



City of  
**LAUNCESTON**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
THURSDAY 16 MAY 2019  
1.00pm**

# City of Launceston

## COUNCIL MINUTES

Thursday 16 May 2019

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The Ordinary Meeting of the City of Launceston Council was held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 16 May 2019

Time: 1.00pm

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### Certificate of Qualified Advice

#### Background


To comply with section 65 of the *Local Government Act 1993* (Tas):

1. A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
  - (a) the general manager certifies, in writing -
    - (i) that such advice was obtained; and
    - (ii) the general manager took the advice into account in providing general advice to the council or council committee; and
  - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

#### Certification

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the minutes item.



**Michael Stretton**  
General Manager

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# City of Launceston

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<b>Present:</b>	<b>Councillor</b>	<b>A M van Zetten (Mayor)</b> <b>D C Gibson (Deputy Mayor)</b> <b>J Finlay</b> <b>A E Dawkins</b> <b>D H McKenzie</b> <b>K P Stojansek</b> <b>P S Spencer</b> <b>J G Cox</b> <b>A G Harris</b> <b>T G Walker</b>
<b>In Attendance:</b>		<b>Mr M Stretton (General Manager)</b> <b>Mr M J Skirving (Acting Director Infrastructure Services)</b> <b>Mrs L M Hurst (Director Development Services)</b> <b>Mr S G Eberhardt (Acting Director Facilities Management)</b> <b>Ms B Cotton (Acting Director Creative Arts and Cultural Services)</b> <b>Ms L Foster (Director Corporate Services)</b> <b>Mrs L Purchase (Acting Manager Corporate Strategy)</b> <b>Mrs A Rooney (Committee Clerk)</b>
<b>Apologies:</b>	<b>Councillor</b>	<b>N D Daking</b> <b>R I Soward</b>

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## 1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor A M van Zetten, opened the Meeting at 1.00pm and noted apologies from Councillor R I Soward and Councillor N D Daking.

## 2 DECLARATIONS OF INTEREST

*Local Government Act 1993 - section 48*

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

**No Declarations of Interest were identified as part of these Minutes**

## 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 2 May 2019 be confirmed as a true and correct record.

**DECISION:** 16 May 2019

### **MOTION**

Moved Councillor D C Gibson, seconded Councillor J G Cox.

That the Motion, as per the Recommendation to Council, be adopted.

**CARRIED 10:0**

**FOR VOTE:** Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker

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**4 DEPUTATIONS**

**No Deputations were identified as part of these Minutes**

**5 PETITIONS**

*Local Government Act 1993 - sections 57 and 58*

**No Petitions were identified as part of these Minutes**

**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 Minutes Items; that opportunity exists when that Minutes Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Councillors.)*

**6.1 Mr Jeff McKinnon - Launceston Climate Network**

**Mr Jeff McKinnon provided details to Council regarding the Launceston Climate Network's participation in a global movement seeking to bring together locals wanting to see real climate change action in Australia. Mr McKinnon noted that climate change is a growing issue in world social and political discussions.**

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**7 PUBLIC QUESTION TIME**

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

**7.1 Public Questions on Notice**

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

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

**7.1.1 Public Questions on Notice - Mr Robin Smith - Council Meeting - 2 May 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

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**QUESTIONS and RESPONSES:**

The following question, asked at the Council Meeting on 2 May 2019 by Mr Robin Smith, has been answered by Matthew Skirving (Acting Director Infrastructure Services).

**Questions:**

1. Did Council make a mistake not installing gas line connections in the Brisbane Street Mall during redevelopment?

**Response:**

*The Council is not responsible for installing infrastructure on behalf of the natural gas network operator or active gas retailers within our municipal area.*

*The Council engaged with all major utility providers during the development of the Brisbane Street Mall project to ensure they were aware of the opportunity to undertake any infrastructure upgrades during the project construction phase.*

*The Council did take the opportunity to undertake remediation work to the historic (now redundant) gas infrastructure that remained in situ from the former coal-sourced reticulated gas network that existed around the Launceston CBD. This infrastructure is not part of the active natural gas network currently operating across parts of Launceston and Tasmania.*

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**7.1.2 Public Questions on Notice - Mr Jim Dickenson - 6 May 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

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**QUESTIONS and RESPONSES:**

The following questions, submitted in writing to Council on 6 May 2019 by Mr Jim Dickenson, have been answered by the listed Council Officers. Questions have been typed as received.

**Questions:**

1. At Council meeting 22 October 2018 Agenda Item 18.1 the Invermay Traffic Master Plan report, was submitted to Council for adoption but was refused requiring further investigation. It is now some 6 months later, May 2019, and a revised report does not seem to be completed indicating considerable reworking is required. What new matters have arisen? When is a revised Report expected to be ready? This delay indicates the report will be considerably modified. Will it therefore be available for public comment before presenting to Council?

**Response:**

*(Rob Anderson - Manager Technical Services)*

*Council Officers have been working with State Growth to complete additional traffic modelling and project assessment, especially relating to the challenging Goderich/Lindsay Street intersection and the proposed new traffic signals at Goderich/Gleadow Streets.*

*Council Officers have also presented further information to Councillors on the traffic and pedestrian interaction with the proposed University of Tasmania's development to provide further background to the nominated projects within the Traffic Masterplan.*

*It is expected that a new report will be presented to Council in early June 2019 with only minor changes proposed.*

2. At Council meeting 6 December 2018 Agenda Item 15.1 the Building Heights and Massing Study report, was submitted to Council for adoption but withdrawn prior to the meeting to allow for further discussions with representors and local associations. It is now some 4 months later, May 2019. Is a revised report being worked on? When is it expected to be completed? Because community concern was a substantial reason for it's reworking, will the revised report be available for public comment before presenting to Council?
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### 7.1.2 Public Questions on Notice - Mr Jim Dickenson - 6 May 2019 ...(Cont'd)

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**Response:**

*(Damien Fitzgerald - Team Leader Strategic City Development)*

*This process is continuing and subject to external consultant availability, the expected time-line is a Council Workshop is scheduled for the 23 May 2019, at which the revised recommendations (as a result of the additional stakeholder consultation) will be presented.*

*On 30 May 2019, the matter will then be referred to Council in order to seek endorsement of the Building Heights and Massing Study, including the revised recommendations by Paul Davies.*

3. Launceston escaped by the skin of it's teeth recently in not losing two important lead light shopfronts. It seems Council has little control over shopfront development between the underside of an awning and the footpath. Whether such development occurs on a listed or unlisted property, the result will be extremely detrimental to the character of the city. Is Council currently preparing regulations/by-laws to immediately address this development oversight?

