



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
THURSDAY 19 SEPTEMBER 2019  
1.00pm**

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

Date: 19 September 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 agenda item.



**Michael Stretton**  
General Manager

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22 November 2018

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

Dear Michael

### **COUNCIL MEETING**

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

#### **4. Convening council meetings**

- (1) *The mayor of a council may convene -*
- (a) *an ordinary meeting of the council; and*
  - (b) *a special meeting of council.*

I request that you make the necessary arrangements for the Ordinary Meetings of Council to be convened on the following Thursdays for 2019: 24 January; 7 and 21 February; 7 and 21 March; 4 and 18 April; 2, 16 and 30 May; 13 and 27 June; 11 and 25 July; 8 and 22 August; 5 and 19 September; 3, 17 and 31 October; 14 and 28 November and 12 December commencing at 1.00pm in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely



**Councillor A M van Zetten**  
**MAYOR**

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Thursday 19 September 2019

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**1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES**

**2 DECLARATIONS OF INTEREST**

*Local Government Act 1993 - section 48*

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

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

**3 CONFIRMATION OF MINUTES**

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

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 5 September 2019 be confirmed as a true and correct record.

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**4 DEPUTATIONS****4.1 Deputation - Commissioner for Children and Young People****FILE NO:** SF0097**AUTHOR:** Emily Causley (Administration Trainee)**GENERAL MANAGER:** Michael Stretton (General Manager)

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**DECISION STATEMENT:**

To receive a deputation from Mrs Leanne McLean (Commissioner for Children and Young People).

**RECOMMENDATION:**

That Council receives a deputation from Mrs Leanne McLean (Commissioner for Children and Young People) regarding the role of the Commissioner for Young People.

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**REPORT:**

Mrs Leanne McLean will present her deputation to Council. Mrs McLean, who was appointed to the role of Commissioner for Children and Young People in November 2018, promotes the rights and wellbeing of Tasmanian children and young people including those of ensuring their rights are considered and promoted by adults when they are making decisions.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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## 4.1 Deputation - Commissioner for Children and Young People ...(Cont'd)

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### STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 1: We connect with our community and our region through meaningful engagement, cooperation and representation.

10-Year Goal: To seek out and champion positive engagement and collaboration to capitalise on the major opportunities and address the future challenges facing our community and region.

Focus Areas:

1. To develop and consistently utilise contemporary and effective community engagement processes.

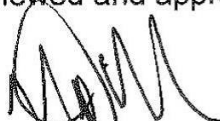
### BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

### DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item

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



**Michael Stretton: General Manager**

**5 PETITIONS**

*Local Government Act 1993 - sections 57 and 58*

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

**6 COMMUNITY REPORTS**

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

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

**7 PUBLIC QUESTION TIME**

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

**7.1 Public Questions on Notice**

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

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

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**7.1.1 Public Questions on Notice - Ms Glenda King - Council Meeting - 5 September 2019**

**FILE NO:** SF6381

**AUTHOR:** Leanne Viney (Administration Officer)

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

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**QUESTIONS and RESPONSES:**

The following question, asked at the Council Meeting on 5 September 2019 by Ms Glenda King, has been answered by Leanne Hurst (Director Development Services).

**Questions:**

1. Given that the project's report [2013 - 2014 National Survey to identify current vegetation coverage in major regional centres] identified that greatest danger for the loss of established vegetation in Launceston is on privately owned properties that are increasingly being subdivided resulting in the significant ongoing loss of large trees and established vegetation what controls is the Council planning to implement within its new Planning Scheme to counteract this loss given Council's recent endorsement of a climate emergency for this City and how does Council propose to regulate and promote the retention of green cover on private property as an essential tool for value adding to our City and to help lessen the effects of increasing temperatures and heat retention in our urban areas?

**Response:**

*The Council currently does not become involved in the removal or planting of domestic gardens on private property unless the property triggers one of the relevant codes in the Planning Scheme.*

*Development Applications for new buildings, or extensions to buildings in residential areas, must demonstrate compliance with the site coverage standards and the percentage of the site free from impervious surfaces to encourage soft landscaping and minimise stormwater runoff.*

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**7.1.1 Public Questions on Notice - Ms Glenda King - Council Meeting - 5 September 2019 ...(Cont'd)**

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*The Tasmanian Planning Scheme, which will apply in Launceston once the Local Provisions Schedule has been approved by the Minister for Planning, includes a priority vegetation overlay. The overlay triggers the application of the Natural Assets Code in the Planning Scheme and is designed to protect flora and fauna communities. However, the code does not apply to land zoned residential, business, commercial, industrial or agriculture and so will not apply to removal of vegetation in domestic gardens. Vegetation coverage in domestic gardens is considered in areas subject to a scenic protection overlay, heritage listing or subject to the Cataract Gorge Management Area or a specific area plan.*

*The Council's Sustainability Plan is currently being developed and will include consideration of the recent climate emergency decision.*

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**7.1.2 Public Questions on Notice - Mr Ray Norman - 10 September 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 to Council on 10 September 2019 by Mr Ray Norman, have been answered by Michael Stretton (General Manager).

**Questions:**

1. If the \$1Million payment is not for either a good or a service by extension, does that mean that the payment is a '*solicited ex gratia payment*': a payment *made from a sense of moral obligation rather than because of any legal requirement .... AKA 'a gift, a grant'*?

**Response:**

*The contribution is for the construction of a Council road as part of an approved subdivision development. This contribution is to be made pursuant to section 74 of the Local Government Act 1993 (Tas) which says that a council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under section 82. In this case, Council is carrying out its functions as a corporation under the Local Government (Highways) Act 1982 (Tas).*

2. If the \$1Million payment/gift/grant is indeed made, and a purpose has been articulated, what guarantee will there be that the entire amount has been applied to that purpose? If not what penalties will apply?

**Response:**

*The Council will enter a contractual arrangement with the developer for the provision of the road which will be subject to prescribed checks and balances. It should be noted that the developer has guaranteed that they accept all risk if the works are to cost more but if they can reduce the cost through reuse of pavement in the northern section of the construction, then the Council will receive this benefit.*

3. Moreover, should it turn out that the \$1Million payment is not actually enough for whatever reason, will the developer be able to seek additional funds under any circumstance and what might they be?
-

**7.1.2 Public Questions on Notice - Mr Ray Norman - 10 September 2019 ...(Cont'd)**

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**Response:**

*Refer previous response.*

4. Indeed, what is the 'strategic and/or civic purpose' of this 'gift/grant' at this time given that there is no strategic policy in place that is referred to in order to give the 'payment' context?

**Response:**

*Congestion at the Lindsay and Goderich Streets intersection has increased over the past five years, primarily as a result of urban growth in Newnham and Alanvale. With anticipated growth in traffic demand as a result of Riverbend Park, the relocated National Automobile Museum of Tasmania and further development in Lindsay Street, it is likely that this intersection will become critically congested in the next five years. While the full final traffic solution for the Invermay area is yet to be adopted by Council, the requirement for the new link road has been approved by the Council as part of the Planning Permit for the subdivision and was well received during community engagement. Therefore, it is considered necessary to support current developments in the precinct.*

5. Given that Council is considering this proposal at all, does this represent an ongoing 'strategic policy determination' that allows ratepayers, any ratepayer, to apply for such funding? And if so, under what circumstances can they apply?

**Response:**

*As it has in the past, the Council will continue to consider developer contributions where there is an identified public infrastructure need.*

6. Is this recommendation of \$1Million payment/gift/grant being made by the General Manager under the provisions of SECTION 62 of the Local Govt. Act?

**Response:**

*No.*

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**7.1.2 Public Questions on Notice - Mr Ray Norman - 10 September 2019 ...(Cont'd)**

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7. Does the General Managers' guarantee of '*expert advice*' under the provisions of SECTION 65 of the Local Govt. Act apply here in the instance of a \$1Million payment/gift/grant – *approximately 1% of Council's recurrent budget* – being made and apart from the legal advice proffered has the advice been tested and to what end?

