



City of  
**LAUNCESTON**

# **AGENDA**

## **AMENDMENT TO SEALED PLAN**

### **COUNCIL COMMITTEE**

**COUNCIL COMMITTEE**  
**HEARING TO AMEND SEALED PLAN**  
**25 JULY 2019**

**AT THE CONCLUSION OF THE ORDINARY COUNCIL MEETING**  
**TOWN HALL COMMITTEE ROOM, TOWN HALL, LAUNCESTON**

---

# City of Launceston

COUNCIL COMMITTEE HEARING

Thursday 25 July 2019

---

Notice is hereby given that a Council Committee Hearing - Petition to Amend Sealed Plan SPD15 - 24-26 Queechy Road, Norwood, of the City of Launceston Council will be held in the Town Hall Committee Room, Town Hall, St John Street, Launceston:

Date: 25 July 2019

Time: At the Conclusion of the Ordinary Council Meeting

---

## 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

## ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - ATTENDANCE AND APOLOGIES	1
2	DECLARATIONS OF INTEREST	1
3	HEARING - PETITION TO AMEND SEALED PLAN NUMBER SPD15 - SECTION 103 - <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>	2
4	CLOSE OF MEETING	113

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

**2 DECLARATIONS OF INTEREST**

**3 Hearing - Petition to Amend Sealed Plan Number SPD15 - Section 103 -  
*Local Government (Building and Miscellaneous Provisions) Act 1993***

**FILE NO:** 11874

**AUTHOR:** Abby Osborne (Statutory Services Officer)

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

---

**DECISION STATEMENT:**

Conduct a hearing for a Petition to Amend Sealed Plan Number SPD15.

**RECOMMENDATION:**

That the Committee:

1. holds a hearing with the relevant parties in relation to an application amend a Memorandum of Covenants on a sealed plan.
  2. considers the arguments of the participants, in any written or oral evidence given at the hearing.
  3. adjourns to consider the submissions, seek professional advice if needed, and give a written decision on the application.
  4. may also need to consider applications for compensation from people whose interests are adversely affected by any amendment decision.
  5. notes the attached information: Petition to Amend Sealed Plan Including List of Notified Affected Property Owners (ECM Document Set ID 4091603), Affidavit in relation to affected party notification (ECM Document Set ID 4091609), Certificate of Title CT21308/31 and associated Memorandum of Covenants for Sealed Plan SPD15 (ECM Document Set ID 4091610), *The Examiner* Advertisement - 24-26 Queechy Road, Norwood (ECM Document Set ID 4091548), Representations Received (ECM Document Set ID 4091613), Supporting Document from Applicant (ECM Document Set ID 4091616), Planning Permit DA0708/2018 (ECM Document Set ID 4091617), Endorsed Plans (ECM Document Set ID 4091618), Sections 103-105 *Local Government (Building and Miscellaneous Provisions) Act 1993* (ECM Document Set ID 4091619).
-

**3 Hearing - Petition To Amend Sealed Plan Number SPD15 - Section 103 - Local Government (Building And Miscellaneous Provisions) Act 1993 ... (Cont'd)**

---

**REPORT:**

**BACKGROUND**

Council has received a request from James Kitto Barrister and Solicitor on behalf of Patrick John Graham to Amend Sealed Plan SPD15 under section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas).

The petitioner has planning approval DA0708/2018 to build two multiple dwellings at 24-26 Queechy Road, Norwood (CT 21308/31). In order to proceed with the development the petitioner seeks to amend the Memorandum of Covenants registered on Sealed Plan number SPD15 by deleting the following covenant:

*(a) That not more than one main building shall be erected on the Covenantor's lot*

A Building Permit BA0194/2019 has been issued for one dwelling only.

**THE PROCESS**

The Committee is constituted to determine an application to amend a sealed plan under sections 103-105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act).

This is done by holding a hearing which includes the petitioner/applicant and any person who has asked to be heard by way of lodging an objection.

Section 23 of the *Local Government Act 1993* says that: Committee Meetings must use *prescribed procedures*. This could only mean the *Local Government (Meeting Procedures) Regulations 2015*, so this Committee will simply follow the formal meeting processes that are used for other Council Committee Meetings.

As to how to run the hearing of evidence there is no prescribed set of rules. As this is an administrative decision, the Council will be generally required to provide *procedural fairness*, also known as *natural justice*.

The NSW Ombudsman says:

*"Put simply, natural justice involves decision-makers informing people of the case against them or their interests, giving them a right to be heard (the 'hearing' rule), not having a personal interest in the outcome (the rule against 'bias'), and acting only on the basis of logically probative evidence (the 'no evidence' rule)."*

### 3 Hearing - Petition To Amend Sealed Plan Number SPD15 - Section 103 - *Local Government (Building And Miscellaneous Provisions) Act 1993* ...(Cont'd)

---

The Committee may approve or refuse the petition, but unless the issue is very straightforward, it is suggested that a decision is made after the hearing, when the considerable amount of evidence that is likely to be submitted, has been reviewed. It will also give the Committee time to seek professional help from external sources (eg. a valuer) if it is required.