**Response:**

*(Damien Fitzgerald - Team Leader Strategic City Development)*

*The current planning control mechanisms of shopfronts are dealt with under State and local heritage listings. 'Active ground floors' are dealt with under the business zone of the planning scheme.*

*The listing of properties as Local Heritage Places in the central City area is currently being reviewed, with over 100 additional properties proposed to be included in Launceston's Local Provision Schedule of the new Tasmanian Planning Scheme. The additional listings include those recommended by the Launceston Heritage Study and the Twentieth Century Architecture document as well as a number having come to light as part of the current review.*

*'Active ground floors' provisions exist in the current planning scheme and are to be retained in the new scheme under 'Design'.*

*The new planning controls being developed to deal with larger development proposals in the City centre, as part of the 'Launceston CBD Building Height and Massing Study', are also proposed to include provisions which will assist in creating and maintaining active shopfronts.*

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**7.2 Public Questions Without Notice**

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

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

**No Public Questions Without Notice were identified as part of these Minutes**

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The Mayor, Councillor A M van Zetten, announced that 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 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots**

**FILE NO:** DA0637/2018

**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:	6ty° Pty Ltd
Property:	24 Raglan Street Youngtown, 77 Victoria Street Youngtown and 24A Raglan Street, Youngtown
Zoning:	General Residential
Receipt Date:	6/11/2018
Validity Date:	4/12/2018
Further Information Request:	04/12/2018
Further Information Received:	04/04/2019
Deemed Approval (extension of time granted):	16/05/2019
Representations:	Three

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**STANDARDS REQUIRING COUNCIL DISCRETION**

10.4.16 Frontage and access  
10.4.17 Discharge of stormwater  
10.4.19 Integrated urban landscape  
10.4.20 Walking and cycling network  
10.4.21 Lot diversity  
10.4.23 Neighbourhood road network  
10.4.24 Public transport network  
E10.6 Development Standards  
E19.3.1 Co-ordination of subdivision  
E4.5.1 Existing road accesses and junctions  
E4.6.1 Development adjacent to roads and railways  
E7.6.1 Scenic road corridor  
E7.6.2 Scenic management areas  
E9.6.1 Development in the vicinity of a watercourses and wetlands

**RECOMMENDATION:**

That, 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 DA0637/2018 - Subdivision - Subdivide land into 216 residential lots at 24 Raglan Street Youngtown, 77 Victoria Street Youngtown and 24A Raglan Street, Youngtown 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. Bushfire Hazard Management Report, prepared by accredited bushfire practitioner Scott Livingston (BFP-105) and signed on 1 November 2018;
  - b. Preliminary Site Investigation, prepared by Environmental Service & Design, dated 30 October 2018;
  - c. Traffic Impact Assessment, prepared by 6ty<sup>o</sup>, dated 14/01/2019;
  - d. Natural Values Assessment, prepared by North Baker Ecosystem Services, dated 14/12/2018;
  - e. Technical memo, prepared by Tarkarri Engineering, Reference 5240\_AC\_R, dated 08/04/2019;
  - f. Kings Meadows Rivulet Catchment Stormwater Design, prepared by 6ty<sup>o</sup>, dated 30/11/2018;
  - g. Planning Submission, prepared by 6ty<sup>o</sup>, dated 07/02/2019;
  - h. Response to further information, prepared by 6ty<sup>o</sup>, dated 16/01/2019;
-

### 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- i. Subdivision layout proposal plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P01, Revision A, dated 25/01/2019;
- j. Waterway landscaping plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P03, Revision A, dated 25/01/2019;
- k. Rivulet and waterway cross sections, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P04, dated 22/11/2018
- l. Existing building boundary Lot 212 offsets plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P05, Revision A, dated 25/01/2019;
- m. Existing building boundary Lot 196 offsets plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P06, Revision B, dated 25/01/2019;
- n. Subdivision services layout proposal plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P08, Revision A, dated 25/01/2019;
- o. Boundary resolution Lot 82 & Road, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P09, dated 17/12/2018;
- p. Detention basin plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P11, dated 25/01/2019;
- q. Stormwater discharge WSUD design plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P12, dated 25/01/2019;
- r. Rivulet treatment detail plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P13, dated 25/01/2019;
- s. Rivulet treatment northern detail plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P14, dated 25/01/2019; and
- t. Rivulet & waterway cross sections, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P15, dated 22/11/2018.

## 2. AMENDED PLANS REQUIRED

Prior to the commencement of any work and use, amended plans must be submitted to show:

### Infrastructure requirements:

1. The watercourse redesigned to have the following features:
  - a. Low flow channel sized to accommodate a 1 in 2 year ARI storm event (50% AEP)
  - b. Flood flows at the 1 in 100 ARI (1% AEP) must have a flood hazard of H4 or less in accordance with the Australian Institute for Disaster Resilience Guideline 7.3 Flood Hazard, (excluding the low flow zone),
  - c. Floodway must accommodate a 1 in 100 year flood event and provide 300mm freeboard to the top of the embankment,
  - d. The maximum gradient of the floodway embankment is to be 1:6 (v:h).
2. The minimum space for vehicle access must be 6m from the top of the flooding embankment to the property boundary and must be clear of trees and shrubs.
3. The footprint of the relocated watercourse and the associated access works describe above are to be contained in a single lot denoted as drainage easement.
4. Lots 73 and 74 are to be denoted as drainage reserve to facilitate the construction of the required detention structure.



**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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5. Delete Lots 13, 15-20 from the plan (due to proximity to watercourse and the risk to persons and property due to flooding and potential erosion).
6. All consequential changes to facilitate the above requirements.

Planning requirements:

- a. A Subdivision layout proposal plan;
- b. Staging Plan; and
- c. Title resolution plan.

Once approved by the Manager City Development, these amended plans will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans.

**4. DEPARTMENT OF STATE GROWTH**

- a. With respect to site drainage discharge to the Bass Highway road reserve, the applicant shall request and obtain ministerial consent under section 17 of the *Roads and Jetties Act 1935* prior to the commencement of works. This can be facilitated via the Crown Land Owner Consent process form which can be found at [www.transport.tas.gov.au/road/permits/crown\\_landowner\\_consent](http://www.transport.tas.gov.au/road/permits/crown_landowner_consent) <[http://www.transport.tas.gov.au/road/permits/crown\\_landowner\\_consent](http://www.transport.tas.gov.au/road/permits/crown_landowner_consent)>.
- b. The applicant must provide details/drawings of all stormwater drainage upgrades, including underground stormwater reticulation, that is directed to the State Road reserve to the Department for review and acceptance prior to commencing any works; and
- c. The applicant shall obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation in relation to above. Application requirements and forms can be found at [www.transport.tas.gov.au/road/permits/service-works](http://www.transport.tas.gov.au/road/permits/service-works) <<https://www.transport.tas.gov.au/road/permits/service-works>>, applications must be submitted at least 28 days prior to any scheduled works. In accordance with the *Roads and Jetties Act 1935*, no works shall be commenced within the State Road reservation until a permit has been issued.

**5. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference TWDA No. 2018/01837-LCC, dated 05/02/2019, and attached to the permit.

**6. LEGAL TITLE**

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

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**7. PART 5 (SECTION 71) AGREEMENTS**

Prior to this permit becoming effective, a Section 71 agreement must be executed. Lots referenced, being 19-38 are as per the assessment undertaken by endorsed document 'Technical Memo, prepared by Tarkarri Engineering, dated 8/04/2019, and relate to these lots, or future lots which may be subject to change.

The agreement must provide for the following:

- a. Technical Memo, prepared by Tarkarri Engineering, dated 8/04/2019 must be annexed to the Part 5 agreement;
- b. No habitable buildings are to be constructed within a 35m setback from the Midlands Highway road reserve for Lots 19-38;
- c. All dwellings constructed on Lots 19-38 are to be designed with the following:
  - (i) Assessed by a suitably qualified Acoustic Engineer following the processes of AS3671-1989. The following LA10,18hr levels would be applicable at the 35m setback distance for each Lot:
    - a. 69 dBA: Lots 19-26; and
    - b. 66 dBA: Lots 27-38 (for double storey developments on these blocks the 69 dBA LA10,18hr value would apply to the second storey).

Once executed, the agreement must be lodged and registered in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All cost associated with preparing and registering the Agreement must be borne by the applicant.

Once executed the Part 5 agreement must be complied with, including the lodgement of all new development applications that are affected by the agreement.