**Response:**

*The Certificate of Qualified Advice which is provided as part of this Agenda indicates that the General Manager has certified that section 65 of the Local Government Act 1993 (Tas) has been complied with.*

8. If Council accedes to the General Managers' recommendation, will Council be advertising like opportunities to all ratepayers setting out the conditions they will need to meet and the benefits that they'll need to offer in order to win funding of this kind?

**Response:**

*Refer to response to Question 5.*

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**ATTACHMENTS:**

1. Public Questions on Notice - Mr Ray Norman - 10 September 2019
-

**Attachment 1 - Public Questions on Notice - Mr Ray Norman - 10 September 2019**

Perusing the **August 22 Council Agenda Item 20** the General Manager recommends that ratepayers make a **\$1plusMillion** contribution towards a developer's property development costs. In addition, the General Manager offers an opinion he received in support of his recommendation that says essentially, paraphrased, that given the **\$1 Million payment** is for neither a good nor a service there is no need to put the payment through a *'tendering process'* presumably under the provisions of **SECTION. 333A** of the Act.

Against this background questions arise:

1. If the **\$1Million payment** is not for either a good or a service by extension, does that mean that the payment is a *'solicited ex gratia payment'*: a payment *made from a sense of moral obligation rather than because of any legal requirement ... AKA 'a gift, a grant'?*
2. If the **\$1Million payment/gift/grant** is indeed made, and a purpose has been articulated, what guarantee will there be that the entire amount has been applied to that purpose? If not what penalties will apply?
3. Moreover, should it turn out that the **\$1Million payment** is not actually enough for whatever reason, will the developer be able to seek additional funds under any circumstance and what might they be?
4. Indeed, what is the *'strategic and/or civic purpose'* of this *'gift/grant'* at this time given that there is no strategic policy in place that is referred to in order to give the *'payment'* context?
5. Given that Council is considering this proposal **at all**, does this represent an ongoing *'strategic policy determination'* that allows ratepayers, any ratepayer, to apply for such funding? And if so, under what circumstances can they apply?
6. Is this recommendation of **\$1Million payment/gift/grant** being made by the General Manager under the provisions of **SECTION 62** of the Local Govt. Act?
7. Does the General Managers' guarantee of *'expert advice'* under the provisions of **SECTION 65** of the Local Govt. Act apply here in the instance of a **\$1Million payment/gift/grant** – *approximately 1% of Council's recurrent budget* – being made and apart from the legal advice proffered has the advice been tested and to what end?
8. If Council accedes to the General Managers' recommendation, will Council be advertising like opportunities to all ratepayers setting out the conditions they will need to meet and the benefits that they'll need to offer in order to win funding of this kind?

I look forward to Council's advice with considerable anticipation.

Ray Norman

<zingHOUSEunlimited>

The lifestyle design enterprise and research network



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**“A body of men holding themselves accountable to nobody ought not to be trusted by anybody.” Thomas Paine**

**“The standard you walk past is the standard you accept” David Morrison**

### 333A. Tenders

- (1) A council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the prescribed amount.
- (2) Tenders must be invited and made in a prescribed manner.
- (3) [Subsection \(1\)](#) does not apply to prescribed situations or prescribed contracts.



**7.2 Public Questions Without Notice**

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

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

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

## **8 PLANNING AUTHORITY**

### **8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling**

**FILE NO:** DA0369/2019

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

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

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#### **DECISION STATEMENT:**

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

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

Applicant:	S. Group
Property:	158 Poplar Parade, Youngtown
Zoning:	General Residential
Receipt Date:	30/07/2019
Validity Date:	2/08/2019
Further Information Request:	19/08/2019
Further Information Received:	19/08/2019
Deemed Approval:	19/09/2019 (Extension of time granted)
Representations:	Three

#### **STANDARDS REQUIRING COUNCIL DISCRETION**

10.4.2 Setbacks and building envelope for all dwellings  
10.4.3 Site coverage and private open space for all dwellings  
10.4.9 Site facilities for multiple dwellings

#### **RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0369/2019 - Residential - Construction of an additional dwelling at 158 Poplar Parade, Youngtown subject to the following conditions:

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**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

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**1. ENDORSED PLANS**

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

- a. Site Plan, Prepared by S Group, Drawing A101, Lachie Allison, Revision A, Dated 6/6/19, (Plan to be amended);
- b. Floor Plan, Prepared by S Group, Drawing A201, Lachie Allison, Revision A, Dated 6/6/19;
- c. Elevations, Prepared by S Group, Drawing A301, Lachie Allison, Revision A, Dated 6/6/19; (Plan to be amended).

**2. AMENDED PLANS REQUIRED**

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

- a. Reduced a maximum height of the dwelling from 7.4m to 6.2m;
- b. A privacy screen with a height of 1.7m and no more than 25% transparency located to the rear of the hardstand parking area associated with the existing dwelling to provide an area of private open space.
- c. Details of fencing along the strata boundaries;
- d. A waste storage area located behind the building frontage associated with the existing dwelling; and
- e. Mail boxes adjacent to the access to each dwelling.

**3. WINDOW SCREENING**

Either a screen at least 1.7m in height or obscure glazing extending to a height of at least 1.7m above the floor level must be fixed at the south facing kitchen window of the existing dwelling.

**4. LEGAL TITLE**

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

**5. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2019/01110-LCC, 13/08/2019 and attached to the permit.

**6. 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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**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

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**7. FENCING**

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

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

**8. MULTIPLE DWELLINGS - SERVICE FACILITIES**

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

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

**9. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

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**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

**11. SINGLE STORMWATER CONNECTIONS**

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to the Council's stormwater mains.

**12. SOIL AND WATER MANAGEMENT PLAN**

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

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

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

Dwelling	Strata Lot No.	Street Address
Existing dwelling	1	1/158 Poplar Parade
Proposed dwelling	2	2/158 Poplar Parade

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

**14. AMENITY**

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

**15. NO BURNING OF WASTE**

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

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

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**16. 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.

**Notes**

- A. All building and demolition work is to comply with the Building Act 2016 and the National Construction Code  
*Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.*
  - B. Occupancy Permit Required  
*Occupancy permit required for new or altered habitable buildings: Pursuant to section 216 of the Building Act 2016, it is recommended that a licensed building surveyor be consulted to determine if an occupancy permit is required for the building before the building or a part of the building can be, or can continue to be, occupied.*
  - C. All plumbing work is to comply with the Building Act 2016 and the National Construction Code  
*Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.*
  - D. General  
*This permit was issued based on the proposal documents submitted for DA0369/2019. 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.*
-

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

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*This permit takes effect after:*

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

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

**E. Restrictive Covenants**

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

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

**F. Appeal Provisions**

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

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

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

**G. Permit Commencement**

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

**H. Strata Title Approval**

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

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**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

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

The proposal is for the construction of an additional dwelling at the subject site. The proposed dwelling will be two storeys and comprise two bedrooms, bathroom, toilet and living area on the ground floor and open plan kitchen/living/dining with a deck extending off the living area on the upper floor.

The new dwelling is proposed to the rear of the existing dwelling with a height of 7.4m at the front (western side), reducing to 6.2m at the eastern side. A 38m<sup>2</sup> private open space area will be situated on the northern side of the dwelling and a parking bay on the southern side. The dwelling will be accessed via an existing concrete driveway along the southern side boundary.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject site is an irregular shaped lot with an area of 753m<sup>2</sup> situated on the eastern side of Poplar Parade within an established residential area. The site has a 31.5m frontage to Poplar Parade reducing to a 9m rear title boundary.

The site is relatively flat and connected to reticulated services. There are currently two vehicular crossovers servicing the site at either end of the frontage. The site is developed with a single storey brick dwelling with the attached carport to be demolished.

The surrounding neighbourhood primarily comprises single dwellings interspersed with multiple dwelling development.

**3. PLANNING SCHEME REQUIREMENTS****3.1 Zone Purpose****10.0 General Residential Zone****10.1.1 Zone Purpose Statements**

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

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

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

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

10.1.1.5 To encourage residential use and development that facilitates solar access,

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**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

integrated urban landscapes, and utilisation of public transport, walking and cycling networks.