The Committee can also ask for assistance from any person, such as the Council's lawyer, or other council officers.

#### **REQUESTS FOR COMPENSATION**

The Act allows for claims for compensation if a person's interests have been adversely affected by a decision.

Affected persons are required to *give notice* of a claim:

- (a) at, or before, the Council hearing;
- (b) within 60 days of the notice from the petitioner; or
- (c) if not given a notice by the petitioner, within 60 days of learning they are affected by the amendment, whichever is the latter.

The Council can recover any compensation amount owed from the petitioner, or any other person who asked to be heard, to the extent they benefit from any decision to amend the sealed plan.

This may be very hard to determine or quantify, but the committee can ask for help from a valuer.

#### **LEGISLATION**

Section 103 -105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993 (Attachment 9)*

#### **ECONOMIC IMPACT:**

Not considered relevant to this report.

#### **ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

- 3 Hearing - Petition To Amend Sealed Plan Number SPD15 - Section 103 - *Local Government (Building And Miscellaneous Provisions) Act 1993* ...*(Cont'd)*
- 

**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 Area:

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

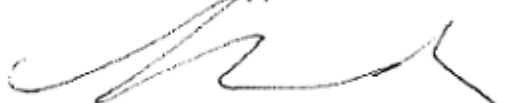
**BUDGET & FINANCIAL ASPECTS:**

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**



**3 Hearing - Petition To Amend Sealed Plan Number SPD15 - Section 103 -  
*Local Government (Building And Miscellaneous Provisions) Act 1993*  
...(Cont'd)**

---

**ATTACHMENTS:**

1. Petition to Amend Sealed Plan Including List of Notified Affected Property Owners
2. Affidavit in Relation to Affected Party Notification
3. Certificate of Title CT21308/31 and Associated Memorandum of Covenants for Sealed Plan SPD15
4. *The Examiner* Advertisement - 24-26 Queechy Road, Norwood
5. Representations Received
6. Supporting Document from Applicant
7. Planning Permit DA0708/2018
8. Endorsed Plans
9. Sections 103-105 *Local Government (Building and Miscellaneous Provisions) Act 1993*

### ***Attachment 1 - Petition to Amend Sealed Plan Including List of Notified Affected Property Owners***

#### **Abby Osborne**

---

**From:** jckitto@internode.on.net  
**Sent:** Thursday, 18 April 2019 2:01 PM  
**To:** Abby Osborne  
**Subject:** RE: PETITION TO COUNCIL - SEALED PLAN - SPD 15  
**Attachments:** Petition.pdf; Petition - Blank Instrument Form3.docx

Dear Abby,

**RE: PETITION TO COUNCIL – SEALED PLAN - SPD 15**

As discussed, see attached : -

1. Petition to Council;
2. Blank Instrument form

Regards

#### **J. KITTO**

Barrister & Solicitor  
6 Cameron Street,  
LAUNCESTON TAS 7250  
Ph: (03) 6331 2555  
Fx: (03) 6331 9600  
Email: [jckitto@internode.on.net](mailto:jckitto@internode.on.net)  
[www.jameskitto.com.au](http://www.jameskitto.com.au)



**WARNING:** This email and any attachments which may accompany it, contains information from the law firm *James C Kitto Barrister & Solicitor* which is intended for the use of the individual or entity to which it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under the applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for the delivering of the message to the intended recipient, any disclosure, dissemination, distribution, copying or other use of the communication or its substance is prohibited. If you have received this communication in error, please call me to collect or to arrange for destruction of the communication or its return to me at my expense. Thank you.

JAMES KITTO, B.COMM, LLB



### JAMES C KITTO

BARRISTER & SOLICITOR  
ABN 18 668 098 350

6 CAMERON STREET  
LAUNCESTON  
TASMANIA

POSTAL ADDRESS:  
6 CAMERON STREET  
LAUNCESTON TAS 7250

TELEPHONE: (03) 6331 2555

FACSIMILE: (03) 6331 9600

EMAIL: [ickitto@internode.on.net](mailto:ickitto@internode.on.net)

[www.jameskitto.com.au](http://www.jameskitto.com.au)

Our Ref: FILE2019.1      Your Ref:

18 April 2019

Launceston City Council  
Town Hall  
St. John Street,  
LAUNCESTON TAS 7250

By email: [abby.osborne@launceston.tas.gov.au](mailto:abby.osborne@launceston.tas.gov.au)

Attention: *Abby Osborne*

Dear Madam,

**RE: PETITION TO AMEND SEALED PLAN NO. S.P.D. 15**

I refer to the above and confirm that this Firm acts for Mr. Patrick John Graham, the registered proprietor of 24 - 26 Queechey Road, Norwood in Tasmania ("the Land"), in this matter.

Council has approved DA0708.2018 for multiple dwellings in connection with the subject Land.

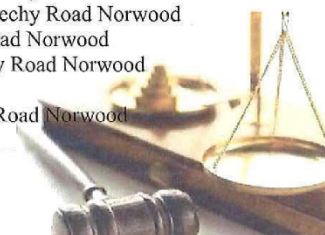
The Applicant now wishes to construct multiple dwellings on the said Land and requires covenant (a) contained in dealing no. A935047 to be removed from Sealed Plan S.P.D. 15. that restricts the construction of one main dwelling on the subject Land.