Any advertising material pertaining to lots affected by the Part 5 agreement must disclose that a Part 5 agreement is on the title and the requirements of the agreement.

**8. 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

**9. STAGING AND ROAD LINK COMPLETION**

- a. Prior to the commencement of works, a staging plan must be submitted for and approved by Council. Once approved, the Staging Plan will form part of this approval. The staging plan must address how the site will be managed for active workings and rehabilitation of previous stages;
  - b. A maximum of 60 residential lots are permitted to be created prior to the completion of the link road. Lots shown on the final plan of survey showing the completed link road do not form part of the 60 permitted lots.
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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**10. 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 by-law 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, by-laws and legislation relevant to the development activity on the site.

**11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

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

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

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

**12. ROAD CROSSINGS FOR SERVICE CONNECTIONS**

Where it is required by a service provider (ie. TasWater, Telstra, Aurora, etc) to upgrade, relocate or remove an existing connection or install a new connection under an existing road, the developer must apply to Council's Built Environment Manager for approval to install the connection.

The approved installation method is direction drilling/boring. Open trench installation will not be permitted except in exceptional circumstances and requires the written consent of the Council's Technical Services Manager who will specify the required construction and reinstatement works.

No work shall commence for the installation, alteration or removal of the connection until such time as the service crossing approval has been obtained.

**13. SOIL AND WATER MANAGEMENT CONTROL PLAN**

Prior to the commencement of works, a site management plan must be submitted detailing how soil and water must be managed on the site during the construction process. The management plan must include the following:

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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- a. Allotment boundaries, contours, approximate grades of slope and directions of fall.
- b. Location of all existing and proposed adjoining roads, impervious surfaces, underground services and existing drainage.
- c. Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
- d. Critical natural areas such as drainage lines, wetlands, dams and unstable ground.
- e. The results of soil testing to determine nature and characteristics of the soils within and adjacent to the waterway and specific measures required to address these characteristics.
- f. The erosion control practices to be used on the site such as cut off drains, creation and fencing of exclusion areas, revegetation program and the like.
- g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and the like.
- h. The estimated dates for the start and finish of the works including the timing of the site rehabilitation or landscaping program.
- i. Details of the inspection and maintenance regime for the erosion and sediment controls.

Where it is proposed that the works shall be carried out in stages, the overall concept plan must be provided with the detailed plan for the first stage of works with each subsequent stage requiring the further provision of the detailed plan for that stage prior to the commencement of the work on that stage.

Works must not commence prior to the approval of the Soil and Water Management Control Plan by the Director Infrastructure Services. The Plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.

**14. FILLING OF DAMS AND LAND GENERALLY**

Site filling that exceeds a depth of 300mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application.

The draining and filling regime of the dams located on the site is to be designed and supervised by a geotechnical engineer and shall have regard to the results of soil tests carried out to assess the dispersive nature of any material disturbed or used.

The completed filling works must be certified by a geotechnical engineer prior to the installation of any public infrastructure in or on the filled land or within the zone of influence of the filling works.

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**15. PROTECTION OF PIPELINES**

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5m from the outer edge of the pipe.
- b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe.
- c. There must be a minimum clear space between buildings or substantial structures of at least 3m in width to allow maintenance along the line of the pipe.
- d. Manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the General Manager or his delegate pursuant to section 13 of the *Urban Drainage Act 2013*.

**16. PROTECTION OF COUNCIL OWNED LAND (DRAINAGE RESERVE)**

The Council Owned Land is to be protected from damage during the construction works by ensuring that:

- a. Prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Council owned land and the subject site.
- b. No building material, stockpiles, skip bins or machinery are to be stored on the Council owned land.
- c. No excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of Council to maintain, the Council owned land.
- d. No access to the subject site is permitted via the Council owned land without express written consent from the Director Infrastructure Services.
- e. Where permission is granted to access subject site via the Council owned land, any and all damage caused to the Council owned land is to be remediated within the timeframe specified in the written consent to access.

**17. RETICULATED SERVICES**

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

**18. SUBMISSION AND APPROVAL OF PLANS**

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the Director Infrastructure Services for approval. Such plans and specifications must:

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
  - (i) Stormwater modelling for both the modified watercourse and the piped network, including the detention structures.
  - (ii) Construction Environmental Management Plan.
  - (iii) Detailed Soil and Water Management Plan.
  - (iv) Landscaping Plan for the Drainage Reserves, Public Open Space and the Road Reserves.
  - (v) Electricity infrastructure including street lighting.
  - (vi) Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
  - (vii) Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- 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:
  - (i) an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
  - (ii) 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.

**19. 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:

- a. Stormwater
    - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
    - ii. The provision of a DN 100 connection to the lowest point of each lot,
    - iii. Provision of detention storage within the Glenara Lakes catchment to maintain the post development peak flow to the pre-development level for a 20% impervious fraction for flows up to and including, a 1 in 20 ARI (5% AEP),
    - iii. Provision of an overland flow path for flows up to a 100 year ARI (1% AEP) storm event.
-

**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**b. Relocated Watercourse**

- i. Provision of a low flow channel sized to accommodate a 1 in 2 year ARI storm event (50% AEP),
- ii. Provision of a flood flows at the 1 in 100 ARI (1% AEP) must have a flood hazard of H4 or less in accordance with the Australian Institute for Disaster Resilience Guideline 7.3 Flood Hazard, excluding the low flow zone,
- iii. Floodway must accommodate a 1 in 100 year flood event and provide 300mm freeboard to the top of the embankment,
- iii. The maximum gradient of the floodway embankment is to be 1:6 (v:h),
- iv. The installation of stormwater discharge points and associated water sensitive urban design elements, extended to be not less than 6 metres clear of the top of the flooding embankment,
- v. Provision of a minimum space for vehicle access from the top of the flooding embankment to any private property boundary of 6 metres capable of being accessed by 2WD vehicles.

**c. Roads - General**

- i. Construction of a 9m (minimum) diameter roundabout with a 4m diameter raised central core and a 19m (nominal) diameter kerbline at the intersection of the northern portion of Raglan Street, the approved road to the east and the subdivisional road,
- ii. Provision of a fully constructed road 8.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel,
- iii. Provision of a 1500mm wide footpath located on both sides of the link road and all necessary pedestrian kerb ramps,
- iii. Provision of a 1500mm wide footpath located on one side of all other roads and all necessary pedestrian kerb ramps,
- iv. Provision of a single vehicular crossing for each lot within the subdivision,
- v. Provision of a sealed temporary turning head of a suitable size for incomplete roads,
- vi. all necessary line marking, signage and other traffic control devices.

**d. Roads - Cul de sacs serving Lots 66-79 and Lots 191-197**

- i. Provision of a fully constructed road 6.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel,
  - ii. Provision of a 1500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,
  - iii. Provision of a single vehicular crossing for each lot within the subdivision,
  - iv. Provision of a sealed temporary turning head of a suitable size for incomplete roads,
  - v. all necessary line marking, signage and other traffic control devices.
-

**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**e. Public Open Space & Drainage Reserves**

- i. All side and rear boundaries of private lots abutting public open space or drainage reserves are to be fenced with 1.5m high paling fence or equivalent prior to Practical Completion of the stage creating the public open space or drainage reserve,
- ii. All public open space lots and drainage reserves must be landscaped in accordance with the approved landscaping plan, free from weeds and provided with vehicle access from the road for maintenance purposes and works (bollards or other approved barriers) to prevent unauthorised vehicular access,
- iii. Public open space lots are to be provided with connecting footpaths and all necessary drainage.