**Consistent**  
 The proposal to construct an additional dwelling on the site meets the zone purpose statements being to provide for residential development at a range of densities in areas where infrastructure services can be provided. The surrounding neighbourhood primarily comprises single dwellings interspersed with multiple dwelling development. The proposed addition of a second dwelling fits in with this residential character.

**10.4 Development Standards**

10.4.1 Residential density for multiple dwellings

**Objective:**  
 To provide for suburban densities for multiple dwellings that:  
 (a) make efficient use of suburban land for housing; and  
 (b) optimise the use of infrastructure and community services.

**Consistent**  
 The proposed development of a second dwelling on the subject site at a density that is permitted is considered to meet the objective.

A1 Multiple dwellings must have a site area per dwelling of not less than:  
 (a) 325m<sup>2</sup>; or  
 (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.

**Complies**  
 The subject site has an area of 753m<sup>2</sup> which results in a site area per dwelling of 376.5m<sup>2</sup> and therefore complies with A1.

10.4.2 Setbacks and building envelope for all dwellings

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

**Consistent**  
 The proposal to construct a second dwelling on the site is considered to provide adequate separation between dwellings and is of an acceptable bulk and form.

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

<p>A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</li> <li>(b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</li> <li>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</li> <li>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</li> </ul>
<p><b>Complies</b> The proposed construction of a second dwelling to the rear of the existing dwelling will not alter the front boundary setback.</p>
<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <ul style="list-style-type: none"> <li>(a) 5.5m, or alternatively 1m behind the facade of the dwelling; or</li> <li>(b) the same as the dwelling facade, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</li> </ul>
<p><b>Complies</b> The carport under the proposed deck for the new dwelling is setback well in excess of 5.5m from the primary frontage.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> <li>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:             <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</li> </ul> </li> <li>(b) only have a setback within 1.5m of a side boundary if the dwelling:             <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</li> </ul> </li> </ul>

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

**Relies on Performance Criteria**

The proposed second dwelling does not sit within the prescribed building envelope as the rear boundary setback is 0.951m and the northern side boundary setback is 0.984m at the closest point being the northern facade of bedroom 2. A small section of this facade is outside the prescribed building envelope.

P3 The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
  - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
  - (iii) overshadowing of an adjoining vacant lot; or
  - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

**Complies**

The design of the dwelling whilst situated in close proximity to the rear boundary, seeks to minimise loss of amenity from overlooking and overshadowing. The shadow diagrams submitted demonstrate that the reduced rear boundary setback will not have any impact on sunlight entering habitable room windows at 4 Mountgarrett Court on 21 June. The only impact will be that from approximately 1.00pm onwards, part of the open space area associated with the adjacent property to the rear will be partially overshadowed. It will not affect morning sunlight.

There will be some overshadowing of the rear private open space associated with 5 Piper Avenue. Although the side boundary setback with that property is within the building envelope it is recommended to decrease a maximum height of the dwelling from 7.4m to 6.2m. This will reduce the impact on the adjoining property in term of overshadowing and visual amenity.

Whilst the proposed dwelling is double storey, its overall massing and dimensions is proportionate to the area of land on which it is to be constructed. The largest visual impact will be when viewed from the property to the south (5 Piper Avenue). The use of highlight windows on the southern elevation will reduce overlooking. The recommended reduction of the height will reduce a bulk of the new dwelling and its visual impact.

**10.4.3 Site coverage and private open space for all dwellings**

Objective:

To provide:

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

8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)

<p><b>Consistent</b></p> <p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</li> <li>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The existing dwelling has a site coverage of approximately 145m<sup>2</sup> and the proposed dwelling has a site coverage of 75m<sup>2</sup>. Given the overall site area is 753m<sup>2</sup>, the resulting site coverage is 29% and in compliance with A1 (a).</p> <p>The private open space associated with the existing dwelling exceeds the 60m<sup>2</sup> requirement whilst the proposed dwelling is provided with is approximately 47m<sup>2</sup> and therefore relies in the Performance Criteria in relation to A1 (b).</p> <p>A minimum of 25% of the site is free from impervious surfaces.</p>
<p>P1 Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> <li>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and</li> <li>(ii) operational needs, such as clothes drying and storage; and</li> </ul> </li> <li>(b) reasonable space for the planting of gardens and landscaping.</li> </ul>
<p><b>Complies</b></p> <p>It is considered that the upper floor deck and ground level private open space provided for the two bedroom dwelling is appropriate given its small size. The deck is of sufficient dimensions that it could accommodate a small table and a couple of chairs.</p> <p>There is no communal open space provided. There is sufficient area associated with each dwelling to accommodate space for clothes drying and storage.</p> <p>Whilst the open space to be associated with the existing dwelling is limited in its ability to provide privacy, it will be condition of permit that a 1.8m high fence with a maximum transparency of 25% be erected along the rear of the hardstand area to create privacy.</p>
<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> <li>(a) is in one location and is at least: <ul style="list-style-type: none"> <li>(i) 24m<sup>2</sup>; or</li> <li>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</li> </ul> </li> <li>(b) has a minimum horizontal dimension of:</li> </ul>

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

- (i) 4m; or
- (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and
- (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and
- (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and
- (f) has a gradient not steeper than 1 in 10; and
- (g) is not used for vehicle access or parking.

**Relies on Performance Criteria**

The proposed dwelling has a 15m<sup>2</sup> deck accessed directly off the upper floor living area and a 38m<sup>2</sup> ground level open space. The ground level private open space has a northerly aspect. Whilst compliant with respect to area and dimensions, the ground level open space is not directly accessible from a habitable room and therefore the application relies on the Performance Criteria in that regard.

The development of a second dwelling in the rear yard of the existing dwelling means that it loses its private open space area that is afforded privacy. There is a 35m<sup>2</sup> area to the north of the dwelling that meets the requirements in terms of size and dimensions. A condition will require the erection of a 1.8m high screen or fence with a maximum transparency of 25% to ensure the area is private. Subject to this condition, the proposal can meet A2 in respect of the existing dwelling.

P2 A dwelling must have private open space that:

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

**Complies**

It is considered that while neither of the two private open space areas associated with the proposed dwelling meets all the requirements of A2, that combined they provide private open space to service the needs of the occupants. The deck will get full northern sunlight and is directly accessible from the living area and of sufficient dimension to accommodate a small dining table. The downstairs grassed area is not directly accessible from the living area but meets the size requirements and provides an appropriate area for outdoor play. Given the small size of the dwelling it is unlikely that future occupants will be large families.

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

10.4.4 Sunlight and overshadowing for all dwellings

Objective: To provide:
(a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
<b>Consistent</b>
A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).
<b>Complies</b> The upper floor living area has north facing windows.

10.4.5 Width of openings for garages and carports for all dwellings

Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.
<b>Consistent</b>
A1 A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).
<b>Complies</b> No garage or carports are proposed within 12m of the primary frontage.

10.4.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.
<b>Consistent</b> The proposed dwelling complies with the prescribed standards.
A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:
(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and
(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and
(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:
(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or

8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)

<p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>
<p><b>Complies</b> The proposed deck has a finished surface level of more than 1m above natural ground level. However, it is provided with requisite screening along the western side facing the existing dwelling on the site and the northern side which is also greater than 3m from the side boundary. The proposal therefore complies with A1.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of at least 3m from a side boundary; and</li> <li>(ii) is to have a setback of at least 4m from a rear boundary; and</li> <li>(iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</li> <li>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>
<p><b>Complies</b> The windows to the upper floor habitable rooms are not setback the requisite distances from the northern side and rear title boundaries. However, the proposal meets A2 (b) as there will be an external screen erected along those northern facade windows which are within 3m of the side boundary. There is one window on the eastern elevation upper floor which is setback less than the required 4m from the rear title boundary. However, this window will be frosted glass. Therefore, the proposal complies with A2 (b).</p>
<p>A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <ul style="list-style-type: none"> <li>(i) it is separated by a screen of at least 1.7m in height; or</li> <li>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</li> </ul>

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

**Complies**

Although each dwelling is provided with their own separate driveway, the internal driveway of the new dwelling is 1m from a kitchen window on the southern side of the existing dwelling. A condition is recommended to provide either a screen at least 1.7m in height or fixed obscure glazing extending to a height of at least 1.7m above the floor level. With this condition the proposal complies with A3(b).

