requires engagement with Council at the design stage to ensure that there is support for an amendment. If a proposal achieves council and some community support at whatever scale it is proposed, the approval process becomes more straightforward and reliable and can avoid the appeal process and the vagaries of that process.
- vi Height should not be considered in isolation and a height limit does not mean that any particular development can be built to that height as there are numerous other controls and constraints that affect every site in the city.

#### **Potential Changes to Recommendation arising from the Public Consultation**

There are several changes arising from the consultation process that we have explored. Our recommendation to Council is set out later in this report, for clarity we set out the areas that were reviewed:

- 1 We are recommending that the use of 'design excellence' as a key control be incorporated into the planning scheme. This can be achieved by using design guidelines that could form part of the Planning Scheme provisions.<sup>1</sup> A framework for this was outlined in the study. They would set out how design takes place in the city irrespective of height. These guidelines require further exploration and testing against 'best practice' in similarly scaled cities elsewhere in the world. This would form part of a second stage of work to establish new controls.
- 2 We recommend that the controls as set out in the report to council need to be simplified to delete small variations in heights where there was identified potential for greater acceptable height in discrete areas. While the exercise of testing the capacity of the city to accommodate height has been valuable, for the purpose of controls, it is too complex. This would result in one acceptable height being applicable to a precinct or zone and any proposal beyond that being discretionary.
- 3 If design excellence is a key outcome, it should ideally be applied to all development. A number of comments and submissions noted that lower buildings that are poorly designed can have greater adverse impact on the character of the city than higher buildings of good design. While this is not a justification for larger buildings, it is a valid observation and would logically result in acceptable heights being lower than proposed as it will be difficult to apply guidelines to acceptable solutions.

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<sup>1</sup> The Planning Scheme could reference another document that contains design excellence guidelines or those provisions could be added to the Scheme through a specific area plan.

Theoretically, if design excellence is used as a principle control, there should be no acceptable height solution as all development should work within those guidelines. If an acceptable height is required to satisfy the broader requirements of the Planning Scheme, we would suggest a lower height of no greater than 9 metres and possibly 6 metres across the whole study area. Alternatively, to ensure that design excellence applies to all projects, it could be added to the Planning Scheme separately to height controls.

- 4 While there were understandably divergent views on the use of an absolute height control between the general community and the small number of developers who made submissions, we remain convinced that it is necessary to establish height controls to manage the future character of the city. The general community view was for heights to be lower than recommended, but a maximum height of around 15 metres (as a number of submissions suggested) is an effective height of 4 storeys which we believe would be unduly restrictive in terms of development potential. There is a need for balance between height, character and encouraging investment in the city that offers scope for development. Design controls can provide council with the management tools necessary to retain the character of the city.
- 5 While there were, as noted above, differences in submissions in regard to how heights should be applied, the 30 metre maximum height in precinct A was clearly the most negatively received recommendation. However, it may also be useful to note that a number of people did respond more positively to this concept after attending workshops and meetings where greater understanding of the real meaning of a maximum height limit was provided. On review, applying a constant height control across the whole of the study area has the benefits of consistency and simplicity and we are recommending that the 24 metre proposed height be generally adopted across the area.

### How to Proceed

There are four principle ways in which controls could be implemented in the future:

- 1 Maintain the current controls including the unlimited discretionary height - Status quo
- 2 Review current acceptable solution heights, adjust them to reflect the study and consultation findings and retain the unlimited discretionary height - minor Scheme amendment
- 3 Adopt either the current or reviewed acceptable heights and add height limits. The discretion would be limited by those heights - a more significant Scheme amendment
- 4 Remove acceptable solutions for height and make all applications discretionary with or without a height limit - a fundamental change to the Scheme framework

Onto this matrix can then be added other considerations such as:

- The use of design excellence as a principal method of development control
  - this was widely discussed and raised and has clear advantages for the future of the city
  - it would need to be carefully defined and explained to ensure that it was not based simply on personal opinion
  - there would need to be a process for design review to assess the design quality or excellence of any proposal



- Development of detailed design guidelines in the form of a 'development control plan' that addresses how to add new development into the city to encourage design excellence.

A quick analysis on how this could look is:

### **1 Retain Current Scheme provisions**

- not workable as the height is to be changed by the Planning Commission to increase acceptable heights to 20 metres unless there is a sound alternative
- 20 metres would not be acceptable to the general community nor be in line with the Gehl recommendations
- the 12 and 14.5 metre heights, while modest, do not work well where they are allocated and some adjustment should be considered
- unrestricted height will result in applications for buildings that will be considered to be out of scale with the desired city form.
- discretionary applications will require a much higher assessment framework
- this approach reduces certainty for the community and for applicants
- it will potentially invite proposals that are difficult and are likely to be costly to defend.