**f. Electricity, Communications and Other Utilities**

- i. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority,
- ii. An underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority,
- iii. Provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure,
- iv. Provision of reticulated gas network to service all lots and installed to the approval of the Responsible Authority.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

1. Construction requirements,
2. Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
3. Construction Audit inspections,
4. Practical Completion and after a 12 months defects liability period the Final Inspection & Hand-Over.

**20. WORKS REQUIRED FOR EACH LOT IN A STAGE**

Where it is proposed to release the subdivision in multiple stages, each lot in a stage must be provided with the following infrastructure and/or services in order to be included in the stage to be released:

- a. Fully constructed public road along all frontages, including the secondary frontage where a corner lot,
  - b. A sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition
  - c. A stormwater connection to the public drainage system,
  - d. Access to underground electricity and communications infrastructure, and
  - e. Where applicable, reticulated gas infrastructure.
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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**21. CONSTRUCTION DOCUMENTATION**

At the time of practical completion for the public works, the developer must provide Council with construction documentation sufficient to show that the works are completed in accordance with Council standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure Services Directorate.
- b. A Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. Compaction and soil test results for all earthworks or pavement works.
- d. An engineer's certificate that each component of the works comply with the approved engineering plans and Council standards.

**22. EASEMENTS**

Easements are required over all Council and third party services and overland flow paths located in private property. The minimum width of any easement must be 3m for Council (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 475mm, where the depth of the pipe exceeds 2.1m or the easement is for an overland flow path. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

**23. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

Prior to the commencement of site works a detailed Construction Environmental Management Plan (CEMP) for the entire site is to be submitted for approval. The plan is to detail the operation of the site during the construction phase and the specific actions to address the matters listed below:

- Site access
- Protection of flora and fauna
- Protection of heritage features
- Soil management
- Erosion and sediment control
- Protection of waterways
- Weed management
- Waste management
- Noise
- Air emissions
- Training

No works are to commence prior to the approval of the CEMP by the Director Infrastructure Services.

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**24. CONSTRUCTION OF RELOCATED WATERCOURSE**

The relocated watercourse; and the permitted stormwater discharge points with water sensitive urban design outlet treatments; are to be completed in accordance with the approved engineering design plans, and the works issued with a Certificate of Practical Completion by the Director Infrastructure Services, a minimum of 12 months prior to the commencement of works on the first stage of the subdivision requiring a connection to the permitted stormwater discharge points.

**25. SEALING PLANS OF SUBDIVISION**

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements.
- b. The subsequent issue of a Certificate of Practical Completion by the Director Infrastructure Services.
- c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

**26. CONVEYANCE OF ROADS**

All roads in the Subdivision must be conveyed to the Council upon the issue titles. All costs involved in this procedure must be met by the Subdivider.

**27. CONVEYANCE OF PUBLIC OPEN SPACE AND DRAINAGE RESERVES**

All public open space lots and drainage reserves in the Subdivision must be conveyed to the Council upon the issue of titles. All costs involved in this procedure must be met by the Subdivider.

**28. 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 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**29. DEMOLITION**

The Developer must:

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

**30. PROTECTION OF PUBLIC OPEN SPACE**

The Public Open Space and any land set aside for Public Open Space is to be protected from damage during the subdivisional construction works by ensuring that:

- a. Prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Public Open Space and the subject site.
- b. No building material, stockpiles, skip bins or machinery are to be stored on the Public Open Space.
- c. No excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of Council to maintain, the Public Open Space.
- d. No access to the subject site is permitted via the Public Open Space without express written consent from the Director Infrastructure Services.
- e. Where permission is granted to access subject site via the Public Open Space, any and all damage caused to the Public Open Space is to be remediated within the timeframe specified in the written consent to access.

**31. PROPORTIONAL PAYMENT IN LIEU OF PUBLIC OPEN SPACE**

Where the area dedicated as public open space is less than 5% of the subdivision, the developer must pay to the Council a sum equivalent to the difference of these values.

The valuation shall be determined by a registered land valuer and must be not more than 12 months old at the time of the sealing of the final plan. Valuations are to be procured at the subdivider's expense.

Payment is required prior to the sealing of the Final Plan of Survey creating the public open space lot.

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**32. STREET TREE INSTALLATION**

The street trees as shown in the approved landscaping plan are to be installed prior to the sealing of the final plan of survey, unless the Director Infrastructure Services approves a later installation date, which may or may not be subject to further conditions. Each shade tree is to be provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal and be coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each shade tree.

**33. LANDSCAPING PLAN FOR THE DRAINAGE RESERVES, PUBLIC OPEN SPACE AND ROAD RESERVES**

Prior to the commencement of works, a landscaping plan for the drainage reserves, public open space and road reserves is to be approved by the Director Infrastructure Services. The landscaping design is to be prepared having regard to the Bushfire Hazard Management Plan.

The plan must incorporate ground covers and grasses, understorey and canopy species within the drainage reserve, suitable for their location relative to the water course.

The public open space is to be grassed and free from weeds and rubbish.

The plan is to provide for the installation of shade trees of an approved species with a minimum planted height of 2.5m, a minimum trunk diameter of 25mm (measured 1m above the surface) in all road reserves and at an average spacing of one per 18m of frontage.

**34. MANAGEMENT MANUAL FOR WATER SENSITIVE URBAN DESIGN ELEMENTS**

Prior to the handing over of the water sensitive design elements, the applicant must provide a management manual for these elements detailing the extent of the public system in terms of length, cross-sections, longitudinal grades and the plant species used (where applicable). The locations of any gabions, weirs or other fixed elements shall also be included. The manual shall also provide details of the maintenance regime required to ensure the continued effective operation of each of the elements.

**35. EXTENDED MAINTENANCE PERIOD FOR WATER SENSITIVE URBAN DESIGN ELEMENTS**

An extended maintenance period of 24 months applies to the water sensitive design elements. During the 24 month period, commencing on the date of the Practical Completion inspection, the applicant shall be responsible for all maintenance including replanting of vegetation, weeding and other vegetation management activities, repair and replacement of any hard elements such as gabions and placed rock, within the swales, the removal of trash and coarse sediments and other maintenance activities necessary to maintain the effective operation of the system.

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**36. ROAD CLOSURE**

Prior to the sealing of the first stage:

- a. The following notations are to be removed from the respective plans:
  - (i) The notation "roadway" must be removed from P158789.
  - (ii) The notation "roadway" must be removed from SP131894.
  - (iii) The notation "Right of Way" must be removed from P16098.
- b. That formal highway closure pursuant to section 14 of the *Local Government Act 1993* is made to effect closure of the areas indicated in red on the attached plan.