10.4.8 Waste storage for multiple dwellings

**Objective:**

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

**Consistent**

Subject to conditions, appropriate areas for waste storage can be provided for each dwelling.

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

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

**Complies**

The submitted plans demonstrate that an appropriate area for bin storage can be provided for the proposed dwelling. Bin storage area is not shown for the existing dwelling. It is considered there is sufficient space on site to provide bin storage area in the appropriate location and the permit will be conditioned to require amended plans to show a compliant bin storage area for the existing dwelling.

10.4.9 Site facilities for multiple dwellings

**Objective:**

To provide adequate site and storage facilities for multiple dwellings.

**Consistent**

A1 Each multiple dwelling must have access to 6m<sup>3</sup> of secure storage space not located between the primary frontage and the facade of a dwelling.

**Relies on Performance Criteria**

The plans do not show storage areas for either of the dwellings.

P1 Each multiple dwelling must provide storage suitable to the reasonable needs of residents, having regard to:

- (a) the location, type, and size of storage provided;
- (b) proximity to the dwelling and whether the storage is convenient and safe to access;
- (c) any impacts on the amenity of adjacent sensitive uses; and
- (d) the existing streetscape.



**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

<p><b>Complies</b> The proposed dwelling is provided with built in robes in bedroom 2 plus some storage as part of the laundry. This is considered to be appropriate for the size of the dwelling. There is also space under the deck to provide for additional storage.</p> <p>The plans do not show what if any storage is provided for the existing dwelling on site, however, it is considered that the dwelling is of sufficient size to provide internal storage.</p> <p>A2 Mailboxes must be provided at the frontage.</p>
<p><b>Complies</b> A condition of permit will require amended plans to show mailbox locations at the site frontage.</p>

10.4.10 Common property for multiple dwellings

<p>Objective: To ensure that common areas are easily identified.</p>
<p><b>Consistent</b> There are no common areas forming part of this multiple dwelling development.</p>
<p>A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.</p>
<p><b>Complies</b> There are no common areas forming part of this development. Each dwelling is to be provided with its own access and parking. A condition will require amended plans to show mailboxes at each driveway and the location of bin storage for the existing dwelling.</p>

10.4.13 Location of car parking

<p>Objective: To: (a) provide convenient car parking for residents and visitors; (b) protect residents from vehicular noise within sites; and (c) minimise visual impact on the streetscape.</p>
<p><b>Consistent</b> The proposed dwelling is provided with two parking spaces.</p>
<p>A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.</p>
<p><b>Complies</b> There are no shared driveways as part of this proposal.</p>
<p>A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage.</p>

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

A2.2 Turning areas for vehicles must not be located within the primary front setback.
<b>Complies</b> None of the proposed parking areas associated with either dwelling are within the front setback.

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

E6.1 The purpose of this provision is to:
(a) ensure that an appropriate level of parking facilities are provided to service use and development;
(b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;
(c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;
(d) ensure that parking does not adversely impact on the amenity of a locality;
(e) ensure that parking spaces and accesses meet appropriate standards; and
(f) provide for the implementation of parking precinct plans.
<b>Consistent</b>

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

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

**E6.6 Development Standards**

**E6.6.1 Construction of parking areas**

Objective: To ensure that parking areas are constructed to an appropriate standard.
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**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

<p><b>Consistent</b> The parking areas will be constructed to a suitable standard.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> <li>(a) have a gradient of 10% or less;</li> <li>(b) be formed and paved;</li> <li>(c) be drained to the public stormwater system, or contain stormwater on the site;</li> <li>(d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and</li> <li>(e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.</li> </ul>
<p><b>Complies</b> All parking areas have a gradient of 10% or less, will be formed and paved and drained to the public storm water system.</p>

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p><b>Consistent</b> The parking areas are designed and laid out to provide safe, convenient and efficient parking.</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> <li>(a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces;</li> <li>(b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;</li> <li>(c) have parking space dimensions in accordance with the requirements in Table E6.3;</li> <li>(d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and</li> <li>(e) have a vertical clearance of not less than 2.1m above the parking surface level.</li> </ul> <p>A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.</p> <p>A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.</p> <p>A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p>

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

**Complies**

The parking spaces for the proposed dwelling allow for vehicles to exit the site in a forward direction and are compliant with the requirements of Table E6.2 and E6.3. The driveway width is 3m and both parking bays are 3m wide and 5.5m deep.

The hardstand parking areas for the existing dwelling is of sufficient dimension to allow for two car parking bays.

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2019/01110-LCC
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

**5. REPRESENTATIONS**

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 21 August to 4 September 2019. Three representations were received. A meeting was offered to discuss/clarify the issues and two representors attended it. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

<p><b>Issue</b> We would like to see a 6 foot fence be constructed along this boundary fence, between 160 Poplar and 158 Poplar Parade, Youngtown. It would secure privacy between the two blocks and reduce the noise from parking cars.</p>
<p><i>Comment</i> The provision of 1.8m fence between the site and the adjoining properties is a standard condition for a development associated with multiple dwellings.</p>
<p><b>Issue</b> Dwelling is double story (does not show heights on elevations) but presuming the dwelling will be at least 5m or more high, is that suitable in this area? If so, is there a plan available with finished heights on it?</p>
<p><i>Comment</i> The submitted plans show overall heights. The dwelling at the highest point at the front (western side) is 7.42m high, reducing to 6.24m at the eastern side. A condition is recommended to reduce the height of the dwelling on the western side to 6.2m.</p>
<p><b>Issue</b> Judging by the shadow line plan the height of dwelling will greatly affect morning sunlight to neighbouring properties.</p>
<p><i>Comment</i> The shadow diagrams provided demonstrate that the proposed dwelling will not cause reduction in sunlight less than three hours between 9.00am and 3.00pm on 21 June on 50% of the private open space on adjoining sites.</p>
<p><b>Issue</b> The proposed deck on the north west of the dwelling will look directly in to neighbouring properties yards therefore affecting privacy. This is going to affect resale and value of these properties.</p>
<p><i>Comment</i> The proposed deck will be screened from all sides except the southern side to 1.7m. The southern side of the deck is setback further than prescribed 3m from a side boundary. Therefore, it complies with the acceptable solution for privacy of dwellings.</p>
<p><b>Issue</b> The dwelling is small (length and width) but quite high so will stick out and not look suitable in this area.</p>
<p><i>Comment</i> A condition is recommended to reduce the maximum height of the dwelling. There are examples of two storey dwelling immediately adjoining the site. Furthermore, the height of the dwelling complies with the building envelope.</p>
<p><b>Issue</b> Zoning in this area has never allowed additional dwellings built on properties in the past so what is the reasoning for the change to these zonings?</p>