Not recommended.

### **2 Minor Scheme Adjustment**

Apply 12 and 15 metre acceptable height limits across the whole area, retain discretionary height as is and introduce design excellence above acceptable height and introduce DCP controls for all sites.

A number of submissions noted that the varied heights were potentially complex and it may be better to simply adopt a single height or 2 heights with anything beyond these being discretionary.

There are advantages in this approach but it is more restrictive on development.

The addition of design excellence complicates this scenario as it would only currently apply to discretionary heights, consequently it may be more appropriate to lower the acceptable solution height to say 9 metres across the city area and make all development in excess of that discretionary height and subject to a design excellence process.

### **3 More significant Scheme Amendment**

Apply revised acceptable heights (as discussed above) across the whole area and add absolute height limits at either those set out in the study or adjusted heights, then introduce design excellence for any application involving discretionary height and DCP controls for all sites.

- The variation to option 2 is the addition of an absolute height limit. The height limit appears to be supported in the general community but not by the Chamber of Commerce and a number of potential developers. That is an understandable outcome.
- The general absolute height of 24 metres proposed (putting aside the precinct A height of 30 metres for the moment) was designed to accommodate scope for development - up to 7 storeys - with restrictions on how and where that could take place. This was seen as too

restrictive in the Chamber of Commerce submission and too generous by most of the community submissions and surveys. Community submissions had a consensus of around 15 metres as a maximum.

- Responses from the community, when they allowed for taller buildings, appeared to support the idea of a scheme amendment approach, but this was not supported by the Chamber of Commerce.
- The argument against height controls focussed on design excellence and how an excellent design no matter what height or scale, had potential to add to Launceston and limiting height was limiting design and potential. There is some merit in that argument provided there is a desire to see the city change character in the future by having taller buildings. It is agreed that design excellence assists in mitigating potential impacts but it does not address the fundamental question of whether the city wants buildings above a certain height. The general community appear quite clear in their responses that they do not want to see the city increase significantly in height.
- Retaining an open height limit does not address the broad concerns of the community in wanting clear and quite tight height controls nor does it provide certainty for developers. There is a need for a balance between allowing for reasonable development and maintaining the character and form of the city. This can be achieved by establishing height controls in combination with design excellence controls.

**4 Remove acceptable solutions for height and make all applications discretionary with or without a height limit**

- If there is a strong desire across the community for design excellence to be a key element, then it should not be limited to developments that are currently discretionary. It should be the base assessment for all development. Only then will the quality of built form in the city have the potential to improve. It then follows that all city development should be discretionary and design excellence should apply to all development in the CBD.
- If the removal of acceptable solutions for height is not palatable, a lower height of 9 metres across the whole study area could be implemented as the acceptable height so that most developments would require discretion.
- The matter of a height limit is then a decision on whether the council wishes to restrict future building heights to say 24 metres or is prepared to consider any proposal with the consequent potential impacts on city form. There is no right or wrong answer to the question but there are strong views expressed by the broader community that they do not want to change the fundamental character of the city (adding much larger buildings) even for good design.
- Gehl strongly recommended controlling height and setting relatively low limits. We suggest that 15 metres is too low and does not provide opportunity for innovative developments and that 24 metres is a generous height that will work for most future developments and which importantly protects the core scale values of the city.

Any of the above scenarios requires a detailed set of design controls/guidelines that at least at a most basic level need to be addressed and satisfied to achieve design excellence.

### Design Guidelines

The idea of 'design excellence' can be difficult to understand. Most people know what they like in a design when they see it built but we all have different tastes and predilections and consider different outcomes to be 'excellent', consequently we cannot rely on personal taste or opinion to determine design excellence.

'Design excellence' is an aspiration that all buildings will be well designed and will seek to contribute to the quality of the city. In terms of a planning scheme, design guidelines that support design excellence are a way to improve design outcomes by requiring development to undertake considered design that responds to the site and context and offer something positive to the experience of the city, rather than just focus on commercial gain for the developer. This is not always seen in developments in Launceston but is a common requirement in many Australian and European cities.

The proposal in the study is to develop a series of guidelines that address the issues that a designer faces when designing a new built form in the city. As every site is different and there is considerable variation in types of sites, locations, surrounding development etc, controls need to reflect that diversity.

Once guidelines are established under a series of headings they will form a design checklist against which any development can be considered and assessed. The guidelines will provide a series of benchmarks against which a proposal can be considered.

They also provide a clear framework for an applicant to address to support their proposal as well as offering guidance on how to design within the city.