**Notes****A. General**

*This permit was issued based on the proposal documents submitted for DA0637/2018. 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.*

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**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.*

**E. Department of State Growth**

*The Department of State Growth (nor its successors) has no control over current, or further increases in, traffic noise arising from the Midland Highway and subsequently no requirement to address any concerns relating to traffic noise that may arise in the future. This is inclusive of funding and/or providing any form of sound mitigation or attenuation treatments and signage. It is the responsibility of the applicant to consider the impacts from traffic noise including potential increases that may occur over time from future traffic volume growth. Provision and associated costs of any appropriate sound mitigation measures are a matter for the applicant and if undertaken, must be outside the State Road reserve boundary.*

**F. Reserves, Parks and Gardens By-Law**

*Pursuant to Clause 7(7) of City of Launceston By-law, Reserves, Parks and Gardens By-law No.4 of 2009, boundary fences abutting the public open space (Woods Reserve) are not permitted to have any openings or gates allowing pedestrian or vehicular access to or from the private property into the reserve. No approval for such an access is given and failure to comply with this condition may result in the issue of a fine pursuant to the by-law.*

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**Mrs L Hurst (Director Development Services), Ms P Glover (Team Leader Planning Assessments) and Mr S Eberhardt (Acting Director Facilities Management) were in attendance to answer questions of Council in respect of this Agenda Item.**

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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Mr Martin Hudson spoke against the Recommendation

Mr David Boarder spoke to the Recommendation

Mr Ashley Brook spoke for the Recommendation

Prior to debate on this Agenda Item, Mrs L Hurst (Director Development Services) advised that a change to the Recommendation at Condition 35 was necessary. It is recommended that Condition 35 reads:

**35. ROAD CLOSURE**

Prior to the sealing of the fourth stage or the creation of any lot shown on the Endorsed Plan subject to an existing "roadway" or "Right of Way" notation:

- a. The following notations are to be removed from the respective plans:
  - (i) The notation "roadway" must be removed from P158789.
  - (ii) The notation "roadway" must be removed from SP131894.
  - (iii) The notation "Right of Way" must be removed from P16098.
- b. That formal highway closure pursuant to section 14 of the *Local Government Act 1993* (Tas) is made to effect closure of the areas indicated in red on the attached plan.

**DECISION:** 16 May 2019

**MOTION**

Moved Councillor J Finlay, seconded Councillor D H McKenzie.

That, 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 DA0637/2018 - Subdivision - Subdivide land into 216 residential lots at 24 Raglan Street Youngtown, 77 Victoria Street Youngtown and 24A Raglan Street, Youngtown 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. Bushfire Hazard Management Report, prepared by accredited bushfire practitioner Scott Livingston (BFP-105) and signed on 1 November 2018;
  - b. Preliminary Site Investigation, prepared by Environmental Service & Design, dated 30 October 2018;
  - c. Traffic Impact Assessment, prepared by 6ty<sup>o</sup>, dated 14/01/2019;
  - d. Natural Values Assessment, prepared by North Baker Ecosystem Services, dated 14/12/2018;
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## 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- e. Technical memo, prepared by Tarkarri Engineering, Reference 5240\_AC\_R, dated 08/04/2019;
- f. Kings Meadows Rivulet Catchment Stormwater Design, prepared by 6ty<sup>o</sup>, dated 30/11/2018;
- g. Planning Submission, prepared by 6ty<sup>o</sup>, dated 07/02/2019;
- h. Response to further information, prepared by 6ty<sup>o</sup>, dated 16/01/2019;
- i. Subdivision layout proposal plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P01, Revision A, dated 25/01/2019;
- j. Waterway landscaping plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P03, Revision A, dated 25/01/2019;
- k. Rivulet and waterway cross sections, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P04, dated 22/11/2018
- l. Existing building boundary Lot 212 offsets plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P05, Revision A, dated 25/01/2019;
- m. Existing building boundary Lot 196 offsets plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P06, Revision B, dated 25/01/2019;
- n. Subdivision services layout proposal plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P08, Revision A, dated 25/01/2019;
- o. Boundary resolution Lot 82 & Road, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P09, dated 17/12/2018;
- p. Detention basin plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P11, dated 25/01/2019;
- q. Stormwater discharge WSUD design plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P12, dated 25/01/2019;
- r. Rivulet treatment detail plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P13, dated 25/01/2019;
- s. Rivulet treatment northern detail plan, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P14, dated 25/01/2019; and
- t. Rivulet & waterway cross sections, prepared by 6ty<sup>o</sup>, project no. 14.176, drawing no. P15, dated 22/11/2018.

## 2. AMENDED PLANS REQUIRED

Prior to the commencement of any work and use, amended plans must be submitted to show:

### Infrastructure requirements:

1. The watercourse redesigned to have the following features:
  - a. Low flow channel sized to accommodate a 1 in 2 year ARI storm event (50% AEP)
  - b. Flood flows at the 1 in 100 ARI (1% AEP) must have a flood hazard of H4 or less in accordance with the Australian Institute for Disaster Resilience Guideline 7.3 Flood Hazard, (excluding the low flow zone),



## 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- c. Floodway must accommodate a 1 in 100 year flood event and provide 300mm freeboard to the top of the embankment,
  - d. The maximum gradient of the floodway embankment is to be 1:6 (v:h).
2. The minimum space for vehicle access must be 6m from the top of the flooding embankment to the property boundary and must be clear of trees and shrubs.
3. The footprint of the relocated watercourse and the associated access works describe above are to be contained in a single lot denoted as drainage easement.
4. Lots 73 and 74 are to be denoted as drainage reserve to facilitate the construction of the required detention structure.
5. Delete Lots 13, 15-20 from the plan (due to proximity to watercourse and the risk to persons and property due to flooding and potential erosion).
6. All consequential changes to facilitate the above requirements.

### Planning requirements:

- a. A Subdivision layout proposal plan;
- b. Staging Plan; and
- c. Title resolution plan.

Once approved by the Manager City Development, these amended plans will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans.

### 3. DEPARTMENT OF STATE GROWTH

- a. With respect to site drainage discharge to the Bass Highway road reserve, the applicant shall request and obtain ministerial consent under section 17 of the *Roads and Jetties Act 1935* prior to the commencement of works. This can be facilitated via the Crown Land Owner Consent process form which can be found at [www.transport.tas.gov.au/road/permits/crown\\_landowner\\_consent](http://www.transport.tas.gov.au/road/permits/crown_landowner_consent) <[http://www.transport.tas.gov.au/road/permits/crown\\_landowner\\_consent](http://www.transport.tas.gov.au/road/permits/crown_landowner_consent)>.
- b. The applicant must provide details/drawings of all stormwater drainage upgrades, including underground stormwater reticulation, that is directed to the State Road reserve to the Department for review and acceptance prior to commencing any works; and
- c. The applicant shall obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation in relation to above. Application requirements and forms can be found at [www.transport.tas.gov.au/road/permits/ service-works](http://www.transport.tas.gov.au/road/permits/service-works) <<https://www.transport.tas.gov.au/road/permits/service-works>>, applications must be submitted at least 28 days prior to any scheduled works. In accordance with the *Roads and Jetties Act 1935*, no works shall be commenced within the State Road reservation until a permit has been issued.

- 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)
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#### 4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference TWDA No. 2018/01837-LCC, dated 05/02/2019, and attached to the permit.

#### 5. LEGAL TITLE

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

#### 6. PART 5 (SECTION 71) AGREEMENTS

Prior to this permit becoming effective, a Section 71 agreement must be executed. Lots referenced, being 19-38 are as per the assessment undertaken by endorsed document Technical Memo, prepared by Tarkarri Engineering, dated 8/04/2019, and relate to these lots, or future lots which may be subject to change.

The agreement must provide for the following:

- a. Technical Memo, prepared by Tarkarri Engineering, dated 8/04/2019 must be annexed to the Part 5 agreement;
- b. No habitable buildings are to be constructed within a 35m setback from the Midlands Highway road reserve for Lots 19-38;
- c. All dwellings constructed on Lots 19-38 are to be designed with the following:
  - (i) Assessed by a suitably qualified Acoustic Engineer following the processes of AS3671-1989. The following LA10,18hr levels would be applicable at the 35m setback distance for each Lot:
    - a. 69 dBA: Lots 19-26; and
    - b. 66 dBA: Lots 27-38 (for double storey developments on these blocks the 69 dBA LA10,18hr value would apply to the second storey).

Once executed, the agreement must be lodged and registered in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All cost associated with preparing and registering the Agreement must be borne by the applicant.