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

<p><i>Comment</i>                  The site is zoned General Residential with multiple dwellings being a permitted use. Previously it was zoned Closed Residential with multiple dwelling being discretionary. No changes to the zoning have occurred since 1997.</p>
<p><b>Issue</b>                  Our privacy will be compromised with their ability to view into our French doors and thus directly into our lounge room, which open out onto our back deck, as well as being able to view into our back yard garden from the proposed second storey and deck construction.</p>
<p><i>Comment</i>                  The use of highlight windows on the southern elevation avoid overlooking and comply with the standard. The proposed deck is more than 1m above natural ground, however, it has a side setback to the southern side boundary more than prescribed 3m; the proposed setback is 5.19m and complies with the acceptable solution.</p>
<p><b>Issue</b>                  The proposed second storey will especially affect our winter sunlight in an area which already tends to lack sunlight during winter and tends to moss and damp. Our enjoyment of our garden will be further restricted.</p>
<p><i>Comment</i>                  There will be some overshadowing of the rear private open space associated with 5 Piper Avenue. However, given the proposed side boundary setback with that property is within the building envelope, it is considered that given the location of the private open space on the adjoining property relative to the rear portion of the proposed dwelling, that any additional overshadowing will not affect the main area of private open space.</p>
<p><b>Issue</b>                  We have a view of the distant hills, which we treasure, one of the reasons for us purchasing our property. This construction being two storeys will block it entirely. To block this will have a negative influence on our house value.</p>
<p><i>Comment</i>                  There are no planning provisions that allow for the assessment regarding a loss of view from the adjoining properties or property value.</p>
<p><b>Issue</b>                  The block concerned narrows at the back and the proposed construction is crowded onto it, and although it might fit Council regulations it will affect many of the surrounding dwellings in a well-established pleasant and well gardened residential block.</p>
<p><i>Comment</i>                  The proposal to construct a second dwelling on the site provides for residential development at a range of densities in areas where infrastructure services can be provided. The surrounding neighbourhood primarily comprises single dwellings interspersed with multiple dwelling development.</p>

**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

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**6. CONCLUSION**

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

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

Not relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

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**8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)**

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**ATTACHMENTS:**

1. Locality Map (*electronically distributed*)
  2. Plans to be Endorsed (*electronically distributed*)
  3. Amended Plans to be Endorsed (*electronically distributed*)
  4. TasWater SPAN (*electronically distributed*)
  5. Representations (*electronically distributed*)
-



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

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**Thursday 5 September 2019**

- Attended Scotch Oakburn College's presentation *Away*

**Friday 6 September 2019**

- Attended the Australian Red Cross Tasmania's morning tea at Mowbray
- Attended *Tasdance - First Floor* as part of the Junction Arts Festival

**Saturday 7 September 2019**

- Attended *Breathtaking* as part of the Junction Arts Festival
- Attended *Mudlark - One Day Cannon* as part of the Junction Arts Festival

**Sunday 8 September 2019**

- Attended the 2019 Northern Competition Award presentations at the Northern Hockey Centre

**Tuesday 10 September 2019**

- Opened the 2019 Careers Expo at Launceston College

**Wednesday 11 September 2019**

- Participated in the Stroke Foundation's *Health Check Machines* program
- Attended the *Festivale* launch cocktail party

**Thursday 12 September 2019**

- Hosted a civic function to mark the 185<sup>th</sup> Anniversary of Benevolent Society
- Hosted the Australian High Commissioner to Cyprus and Australian High Commissioner to Mauritius

**Friday 13 September 2019**

- Attended the Launceston Players production of *Picnic at Hanging Rock*
-

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

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**Saturday 14 September 2019**

- Officiated at the opening of Macquarie House
- Attended the Northern Tasmanian Football Association's Premier Grand Final Event
- Attended the Northern Awards Night and Cocktail Party with Football Tasmania

**Sunday 15 September 2019**

- Officiated at the Womens' 5km Walk/Run for the Cancer Council
- Officiated at the Launceston Aquatic Club Medley presentation
- Officiated at the carousel launch party for *Just like Jack*

**Tuesday 17 September 2019**

- Attended the St Patricks College event for visual literacy with students about the Launceston flag

**Wednesday 18 September 2019**

- Officiated at the *Waste NoT* Awards Ceremony for City of Launceston
-

**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.)*

**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.)*

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## 11.1.1 Councillors' Questions on Notice - Councillor A G Harris - Staff Parking for the Kmart Shopping Complex, Racecourse Crescent - Council Meeting - 5 September 2019

**FILE NO:** SF2375

**AUTHOR:** Leanne Viney (Administration Officer)

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

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### **QUESTIONS and RESPONSES:**

The following question was asked at the Council Meeting on 5 September 2019 by Councillor A G Harris has been answered by Leanne Hurst (Director Development Services).

#### **Question:**

1. How many staff parking spots for businesses operating within the KMart complex were approved for the Development Applications for the KMart Shopping Complex in Racecourse Crescent?

#### **Response:**

*A review of issued planning permits for this property has not identified any conditions requiring provision of parking on site for employees working at the businesses within the complex.*

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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.)*

**12 COMMITTEE REPORTS**

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

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**13 COUNCIL WORKSHOPS****13.1 Council Workshop Report****FILE NO:** SF4401**AUTHOR:** Leanne Viney (Administration Officer)**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:

Workshop conducted on 19 September 2019:

**Launceston Suicide Prevention Trial Update**

*Councillors received an update on the first 18 months of the Primary Health Tasmania funded Trial, and an overview of some of the initiatives planned for the next six months.*

**On-Street Parking Machines Upgrade**

*Councillors received an overview of the process for replacing the on-street parking meters.*

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**REPORT:**

Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015* says that the Agenda of an Ordinary Council Meeting is to include the date and purpose of any Council Workshop held since the last Meeting.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

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

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**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

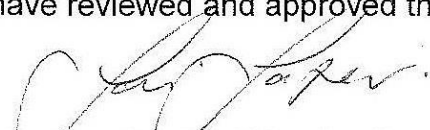
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Louise Foster: Director Corporate Services**

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**14 NOTICES OF MOTION**

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

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

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**15 DEVELOPMENT SERVICES DIRECTORATE ITEMS****15.1 Australia Day Acknowledgement****FILE NO:** SF5547**AUTHOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To respond to a decision of Council to review its current policy position of recognising Australia Day on 26 January each year.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 5 September 2019 - Australia Day Acknowledgement

Workshop - 6 June 2019 - Australia Day Policy Review

Council - 24 January 2019 - Agenda Item 14.1 - Notice of Motion - Councillor T G Walker - Australia Day Acknowledgement

Council - 26 June 2017 - Agenda Item 21.1 - Lord Mayor Correspondence Seeking Australia Day Date Change

**RECOMMENDATION:**

That further to Councillors' discussion at the workshop on 5 September 2019 Council resolves to make the following changes to events that have previously been recognised on 26 January:

1. that unless the Australian Government adopts proposed changes to the Citizenship Ceremonies Code legislating that councils must hold a citizenship ceremony on 26 January, the City of Launceston will hold a citizenship ceremony on 25 January.
  2. that the City of Launceston will replace the National Australia Day Awards program with a community recognition awards ceremony to be held on 25 January following the citizenship ceremony.
  3. that the City of Launceston will not participate in the National Australia Day Ambassador Program.
  4. that Music in the Park program will be held on Sundays only throughout January, with no separate performance if a Sunday does not fall on 26 January.
-

**15.1 Australia Day Acknowledgement ...(Cont'd)**

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5. that the Australia Day Committee be disbanded and Councillors will be selected to assess community recognition award nominations.
  6. that if Recommendation 6. above is approved in the affirmative, 14-HLPr-003 - Committee Representation Details be updated to reflect the change.
- 

**REPORT:**Background

In January 2019 the City of Launceston (CoL) made the following decision:

***That, following conclusion of Australia Day on 26 January 2019, the City of Launceston agrees to review its current policy position of recognising Australia Day on this day each year. Such a review would need to be completed in the first half of the year.***

It is noted that the review has been limited to this and does not consider the question of whether the date that is currently recognised as Australia Day should be changed.

Current Practice

Currently the CoL recognises Australia Day (26 January) in the following ways:

- Citizenship Ceremony - Australian Citizenship Ceremonies Code
- Australia Day Awards - Australia Day Committee (a Special Committee of Council)
  - Citizen of the Year Award
  - Young Citizen of the Year Award
  - Sports Award
  - Community Event of the Year Award

Both of these activities are held at one event at the Albert Hall. The CoL RSL Band and CoL Vox Harmony Choir perform at the Citizenship and Awards ceremony each year. Providing a performance on Australia Day is part of the sponsored band and choir agreements.

In 2017 and 2019 the Mayor hosted a barbeque in City Park following the ceremony.

In addition, the Music in the Park series of free concerts, coordinated by the CoL, on Sundays during January, is also extended to include a concert on Australia Day.