The guidelines would address:

- building street height and how to infill between adjoining sites of varying heights
- setbacks from street frontages where greater height is proposed and the principles of retaining streetscapes and viewlines
- how to infill corner sites, where greater height or scale is possible
- how to design adjacent to heritage items
- how to articulate new built forms in relation to adjoining development (heritage buildings in particular)
- how to understand street scale and form
- how to activate streetscapes at ground level
- how to design on large and deep sites to protect amenity and scale values of adjoining sites
- how to manage larger block or site developments
- use of materials
- use of scale and form

This checklist would form an objective way to assess an application based on 'design excellence'.

If a proponent has successfully addressed these issues and the proposal fits with other planning scheme controls, irrespective of the actual design, the built form should be capable of approval.

The guidelines become a measurable way to determine all proposals. This can be set out in the discretionary controls so that the guidelines form part of the scheme assessment by reference.

### **Recommendation**

Based on the submissions, the public engagement, focused stakeholder group sessions, detailed discussions with Council staff and the Council workshops we propose that the study could progress in the following way:

- 1 Adopt the introduction of 'design guidelines' as part of the Planning Scheme and as part of the assessment process.
- 2 Make the following adjustments to the planning scheme controls (within the study area):
  - i Retain an acceptable height solution and reduce it to 9 metres consistently across the study area.
  - ii Introduce an absolute maximum height limit of 24 metres across the city area.
  - iii Areas that should not be subject to these controls be excised from the study and remain in their current zonings and controls (refer to mapping for details).
  - iv Prepare a SAP to address the changes proposed as they involve several different use zones and areas.
  - iv Establish design guidelines as part of the discretionary controls.
  - v Undertake a separate study to establish guidelines that can provide a clear framework for new development in the city.
  - vi Establish exemptions for minor works where the application of the design guidelines is not appropriate.
  - vii Proposals that exceed the maximum height limit be addressed by Planning Scheme amendments.
  - viii Consideration of design panels or other review processes be addressed separately as the recommendations arising from this study are independent of that consideration.

**15.2 Local Government Representation - Tasmanian Heritage Council****FILE NO:** SF0760**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To consider nominations for Local Government Representation to the Tasmanian Heritage Council.

**RECOMMENDATION:**

That Council endorses *[name]* as a nominee for the Local Government representative to the Tasmanian Heritage Council.

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**REPORT:**

The Local Government Association Tasmania (LGAT) is requesting nominations for Local Government representatives to be appointed to the Tasmanian Heritage Council.

LGAT has two representatives on the Tasmanian Heritage Council (THC), one with experience in planning and one general representative. As of 31 December 2018 there will be a vacancy for the general member, who has tended to be an elected representative.

Heritage Tasmania has requested that LGAT provide the names of three suitable candidates, along with their current curriculum vitae, the names of two referees and a brief statement that provides an outline of their reasons for nominating for this position. This will give the Minister for Heritage the opportunity to make an informed decision.

Nominees from elected representatives must be sent to LGAT by 6 December 2018 to enable the General Management Committee to select the three candidates that are put forward by LGAT when they meet on Monday, 10 December 2018.

The THC is a statutory body appointed by the Minister for Environment, Parks and Heritage to implement the *Historic Cultural Heritage Act 1995* (the Act). It is an entity of the Crown that works within the established policy and administrative framework of the State Government. Its functions and powers are contained within section 7 of the Act. Its core roles are to determine which places of State historic cultural heritage significance warrant entry on the Tasmanian Heritage Register and to determine development applications for those places.

It is recommended that Council considers selecting an Alderman to submit to LGAT as a nominee for general membership of the Tasmanian Heritage Council.

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**15.2 Local Government Representation - Tasmanian Heritage Council ...(Cont'd)**

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**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 2 - A city where people choose to live  
Key Direction -  
4. To promote Launceston's rich heritage and natural environment

**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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**16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda

**17 CREATIVE ARTS AND CULTURAL SERVICES DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda

**18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda

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**19 CORPORATE SERVICES DIRECTORATE ITEMS****19.1 Title of Elected Representatives Policy - 14-PI-002****FILE NO:** SF0976**AUTHOR:** Leanne Purchase (Acting Manager Corporate Strategy)**DIRECTOR:** Louise Foster (Director Corporate Services)

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**DECISION STATEMENT:**

To consider revision of the Title of Elected Representatives Policy - 14-PI-002.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 15 November 2018 - Title of Elected Representatives Policy - 14-PI-002

Council - 19 November 2007 - Agenda Item 17.2 - Title of Elected Representatives Policy (14-PI-002)

**RECOMMENDATION:**

That Council's Title of Elected Representatives Policy - 14-PI-002 is adopted as set out below:

***PURPOSE:***

To establish the title for elected representatives.

***SCOPE:***

Applies to elected representatives for the City of Launceston.

***POLICY:***

A person elected to the City of Launceston is to be known as a Councillor.