Once executed the Part 5 agreement must be complied with, including the lodgement of all new development applications that are affected by the agreement.

Any advertising material pertaining to lots affected by the Part 5 agreement must disclose that a Part 5 agreement is on the title and the requirements of the agreement.

#### 7. 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

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- 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**
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**8. STAGING AND ROAD LINK COMPLETION**

- a. Prior to the commencement of works, a staging plan must be submitted for and approved by Council. Once approved, the Staging Plan will form part of this approval. The staging plan must address how the site will be managed for active workings and rehabilitation of previous stages;
- b. A maximum of 60 residential lots are permitted to be created prior to the completion of the link road. Lots shown on the final plan of survey showing the completed link road do not form part of the 60 permitted lots.

**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 by-law 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, by-laws 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.

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. ROAD CROSSINGS FOR SERVICE CONNECTIONS**

Where it is required by a service provider (ie. TasWater, Telstra, Aurora, etc) to upgrade, relocate or remove an existing connection or install a new connection under an existing road, the developer must apply to Council's Built Environment Manager for approval to install the connection.

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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The approved installation method is direction drilling/boring. Open trench installation will not be permitted except in exceptional circumstances and requires the written consent of the Council's Technical Services Manager who will specify the required construction and reinstatement works.

No work shall commence for the installation, alteration or removal of the connection until such time as the service crossing approval has been obtained.

**12. SOIL AND WATER MANAGEMENT CONTROL PLAN**

Prior to the commencement of works, a site management plan must be submitted detailing how soil and water must be managed on the site during the construction process. The management plan must include the following:

- a. Allotment boundaries, contours, approximate grades of slope and directions of fall.
- b. Location of all existing and proposed adjoining roads, impervious surfaces, underground services and existing drainage.
- c. Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
- d. Critical natural areas such as drainage lines, wetlands, dams and unstable ground.
- e. The results of soil testing to determine nature and characteristics of the soils within and adjacent to the waterway and specific measures required to address these characteristics.
- f. The erosion control practices to be used on the site such as cut off drains, creation and fencing of exclusion areas, revegetation program and the like.
- g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and the like.
- h. The estimated dates for the start and finish of the works including the timing of the site rehabilitation or landscaping program.
- i. Details of the inspection and maintenance regime for the erosion and sediment controls.

Where it is proposed that the works shall be carried out in stages, the overall concept plan must be provided with the detailed plan for the first stage of works with each subsequent stage requiring the further provision of the detailed plan for that stage prior to the commencement of the work on that stage.

Works must not commence prior to the approval of the Soil and Water Management Control Plan by the Director Infrastructure Services. The Plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.

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- 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**
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### **13. FILLING OF DAMS AND LAND GENERALLY**

Site filling that exceeds a depth of 300mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application.

The draining and filling regime of the dams located on the site is to be designed and supervised by a geotechnical engineer and shall have regard to the results of soil tests carried out to assess the dispersive nature of any material disturbed or used.

The completed filling works must be certified by a geotechnical engineer prior to the installation of any public infrastructure in or on the filled land or within the zone of influence of the filling works.

### **14. PROTECTION OF PIPELINES**

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5m from the outer edge of the pipe.
- b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe.
- c. There must be a minimum clear space between buildings or substantial structures of at least 3m in width to allow maintenance along the line of the pipe.
- d. Manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the General Manager or his delegate pursuant to section 13 of the *Urban Drainage Act 2013*.

### **15. PROTECTION OF COUNCIL OWNED LAND (DRAINAGE RESERVE)**

The Council Owned Land is to be protected from damage during the construction works by ensuring that:

- a. Prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Council owned land and the subject site.
  - b. No building material, stockpiles, skip bins or machinery are to be stored on the Council owned land.
  - c. No excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of Council to maintain, the Council owned land.
  - d. No access to the subject site is permitted via the Council owned land without express written consent from the Director Infrastructure Services.
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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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- e. Where permission is granted to access subject site via the Council owned land, any and all damage caused to the Council owned land is to be remediated within the timeframe specified in the written consent to access.

**16. RETICULATED SERVICES**

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

**17. SUBMISSION AND APPROVAL OF PLANS**

Prior to the commencement of the development of the site, detailed plans and specifications 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 including:
  - (i) Stormwater modelling for both the modified watercourse and the piped network, including the detention structures.
  - (ii) Construction Environmental Management Plan.
  - (iii) Detailed Soil and Water Management Plan.
  - (iv) Landscaping Plan for the Drainage Reserves, Public Open Space and the Road Reserves.
  - (v) Electricity infrastructure including street lighting.
  - (vi) Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
  - (vii) Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- 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:
  - (i) an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
  - (ii) 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.

**18. 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:

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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**a. Stormwater**

- (i) Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,**
- (ii) The provision of a DN 100 connection to the lowest point of each lot,**
- (iii) Provision of detention storage within the Glenara Lakes catchment to maintain the post development peak flow to the pre-development level for a 20% impervious fraction for flows up to and including, a 1 in 20 ARI (5% AEP),**
- (iv) Provision of an overland flow path for flows up to a 100 year ARI (1% AEP) storm event.**

**b. Relocated Watercourse**

- (i) Provision of a low flow channel sized to accommodate a 1 in 2 year ARI storm event (50% AEP),**
- (ii) Provision of a flood flows at the 1 in 100 ARI (1% AEP) must have a flood hazard of H4 or less in accordance with the Australian Institute for Disaster Resilience Guideline 7.3 Flood Hazard, excluding the low flow zone,**
- (iii) Floodway must accommodate a 1 in 100 year flood event and provide 300mm freeboard to the top of the embankment,**
- (iv) The maximum gradient of the floodway embankment is to be 1:6 (v:h),**
- (v) The installation of stormwater discharge points and associated water sensitive urban design elements, extended to be not less than 6 metres clear of the top of the flooding embankment,**
- (vi) Provision of a minimum space for vehicle access from the top of the flooding embankment to any private property boundary of 6m capable of being accessed by 2WD vehicles.**

**c. Roads - General**

- (i) Construction of a 9m (minimum) diameter roundabout with a 4m diameter raised central core and a 19m (nominal) diameter kerbline at the intersection of the northern portion of Raglan Street, the approved road to the east and the subdivisional road,**
  - (ii) Provision of a fully constructed road 8.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel,**
  - (iii) Provision of a 1500mm wide footpath located on both sides of the link road and all necessary pedestrian kerb ramps,**
  - (iv) Provision of a 1500mm wide footpath located on one side of all other roads and all necessary pedestrian kerb ramps,**
  - (v) Provision of a single vehicular crossing for each lot within the subdivision,**
  - (vi) Provision of a sealed temporary turning head of a suitable size for incomplete roads,**
  - (vii) all necessary line marking, signage and other traffic control devices.**
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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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- d. Roads - Cul de sacs serving Lots 66-79 and Lots 191-197**
  - (i) Provision of a fully constructed road 6.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel,**
  - (ii) Provision of a 1500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,**
  - (iii) Provision of a single vehicular crossing for each lot within the subdivision,**
  - (iv) Provision of a sealed temporary turning head of a suitable size for incomplete roads,**
  - (v) all necessary line marking, signage and other traffic control devices.**
- e. Public Open Space & Drainage Reserves**
  - (i) All side and rear boundaries of private lots abutting public open space or drainage reserves are to be fenced with 1.5m high paling fence or equivalent prior to Practical Completion of the stage creating the public open space or drainage reserve,**
  - (ii) All public open space lots and drainage reserves must be landscaped in accordance with the approved landscaping plan, free from weeds and provided with vehicle access from the road for maintenance purposes and works (bollards or other approved barriers) to prevent unauthorised vehicular access,**
  - (iii) Public open space lots are to be provided with connecting footpaths and all necessary drainage.**
- f. Electricity, Communications and Other Utilities**
  - (i) An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority,**
  - (ii) An underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority,**
  - (iii) Provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure,**
  - (iv) Provision of reticulated gas network to service all lots and installed to the approval of the Responsible Authority.**