One Australia Day Eve event is supported through the Events Sponsorship Policy - Chilli Sky Fire - though it is not promoted as an Australia Day event.

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**15.1 Australia Day Acknowledgement ...(Cont'd)**

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Legislative Framework

Australia Day is a gazetted public holiday (*Statutory Holidays Act 2000* (Tas)). If 26 January falls on a Saturday or Sunday, the following Monday is observed.

Australian Citizenship Ceremonies legal and other requirements are regulated by the *Australian Citizenship Act 2007* (Cth) and guidance to organisations for the conduct of citizenship ceremonies is provided in the Australian Citizenship Ceremonies Code (the Code).

In January 2019 the Federal Government sought feedback on proposed changes to the Code, including a proposal to mandate that Local Government Councils hold a citizenship ceremony on 26 January as part of the Australia Day celebrations. The period for feedback on the proposed changes to the Code closed on 28 February and, at the time of publication of this Agenda, it is not known what the outcome will be.

Discussion

At the Council Workshops on 6 June and 5 September 2019, the following activities were discussed by Councillors:

- Citizenship Ceremonies
- Australia Day Awards and Ambassador programs
- Events

The recommendations contained within this report were informed by those discussions.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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**15.1 Australia Day Acknowledgement ...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 4: We value our City's unique identity by celebrating our special heritage and culture and building on our competitive advantages to be a place where people choose to live, work and visit.

10-Year Goal: To sustain and promote Launceston as a unique place to live, work, learn and play.

Focus Areas:

1. To promote and enhance Launceston's rich heritage, culture and natural environment.
3. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar.

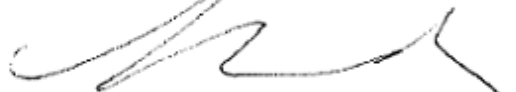
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

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**16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**

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

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**17 CREATIVE ARTS AND CULTURAL SERVICES DIRECTORATE ITEMS****17.1 Lease of Princess Theatre and Earl Arts Centre****FILE NO:** SF0371**AUTHOR:** Duncan Campbell (Governance and Paralegal Officer)**DIRECTOR:** Tracey Mallett (Acting Director Creative Arts and Cultural Services)

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**DECISION STATEMENT:**

To consider leasing the Princess Theatre and Earl Arts Centre to Theatre North Inc.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 8 August 2019 - Agenda Item 17.1 - Lease of Princess Theatre and Earl Arts Centre

**RECOMMENDATION:**

That Council:

1. resolves to lease the Princess Theatre and Earl Arts Centre to Theatre North Inc. for a period of five years, plus an option for a further five years, with the final terms of the lease to be decided by the General Manager if any deviation from the draft lease is required.
  2. requests the General Manager to determine the current lease and enter into a new lease in accordance with Recommendation 1.
  3. notes the net effect of new lease in current draft from will see an additional \$17,276 in annual operational costs to Council, as detailed in the report.
- 

**REPORT:**

The Princess Theatre and Earl Arts Centre (the property) is currently leased to Theatre North Inc. by reason of a lease dated 12 March 2008. That lease was extended and is currently operating on a month to month tenancy by reason of Clause 8.8 of the agreement.

On 8 August 2019, Council resolved that it intended to lease the property for a period of five years.

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**17.1 Lease of Princess Theatre and Earl Arts Centre ...(Cont'd)**

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In accordance with the requirements of section 178 of the *Local Government Act 1993* (Tas), Council was required to publish its intention to lease the property on two occasions in a daily newspaper, and display a copy of that notice against any boundary of the property that abuts a highway.

On 10 and 15 August 2019, Council's intention was published in *The Examiner* newspaper. On 14 August 2019, four notices were placed against the boundaries of the property. Accordingly, publishing and display requirements have been complied with.

Members of the public were provided with 21 days from the first advertisement to make an objection to the leasing of the property. No objections were received. Council is therefore free to carry through with its intention to lease the property.

In keeping with its intention to lease the property as published, it is recommended that Council authorise the General Manager to enter into a new lease over the property on a five year basis with an option for a further five years. Any required amendments to the draft lease can be negotiated between the General Manager and Theatre North Inc.

The draft lease alters the way in which funds are paid to and received from Theatre North Inc. The net effect of the lease in its current form will see an additional \$17,276 in annual operational costs to Council, calculated for the year ending 30 June 2020. The 2019/2020 cash Operational Subsidy payable to Theatre North Inc. will increase by \$28,107 under the new agreement and this is offset by an increase in cost recoveries of approximately \$11,000. The cost recoveries are in reference to the tenant paying an increased contribution towards: (i) TasWater costs and (ii) employment of the Theatre Technician. The TasWater contribution covers volumetric charges and the Council continues to be responsible for fixed charges. The Theatre Technician is an employee of the Council and provisions have been strengthened under the proposed lease so as the employment costs would be cost neutral to the Council. Please note the former lease included a provision that Theatre North Inc. was to pay rental on the premises to the Council and that the Council would provide a cash rental subsidy to the tenant for the equivalent rental component. This provision was cost neutral for both the lessor and lessee alike and is intentionally omitted from the proposed lease.

The relevant legal advice, financials and lease documentation is available to Councillors on request to the General Manager under section 28D of the *Local Government Act 1993* (Tas).

**ECONOMIC IMPACT:**

Not considered relevant to this report.

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**17.1 Lease of Princess Theatre and Earl Arts Centre ...(Cont'd)**

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**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Priority Area 3 - We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-year Goal -To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Area -

2. To fairly and equitably discharge our statutory and governance obligations.

**BUDGET & FINANCIAL ASPECTS:**

The additional expenditure has been allowed for in the 2019/2020 Operational Budget.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Tracey Mallett: Acting Director Creative Arts and Cultural Services**

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**18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda

**19 CORPORATE SERVICES DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda

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**20 GENERAL MANAGER'S DIRECTORATE ITEMS****20.1 Launceston Flood Authority - Rules Amendment****FILE NO:** SF4493**GENERAL MANAGER:** Michael Stretton (General Manager)

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**DECISION STATEMENT:**

To consider an amendment to the Launceston Flood Authority governance arrangements.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 21 March 2019 - Agenda Item 20.1 - Launceston Flood Authority - Rules Amendment

**RECOMMENDATION:**

That Council:

1. proposes to amend the Launceston Flood Authority Rules 2008 to be in the terms of the attached Draft Launceston Flood Authority Rules 2019 (ECM Document Set ID 4090827).
  2. notes that the amendment proposed at Recommendation 1. cannot occur until all requirements under sections 31, 32 and 32A of the *Local Government Act 1993* (Tas) have been met.
  3. requests the General Manager to ensure that the requirements of the *Local Government Act 1993* (Tas) are complied with, including, but not limited to, ensuring that notice of the proposed amendments at Recommendation 1. is properly given.
  4. notes that once legislative requirements have been met, the proposed amendments will come back before Council for approval.
- 

**REPORT:**

The Launceston Flood Authority (LFA) was established by Council as a single authority under section 30 of the *Local Government Act 1993* (Tas). The governance arrangements for the LFA are contained within the Launceston Flood Authority Rules 2008 (the Rules), which were adopted by Council in August 2008.

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**20.1 Launceston Flood Authority - Rules Amendment ...(Cont'd)**

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This matter has previously been considered by Council, however, subsequent to Council's decision, officers identified some procedural matters which need to be addressed and it is therefore necessary for Council to consider this matter again.

The purpose of the Recommendations under consideration is to consolidate the Rules and the various purported amendments to ensure that they meet the contemporary requirements of the LFA and are enacted in accordance with the law.

In September 2018, Paul Arnold was commissioned by the General Manager to undertake a review of the future of the LFA (the Review), a copy of which is attached (ECM Document Set ID 4004070). The Review was undertaken on the basis that the LFA has successfully completed the construction of the Launceston levy infrastructure project and was moving to a focus on the upgrading, maintenance and management of the Launceston levees.

In summary, the Review found that the construction phase of the levy is now complete, maintenance activities have been delegated to Council officers, and that there is no formal structure to maintain the integrity of the flood protection system.