***PRINCIPLES:***

The Council's organisational values apply to all activities.

***RELATED POLICIES & PROCEDURES:***

N/A

***RELATED LEGISLATION:***

*Local Government Act 1993 (Tas) - section 25(2)*

***REFERENCES:***

N/A

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**19.1 Title of Elected Representatives Policy - 14-PI-002 ...(Cont'd)**

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**DEFINITIONS:**

N/A

**REVIEW:**

This policy will be reviewed after each Council election.

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**REPORT:**

Section 25(2) of the *Local Government Act 1993* (Tas) says that *a person elected to a city council is a councillor but may be known as an alderman.*

Use of the term 'Alderman' over 'Councillor' is a matter of preference. It is customary at City of Launceston for elected representatives to determine the title by which they will be known.

In the lead up to the 2018 Local Government Election, Council received one representation requesting that elected representatives use the term 'Councillor' instead of 'Alderman'.

Alderman may be aware that delegates to a meeting of the Local Government Association of Tasmania held on 25 July 2018 were generally supportive of a motion to remove the word 'Alderman' from the legislation. An extract from the unconfirmed minutes of that meeting is included as Attachment 1.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

The term 'Councillor' is not gender specific and so is considered to be more inclusive than 'Alderman'.

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**19.1 Title of Elected Representatives Policy - 14-PI-002 ...(Cont'd)**

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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 Direction -  
3. To define and communicate our role in promoting social inclusion and equity

**BUDGET & FINANCIAL ASPECTS:*****Officer Comment***

*Louise Foster (Director Corporate Services)*

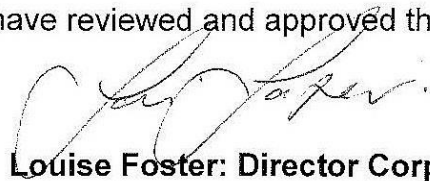
In a Workshop on 15 November 2018, Aldermen discussed the title of elected representatives, specifically a change in title from Alderman to Councillor.

The question was asked regarding the cost of such a change. Indications are that the cost would be no more than \$10,000. There will be administrative time to amend policy/procedure to reflect the change in title but these changes will be managed over time as part of business as usual.

**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.



**Louise Foster: Director Corporate Services**

**ATTACHMENTS:**

1. Title of Elected Representatives - Unconfirmed LGAT General Meeting Minute Extract
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**Attachment 1 - Title of Elected Representatives - Unconfirmed LGAT General Meeting Minute Extract**

**11.5 Elected Member Titles**

**Burnie City Council/Waratah Wynyard Council**

**That LGAT lobby for a change to the Local Government Act 1993 to remove the word alderman from the Act entirely, leaving only councillor.**

**Carried**

**Decision Sought**

In the interests of inclusiveness for all those currently serving in Local Government in Tasmania, and all those who potentially seek to serve as councillors or alderman, the removal of this gender specific descriptor is warranted.

There is precedent for this to occur. It is understood that the introduction of the *Local Government Act 1993*, replaced the word 'chairman' with the word 'chairperson'. This motion seeks to achieve a similar goal. A former president of MAT/LGAT has contacted the General Manager since this motion received media attention recalling the replacement of the term "aldermen" to "councillor" being a policy position, and argued in the drafting for such a change. This statement would need clarification from the LGAT archives.

The word 'alderman' appears in the *Act* on two occasions.

Firstly under definition of councillor in s3:

*"councillor means a person elected to a council and includes the Lord Mayor, Deputy Lord Mayor, mayor, deputy mayor and alderman;"*

The second mention is in s25(2) under constitution of council:

*"A person elected to a city council is a councillor but may be known as an alderman."*

Such an amendment would affect the six councils that are defined cities under Schedule 3B; Burnie; Clarence; Devonport; Glenorchy; Hobart; and Launceston.

This may seem like semantics and while some may argue that "alderman" is gender neutral by default, this motion seeks to make the language used in the *Act*, truly neutral and inclusive for any person that may wish to serve their local community.

It is understood that in around 1994 Queensland reverted to the use of the term councillor for both country and city councils. The largest council in Australia "Brisbane City Council" have councillors not aldermen. The term alderman is used in other states, however Melbourne City Council are known as councillors.

**LGAT Comment**

There have been no previous motions on this matter.

**Tasmanian State Government Agency Comment**

While the Act provides that city councillors may also be 'known as Aldermen', there is nothing to prevent individual city councils determining that their elected members should be referred to as 'councillors', rather than 'aldermen'. Therefore, the Tasmanian Government considers that this matter should appropriately be determined by individual city councils.

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**20 GENERAL MANAGER'S DIRECTORATE ITEMS**

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

**21 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.*

**22 CLOSED COUNCIL**

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

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

**23 MEETING CLOSURE**

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