**All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:**

- 1. Construction requirements,**
  - 2. Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,**
  - 3. Construction Audit inspections,**
  - 4. Practical Completion and after a 12 months defects liability period the Final Inspection & Hand-Over.**
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- 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)
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## **19. WORKS REQUIRED FOR EACH LOT IN A STAGE**

Where it is proposed to release the subdivision in multiple stages, each lot in a stage must be provided with the following infrastructure and/or services in order to be included in the stage to be released:

- a. Fully constructed public road along all frontages, including the secondary frontage where a corner lot,
- b. A sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition,
- c. A stormwater connection to the public drainage system,
- d. Access to underground electricity and communications infrastructure, and
- e. Where applicable, reticulated gas infrastructure.

## **20. CONSTRUCTION DOCUMENTATION**

At the time of practical completion for the public works, the developer must provide Council with construction documentation sufficient to show that the works are completed in accordance with Council standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure Services Directorate.
- b. A Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. Compaction and soil test results for all earthworks or pavement works.
- d. An engineer's certificate that each component of the works comply with the approved engineering plans and Council standards.

## **21. EASEMENTS**

Easements are required over all Council and third party services and overland flow paths located in private property. The minimum width of any easement must be 3m for Council (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 475mm, where the depth of the pipe exceeds 2.1m or the easement is for an overland flow path. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

## **22. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

Prior to the commencement of site works a detailed Construction Environmental Management Plan (CEMP) for the entire site is to be submitted for approval. The plan is to detail the operation of the site during the construction phase and the specific actions to address the matters listed below:

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**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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- Site access
- Protection of flora and fauna
- Protection of heritage features
- Soil management
- Erosion and sediment control
- Protection of waterways
- Weed management
- Waste management
- Noise
- Air emissions
- Training

No works are to commence prior to the approval of the CEMP by the Director Infrastructure Services.

**23. CONSTRUCTION OF RELOCATED WATERCOURSE**

The relocated watercourse; and the permitted stormwater discharge points with water sensitive urban design outlet treatments; are to be completed in accordance with the approved engineering design plans, and the works issued with a Certificate of Practical Completion by the Director Infrastructure Services, a minimum of 12 months prior to the commencement of works on the first stage of the subdivision requiring a connection to the permitted stormwater discharge points.

**24. SEALING PLANS OF SUBDIVISION**

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements.
- b. The subsequent issue of a Certificate of Practical Completion by the Director Infrastructure Services.
- c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

**25. CONVEYANCE OF ROADS**

All roads in the Subdivision must be conveyed to the Council upon the issue titles. All costs involved in this procedure must be met by the Subdivider.

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- 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)
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## **26. CONVEYANCE OF PUBLIC OPEN SPACE AND DRAINAGE RESERVES**

All public open space lots and drainage reserves in the Subdivision must be conveyed to the Council upon the issue of titles. All costs involved in this procedure must be met by the Subdivider.

## **27. 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.

## **28. DEMOLITION**

The Developer must:

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

## **29. PROTECTION OF PUBLIC OPEN SPACE**

The Public Open Space and any land set aside for Public Open Space is to be protected from damage during the subdivisional construction works by ensuring that:

- a. Prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Public Open Space and the subject site.
  - b. No building material, stockpiles, skip bins or machinery are to be stored on the Public Open Space.
  - c. No excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of Council to maintain, the Public Open Space.
  - d. No access to the subject site is permitted via the Public Open Space without express written consent from the Director Infrastructure Services.
  - e. Where permission is granted to access subject site via the Public Open Space, any and all damage caused to the Public Open Space is to be remediated within the timeframe specified in the written consent to access.
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- 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**
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### **30. PROPORTIONAL PAYMENT IN LIEU OF PUBLIC OPEN SPACE**

Where the area dedicated as public open space is less than 5% of the subdivision, the developer must pay to the Council a sum equivalent to the difference of these values.

The valuation shall be determined by a registered land valuer and must be not more than 12 months old at the time of the sealing of the final plan. Valuations are to be procured at the subdivider's expense.

Payment is required prior to the sealing of the Final Plan of Survey creating the public open space lot.

### **31. STREET TREE INSTALLATION**

The street trees as shown in the approved landscaping plan are to be installed prior to the sealing of the final plan of survey, unless the Director Infrastructure Services approves a later installation date, which may or may not be subject to further conditions. Each shade tree is to be provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal and be coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each shade tree.

### **32. LANDSCAPING PLAN FOR THE DRAINAGE RESERVES, PUBLIC OPEN SPACE AND ROAD RESERVES**

Prior to the commencement of works, a landscaping plan for the drainage reserves, public open space and road reserves is to be approved by the Director Infrastructure Services. The landscaping design is to be prepared having regard to the Bushfire Hazard Management Plan.

The plan must incorporate ground covers and grasses, understorey and canopy species within the drainage reserve, suitable for their location relative to the water course.

The public open space is to be grassed and free from weeds and rubbish.

The plan is to provide for the installation of shade trees of an approved species with a minimum planted height of 2.5m, a minimum trunk diameter of 25mm (measured 1m above the surface) in all road reserves and at an average spacing of one per 18m of frontage.

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- 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

### 33. MANAGEMENT MANUAL FOR WATER SENSITIVE URBAN DESIGN ELEMENTS

Prior to the handing over of the water sensitive design elements, the applicant must provide a management manual for these elements detailing the extent of the public system in terms of length, cross-sections, longitudinal grades and the plant species used (where applicable). The locations of any gabions, weirs or other fixed elements shall also be included. The manual shall also provide details of the maintenance regime required to ensure the continued effective operation of each of the elements.

### 34. EXTENDED MAINTENANCE PERIOD FOR WATER SENSITIVE URBAN DESIGN ELEMENTS

An extended maintenance period of 24 months applies to the water sensitive design elements. During the 24 month period, commencing on the date of the Practical Completion inspection, the applicant shall be responsible for all maintenance including replanting of vegetation, weeding and other vegetation management activities, repair and replacement of any hard elements such as gabions and placed rock, within the swales, the removal of trash and coarse sediments and other maintenance activities necessary to maintain the effective operation of the system.

### 35. ROAD CLOSURE

Prior to the sealing of the fourth stage or the creation of any lot shown on the Endorsed Plan subject to an existing "roadway" or "Right of Way" notation:

- a. The following notations are to be removed from the respective plans:
  - (i) The notation "roadway" must be removed from P158789.
  - (ii) The notation "roadway" must be removed from SP131894.
  - (iii) The notation "Right of Way" must be removed from P16098.
- b. That formal highway closure pursuant to section 14 of the *Local Government Act 1993 (Tas)* is made to effect closure of the areas indicated in red on the attached plan.