The Review concluded that many of the functions of the LFA are better placed with Council and that the opportunities for the LFA are the high level independent monitoring of the effectiveness of the system, and advising senior Council officers on relevant issues.

Accordingly, the Review proposed to change the focus of the LFA to provide high level flood management advice. It would be divested of its responsibilities relating to overseeing the levy infrastructure construction project, which is now complete, and undertaking maintenance activities, other than overseeing dredging work.

The proposed LFA 2019 Rules would incorporate these changes through amendments to the LFA's stated function and purpose.

The Review also recommended changes to the LFA's directorship arrangements. The LFA currently has a board of five directors, being the Mayor, General Manager and three external persons. Given the reduced scope of work identified in the Review, it is proposed that the Rules are amended so that the standard position is that there are a minimum of three directors, rather than up to five. Over the coming years, the number of Directors will be reduced to three or four, being made up of one Council representative and two to three external Directors. The number of Directors will depend on demand and on experience of the board.

Other proposed amendments incorporate those that were intended to be made previously but did not occur due to procedural requirements under the *Local Government Act 1993* (Tas) having not been met.

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**20.1 Launceston Flood Authority - Rules Amendment ...(Cont'd)**

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A copy of the Draft LFA Rules 2019 is provided (Attachment 1).

**ECONOMIC IMPACT:**

The provision and continued maintenance of the Launceston flood levees has significant benefit to the broader community. With the amendments to the Rules, it is expected there will be efficiency gains with the Council Officers delivering the current LFA operational requirements.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

The social benefits of protecting the broader community from major flood is significant.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.

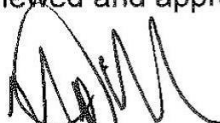
**BUDGET & FINANCIAL ASPECTS:**

Appointment of an additional Director is within the LFA's budget.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Michael Stretton: General Manager**

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**20.1 Launceston Flood Authority - Rules Amendment ...(Cont'd)**

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**ATTACHMENTS:**

1. Launceston Flood Authority Rules 2019 (*distributed electronically*)
-

**20.2 King Wharf Developments - Developer Contribution****FILE NO:** 114560/116160**GENERAL MANAGER:** Michael Stretton (General Manager)

---

**DECISION STATEMENT:**

To consider a developer contribution for construction of the new road between Gleadow Street and Lindsay Street, Invermay.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 13 December 2018 - Invermay Traffic Masterplan - Update

Council - 22 October 2018 - Agenda Item 18.1 - Invermay Traffic Masterplan

Closed Council - 23 March 2015 - Agenda Item 23.1 - Disposal of Land - Agreement to dispose of 91 Gleadow Street, Invermay

**RECOMMENDATION:**

In accordance with the Draft Invermay Traffic Masterplan, that the Council provides a development contribution of up to \$864,320 to King Wharf Developments for the construction of a new link road on its land between Lindsay Street and Gleadow Street, Invermay pursuant to section 74 of the *Local Government Act 1993* (Tas).

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**REPORT:**

In April 2018, Council considered a report detailing the extent of new developments occurring in the Invermay area and the likely impact of traffic. One of the most significant potential improvements identified in this report was the installation of traffic signals on Gleadow and Goderich Streets, Invermay and the construction of a new link road between Lindsay and Gleadow Streets, Invermay located to the west of the existing Bunnings Warehouse premises.

Congestion at the Lindsay and Goderich Streets intersection has increased over the past five years, primarily as a result of urban growth in Newnham and Alanvale. With anticipated growth in traffic demand as a result of Riverbend Park, the relocated National Automobile Museum and further development in Lindsay Street, it is likely that this intersection will become critically congested in the next five years.

The full final traffic solution for the Invermay area is yet to be adopted by Council, however, the requirement for the new link road was well received during the community engagement and is considered necessary to support current developments.

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**20.2 King Wharf Developments - Developer Contribution ...(Cont'd)**

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It is intended the remaining issues with the Invermay Traffic Masterplan, primarily relating to the appropriate intersection controls, will be resolved over the coming few weeks allowing the overall Invermay Traffic Masterplan to be adopted by Council.

Prompted by a proposed subdivision by King Wharf Developments in June 2018, Council made a decision to acquire around 5,649m<sup>2</sup> from King Wharf Developments to secure the land for the new link road.

Initially it was proposed that the Council would construct the road and the 2018/2019 capital budget included an \$840,000 allocation of which \$420,000 is to be funded by the Department of State Growth, for the construction of the link road. This amount was the initial estimate for the project.

In March 2019, an amended Development Approval (DA0261/2018.A02) was provided for the subdivision by King Wharf Developments. To support this subdivision, Permit Conditions 10(b) vii to xv required:

*Lindsay Street to Gleadow Street link road*

- vii. Provision of a fully constructed road 11.8 metres 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. The road is to include cycle lanes on both sides and parking on one side of the road,*
- viii. Provision of a 1500mm wide footpath located on the western side of the road, a 1500mm wide footpath located on the eastern side across the frontage of Lots 1 and 3 and all necessary pedestrian kerb ramps,*
- ix. Provision of vehicular crossings for Lots 1, 3, 4 and 5 as shown on the proposal plan,*
- x. All necessary line marking including parking bays and cycle lanes, signage and other traffic control devices.*

*Link road along southern boundary of Lot 1*

- xi. Provision of a fully constructed road 11.0 metres 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. (The road)*
  - xii. Provision of a fully constructed left turn lane in Goderich Street including new kerb and channel, vegetation removal and changes to the existing shared path*
  - xiii. Provision of a 1500mm wide footpath located on the northern side of the road and all necessary pedestrian kerb ramps,*
  - xiv. Provision of vehicular crossings for Lot 1, as shown on the proposal plan,*
  - xv. All necessary line marking, signage and other traffic control devices.*
-

**20.2 King Wharf Developments - Developer Contribution ...(Cont'd)**

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In reviewing its works program, the Infrastructure Services Directorate has determined that it would be more appropriate for the Developer to complete the road construction project as opposed to the Council in order to provide the best outcome. Specifically, if the road is not designed and constructed as one coordinated package of work along with the other subdivision construction works, then there are risks that:

- ground levels do not match resulting in drainage management issues, creating potential hazards to road users or property, and possibly requiring subsequent remedial works; and
- poor coordination of utilities, telecommunications, power, street lighting water and sewage infrastructure installations, requiring subsequent excavation of the constructed road.

To facilitate an integrated approach to the road construction, it is considered appropriate to provide a contribution to the developer to complete the road construction on the Council's land as part of the broader subdivision works. This contribution is to be made pursuant to section 74 of the *Local Government Act 1993 (Tas)* which says that *a council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under section 82*. In this case, Council is carrying out its functions as a corporation under the *Local Government (Highways) Act 1982 (Tas)*.

Following the detailed design process the developer has provided a revised estimate of \$1,005,752 to construct the road, which includes a 10% contingency. Council officers have undertaken an independent review and cost estimate utilising the same schedule of quantities as provided by the developer and have determined the proposed construction cost is accurate and reasonable with the Council's estimate being \$985,000.

The developer has been advised by the Council that it would be reasonable for them to also contribute to the works. King Wharf Developments has revised their cost to \$864,320, which is \$141,432 less than previously proposed. In addition to this revised price, the developer has also guaranteed that they accept all risk if the works are to cost more, but if they can reduce the cost through reuse of pavement in the northern section then the Council will receive this benefit.

Given the current available budget provision is \$840,000, Council officers are currently undertaking a design review, including additional onsite investigation work, to potentially reduce road pavement thickness as a cost-saving consideration. Re-use of part of the existing road base construction to the northern side of the Bunnings site (which is within the proposed new road footprint) is also likely to deliver cost savings. Should these savings not be identified, then this work will be prioritised within the broader roads capital program to provide the additional funding - that is, the work will be funded within the estimates adopted by the Council for the 2019/2020 financial year.

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**20.2 King Wharf Developments - Developer Contribution ...(Cont'd)**

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Legal advice has been sought and obtained (see Attachment 2) which confirms that section 333A of the *Local Government Act 1993* (Tas), in respect to tendering of the project, does not apply in this instance because the road is required to be constructed as a condition of the planning permit. The road is a necessary part of the proposed sub-division development and the Invermay Traffic Masterplan and it is therefore appropriate for the Council to contribute towards its cost.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 7: We are a City planning for our future by ensuring our approach to strategic land-use, development and infrastructure is coordinated, progressive and sustainable.

10-Year Goal: To facilitate appropriate development via integrated land-use planning, infrastructure investment and transport solutions within our municipality and region.

Focus Areas:

2. To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.

**BUDGET & FINANCIAL ASPECTS:**

Development contribution of up to \$1,005,752 for construction of the road between Lindsay and Gleadow Streets.

The budget adjustment consideration of this item has been approved by the Director Corporate Services.

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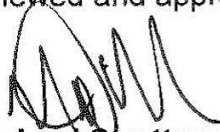
**20.2 King Wharf Developments - Developer Contribution ...(Cont'd)**

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Michael Stretton: General Manager**

**ATTACHMENTS:**

1. Approved Engineering Plan - Gleadow to Lindsay Street Link Road
  2. Legal Advice - Developer Contribution
-

Attachment 1 - Approved Engineering Plan - Gleadow to Lindsay Street Link Road



GENERAL ARRANGEMENT PLAN  
SCALE 1:1000



<b>CONTROLLED DOCUMENT</b> DATE: 24-02-19 PREP: 24-02-19 CHECK: 24-02-19 DATE: 24-02-19 APPROVED: R. GIBSON		CLIENT: KING WHARF DEVELOPMENTS PROJECT: 7 LOT SUBDIVISION ADDRESS: GODERICH STREET / LINDSAY STREET INVERMAY	TITLE: GENERAL ARRANGEMENT PLAN SCALE: 1:1000 SHEET SIZE: A1 DRAWN IN SET: - PROJECT No: 19129 DRAWING: C019 REV: 1
DATE: 24-02-19 PREP: 24-02-19 CHECK: 24-02-19 DATE: 24-02-19 APPROVED: R. GIBSON		CLIENT: KING WHARF DEVELOPMENTS PROJECT: 7 LOT SUBDIVISION ADDRESS: GODERICH STREET / LINDSAY STREET INVERMAY	TITLE: GENERAL ARRANGEMENT PLAN SCALE: 1:1000 SHEET SIZE: A1 DRAWN IN SET: - PROJECT No: 19129 DRAWING: C019 REV: 1



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**Attachment 2 - Legal Advice - Developer Contribution**

TREMAYNE • FAY  
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L A W Y E R S

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19 June 2019

**Our ref:** GWT:AMM:19/00389  
**Your ref:** Shane Eberhardt

Launceston City Council  
PO Box 396  
LAUNCESTON TAS 7250

**Attention:** **Mr Shane Eberhardt**  
By email\*: shane.eberhardt@launceston.tas.gov.au

Dear Sirs

**Construction of new link road between Lindsay and Gleadow Streets, Launceston**

On 17 October 2018 the Council issued a planning permit for a subdivision at 65 – 81 Gleadow Street, Invermay. The permit contained a number of conditions one of which, 10.b. provided as follows:

*"b. Roads*

*Gleadow Street*

- i. Provision of a fully constructed road 7.0 metres wide (measured from the Centrelink 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 vehicular crossings for lots 1,2 and 3 as shown on the proposal plan,*
- iv. All necessary line marking including parking bays and cycle lanes, signage and other traffic control devices. "*

It had become apparent in recent years to the Council that traffic congestion had become an issue in the vicinity of the Lindsay and Goderich Streets intersection, such that within the next 5 years the intersection could fail. It was clear to the Council that the subdivision to which we have earlier referred may exacerbate the traffic problem in the area. The new road as well as being a necessary part of the subdivision development provided an opportunity to improve the aforementioned traffic congestion problem. It was apparent to the Council that the new road would serve a wider purpose than just the newly subdivided area and thus it was proposed to the developer that the Council would contribute to the cost of the road. The new road will be constructed between Lindsay and Gleadow Streets. It was obviously desirable that the land

**Directors\*/Principals**

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Maggie Saunders BA, LL.B.

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over which the new road would be constructed should be owned by the Council and thus it moved to acquire 5649m<sup>2</sup> from King Wharf Development on which land the road could be constructed. The road will be constructed by the subdivider and will ultimately be dedicated as a highway of land within the city of Launceston.

The Council is proposing to expend approximately \$900,000.00 as a contribution to the development of the new road. Section 74 of the *Local Government Act (LGA)* enables the Council to expend its funds for the purpose of exercising its powers or carrying out its functions under the LGA or any other Act within the estimates adopted under s.82 of the LGA. Whilst we are not told, we assume that the Council has a road development budget that is provided for in its estimates and those funds will be expended as a contribution to the cost of the new road.. The Council clearly has powers in respect of local highways which of course the road will become – see s.21 of the LGHA.

Section 7 of the *Local Government (Highways) Act 1982 (LGHA)* provides that a corporation may give its approval to the dedication of land as a highway providing it gives at least 28 days notice to the Transport Commission of its intention to give that approval. In order to give that approval the corporation is required by s.10 to comply with the provisions of s.10(1) of the LGHA.

The road may, at the time that it is constructed, be owned by other than the Council. The Council by use of s.12 of the LGHA may declare that a road that is not a highway shall become a highway maintainable by it. Such a declaration should be made in respect to the new road. In effect there will be a dedication by the owner and an acceptance by the Council. There is a requirement to publish the Council resolution specifying that the road will become a highway maintainable by it – see s.12(4).

The Council is concerned that in proceeding as it proposes to in respect to the road it may be in breach of s.333A of the LGA. That section requires that the Council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services above the prescribed amount. The prescribed amount is, according to Regulation 23 of the Local Government (General) Regulations 2015, \$250,000.00 excluding GST.

In our view s.333A does not apply to the case of the road. We say that for a number of reasons:

1. The Council does not propose to enter into a contract for the supply or provision of goods or services. It has imposed a condition in a planning permit that a road is to be constructed. The road is a necessary part of the proposed subdivision development. The Council, because it recognises the value of that road to traffic management in the area where it is to be constructed it is proposing to contribute towards its cost. There is to be no contract for the provision of goods or services. The road will be constructed as part of a subdivision development.
2. There is no definition in the LGA of the phrase “good or services”. We do not believe that it is a term of art and it should be given its ordinary meaning. In Butterworths Australian Legal Dictionary the phrase is defined as “a collective term for physical commodities and activities that command a price, explicit or implicit, within the economy”. The definition is clearly aimed at the characterisation of that phrase within the Goods and Services tax legislation but it is still an appropriate definition for the phrase in the LGA. We are in no doubt that if the Council were to decide to construct a

roadway and that road was not being constructed by a developer as a necessary part of a subdivision, the road would be regarded as goods and services being supplied to the Council and a tender in accordance with the provisions of s.333A should be called for that work. In this case the Council has not invited the subdivider to enter into a contract for the construction on the road. Rather, because of the need for the road to service the proposed subdivision the Council has required that it be constructed as a condition of approving the subdivision.

We see no conflict with the tendering provisions in the LGA or what the Council is proposing to do concerning the road.

Given that the land is not yet in the ownership of the Council it should enter into an agreement with the developer concerning its contribution.

Yours faithfully  
TREMAYNE FAY RHEINBERGER

Per:



GEOFFREY TREMAYNE  
gtremayne@tfrlawyers.com.au

\* Unless requested, a hardcopy will not be sent

**21 URGENT BUSINESS**

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

**22 CLOSED COUNCIL**

*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 UTAS Student Accommodation**

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 Councillor's Leave of Absence**

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:

- (h) applications by councillors for a leave of absence.

**22.4 End of Closed Session****RECOMMENDATION:**

*To be determined in Closed Council.*

**23 MEETING CLOSURE**

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**UNCLASSIFIED AGENDA ITEMS:**

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