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0637/2018. 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*

**8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)**

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- 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.*

*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. Department of State Growth**

*The Department of State Growth (nor its successors) has no control over current, or further increases in, traffic noise arising from the Midland Highway and subsequently no requirement to address any concerns relating to traffic noise that may arise in the future. This is inclusive of funding and/or providing any form of sound mitigation or attenuation treatments and signage. It is the responsibility of the applicant to consider the impacts from traffic noise including potential increases that may occur over time from future traffic volume*

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- 8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)
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*growth. Provision and associated costs of any appropriate sound mitigation measures are a matter for the applicant and if undertaken, must be outside the State Road reserve boundary.*

**F. Reserves, Parks and Gardens By-Law**

*Pursuant to Clause 7(7) of City of Launceston By-law, Reserves, Parks and Gardens By-law No.4 of 2009, boundary fences abutting the public open space (Woods Reserve) are not permitted to have any openings or gates allowing pedestrian or vehicular access to or from the private property into the reserve. No approval for such an access is given and failure to comply with this condition may result in the issue of a fine pursuant to the by-law.*

**CARRIED 9:1**

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor P S Spencer, Councillor J G Cox and Councillor A G Harris  
AGAINST VOTE: Councillor T G Walker

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**8.2 Petition to Amend Sealed Plan****FILE NO:** 55510**AUTHOR:** Abby Osborne (Statutory Services Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To receive a report from the Special Committee Hearing Meeting held on 4 April 2019.

**RECOMMENDATION:**

That Council, under section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to the petition to amend covenant 10 on Sealed Plan 143829, rejects the petition to amend covenant 10 to allow Lot 5 to further subdivide or strata title.

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**Mrs L Hurst (Director Development Services) and Ms P Glover (Team Leader Planning Assessments) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Mr Phil Atherton spoke against the Recommendation  
Mr Ashley Brook spoke against the Recommendation**

**DECISION:** 16 May 2019**MOTION**

**Moved Councillor D H McKenzie, seconded Councillor J Finlay.**

**That the Motion, as per the Recommendation to Council, be adopted.**

**CARRIED 10:0**

**FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**The Mayor, Councillor A M van Zetten, announced that Council no longer sits as a Planning Authority.**

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

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**Friday 3 May 2019**

- Attended the Masterpieces for Tasmania unveiling
- Attended the Sawtooth May exhibition opening

**Saturday 4 May 2019**

- Attended the Trevallyn Bowls and Community Club presentation night dinner

**Wednesday 8 May 2019**

- Officiated at the Seniors' Morning Tea

**Friday 10 May 2019**

- Officiated at the Speech and Drama Section, Launceston Competitions

**Saturday 11 May 2019**

- Officiated at the opening of *Tasmens' Men with Heart* exhibition

**Wednesday 15 May 2019**

- Officiated at the Community Engagement Breakfast
  - Attended The Haven's official launch
  - Attended Grammar School's *The Addams Family* senior campus production
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- **The Mayor, Councillor A M van Zetten, noted that he did not attend the Seniors' Morning Tea event listed for Wednesday, 8 May 2019**
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**10 COUNCILLOR'S REPORTS**

*(This item provides an opportunity for Councillors 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.)*

**10.1 Councillor J Finlay**

- **Attended the community *Seat for Contemplation* event held at the Punchbowl Reserve and acknowledged Council's contribution and work with the construction and installation of the *Halo* chair.**

**11 QUESTIONS BY COUNCILLORS****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 Councillor's Questions on Notice were identified as part of these Minutes**

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**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.)*

**11.2.1 Councillor A E Dawkins - Brisbane Street Mall Winter Solstice Activation Event**

- 1. With the approach of the Winter solstice and the fact that Cityprom would like to present a Mall activation event, is the Council any closer to approving the *Motilla* sculpture for the Mall?**

**The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 30 May 2019.**

**11.2.2 Councillor D C Gibson - Installation of Lockers Within the Community**

- 1. Due to the approach of winter and evidence of homelessness in the City, could an investigation occur regarding the provision of lockers (similar to those at the Launceston Airport) within the community for use by those who find themselves homeless or for tourists?**

**The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 30 May 2019.**

**12 COMMITTEE REPORTS**

**No Committee Reports were identified as part of these Minutes**

**13 COUNCIL WORKSHOPS****13.1 Council Workshop Report****FILE NO:** SF4401**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Louise Foster (Director Corporate Services)

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**DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

**RECOMMENDATION:**

That, pursuant to Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:

Workshops conducted on 16 May 2019:

**Business Events Tasmania**

*Councillors were provided with an update on recent activities and achievements.*

**Riverbend Rowing Centre**

*Councillors were provided with an update on the current status of the Riverbend Rowing Centre project including design, funding and user groups.*

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**Ms L Foster (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 16 May 2019****MOTION**

**Moved Councillor J Finlay, seconded Councillor D C Gibson.**

**That, pursuant to Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:**

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**13.1 Council Workshop Report ...(Cont'd)**

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**Workshops conducted on 16 May 2019:**

**Development Proposal - Riverbend Park Proposal**

*Councillors were briefed on a proposal for a development within the Riverbend Park precinct.*

**Business Events Tasmania**

*Councillors were provided with an update on recent activities and achievements.*

**Riverbend Rowing Centre**

*Councillors were provided with an update on the current status of the Riverbend Rowing Centre project including design, funding and user groups.*

**MyPlace MyFuture Strategy Draft**

*Councillors were provided with the first draft of the MyPlace MyFuture Strategy development, including the introduction of the draft Strategic Action Areas along with an outline of the next steps in the process.*

**CARRIED 10:0**

**FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**14 NOTICES OF MOTION**

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

**No Notices of Motion were identified as part of these Minutes**

**15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**

**No Items were identified as part of these Minutes**

**16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**

**No Items were identified as part of these Minutes**

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

**No Items were identified as part of these Minutes**

**18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS**

**No Items were identified as part of these Minutes**

**19 CORPORATE SERVICES DIRECTORATE ITEMS**

**No Items were identified as part of these Minutes**

**20 GENERAL MANAGER'S DIRECTORATE ITEMS**

**No Items were identified as part of these Minutes**

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**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 Minutes.*

**No Urgent Items were identified as part of these Minutes**

**22 CLOSED COUNCIL**

*This decision requires an absolute majority of Council*

**RECOMMENDATION:**

That Council moves into Closed Session to consider the following matters:

**22.1 Confirmation of the Minutes**

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

**22.2 Licence Agreement - Launceston Leisure and Aquatic Centre Café and Catering**

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

**22.3 Lease of First Basin Café and Cataract Gorge Restaurant**

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.
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**DECISION:** 16 May 2019

**MOTION**

**Moved Councillor D H McKenzie, seconded Councillor J Finlay.**

**That Council move into Closed Session.**

**CARRIED BY ABSOLUTE MAJORITY 10:0**

**FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

**Council moved to Closed Session at 1.41pm**

**Council returned to Open Session at 1.45pm**

## 22.4 End of Closed Session

**DECISION:** 16 May 2019

### MOTION

Moved Councillor J Finlay, seconded Councillor D C Gibson.

That Council, pursuant to Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, resolves to report in Open Session that it has considered the following matters in Closed Session:

Minutes Item	Matter	Brief Description
22.1	<i>Closed Council Minutes - 2 May 2019</i>	<i>Minutes of the Closed Meeting of the City of Launceston Council held on 2 May 2019 confirmed as a true and correct record.</i>
22.2	<i>Licence Agreement - Launceston Leisure and Aquatic Centre Café and Catering</i>	<i>Licencing arrangements for Café and Catering Services at the Launceston Leisure and Aquatic Centre facility.</i>
22.3	<i>Lease of First Basin Café and Cataract Gorge Restaurant</i>	<i>Discussions regarding a lease for the First Basin Café and Cataract Gorge Restaurant.</i>

**CARRIED 10:0**

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker

## 23 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 1.46pm.

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**UNCLASSIFIED MINUTES ITEMS:**