Please find enclosed completed Blank Instrument Form to be served upon the parties to the affected Sealed Plan.

I advise that it is intended to give Notice to all parties to the sealed plan as required Section 103 – 105 of *Local Government (Building and Miscellaneous Provisions) Act 1993*, who are as follows :-

**Title Ref – Registered Proprietor/Address of Registered Proprietor**

32	21308 –	[REDACTED]	– 22 Queechey Road Norwood
33	21308 –	[REDACTED]	– 20 Queechey Road Norwood
34	21308 –	[REDACTED]	– 16-18 Queechey Road Norwood
35	21295 –	[REDACTED]	– 16-18 Queechey Road Norwood
36	21295 –	[REDACTED]	– 14 Queechey Road Norwood
37	21295 –	[REDACTED]	– 10-12 Queechey Road Norwood
38	147275/2 –	[REDACTED]	– 8 Queechey Road Norwood
	147275/1 –	[REDACTED]	– 2 Queechey Road Norwood

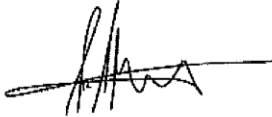


- 39 155821/2 [REDACTED] – 147 Penquite Road Norwood
- 44 21308 – [REDACTED] – 19 Queechy Road Norwood
- 45 21308 – [REDACTED] – 7 Queechy Road Norwood
- 46 21308 – [REDACTED] – 15 Queechy Road Norwood
- 47 21308 – [REDACTED] – 21 Queechy Road Norwood
- 48 156882/1 – [REDACTED] – 23 Queechy Road
- 49 156882/2 [REDACTED] – 25-27 Queechy Road Norwood
- 51 21308 – [REDACTED] – 29 Queechy Road Norwood
- 52 165803/2 [REDACTED] – 29A Queechy Road Norwood
- 165803/1 [REDACTED] – 31 Queechy Road Norwood

Please confirm that the same is in order and the required fee will be paid to Council today.

I await your reply, in due course.

Yours faithfully,  
**JAMES C KITTO**

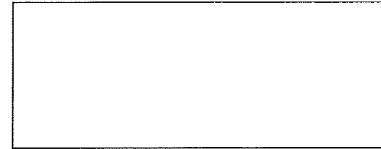


**J KITTO**

Encl.

TASMANIAN LAND TITLES OFFICE

Blank Instrument Form  
Land Titles Act 1980



DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
21308	31		

**REQUEST TO AMEND SEALED PLAN NO. S.P.D. 15**

**IN THE MATTER** of Section 103 of  
the *Local Government (Building and  
Miscellaneous Provisions) Act 1993*

To: The Recorder of Titles

The Launceston City Council hereby requests that Sealed Plan No. **S.P.D. 15** be amended in the following terms : -

Delete from **Schedule of Covenants no. A935047** relative to Sealed Plan No. **S.P.D. 15** the following covenant : -

- (a) That not more than one main building shall be erected on the Covenantor's lot

Land Titles Office Use Only	
Version 1	Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED

Page 2 of 2 Pages  
Vol. 21308 Fol. 31

And that **Folio 31** of the Register issued pursuant to Sealed Plan No. **S.P.D. 15** be amended accordingly and that all consequential amendments necessary to give effect to this request be made.

IN WITNESS thereof THE COMMON )  
SEAL of the LAUNCESTON CITY )  
COUNCIL has been hereunto affixed )  
this        day of                                2019 )

.....  
**General Manager**



**JAMES C KITTO**

BARRISTER & SOLICITOR  
ABN 18 668 098 350

6 CAMERON STREET  
LAUNCESTON  
TASMANIA

POSTAL ADDRESS:  
6 CAMERON STREET  
LAUNCESTON TAS 7250

TELEPHONE: (03) 6331 2555

FACSIMILE: (03) 6331 9600

EMAIL: [jckitto@internode.on.net](mailto:jckitto@internode.on.net)

[www.jameskitto.com.au](http://www.jameskitto.com.au)

JAMES KITTO, B.COMM, LLB



Our Ref: FILE2019.1      Your Ref:

18 April 2019



*By Hand*

Dear Sir,

**RE: PETITION TO COUNCIL – REQUEST TO AMEND SEALED PLAN: SPD 15**

I refer to the above and confirm that this Firm acts for Mr. Patrick Graham, the registered proprietor of the property situate at 24 - 26 Queechy Road, Norwood in Tasmania 7250.

I advise the following : -

1. Mr. Graham has petitioned Council to amend Sealed Plan no. S.P.D 15;  
[see copy of the Request to Amend Sealed Plan no. SPD 15 lodged with Council this afternoon, for your easy reference]
2. Mr. Graham is required to give you notice of his Petition pursuant to Section 103 – 105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*;
3. If you wish to object to the Petition please contact Council on **(03) 6323 3000**;
4. If you do not wish to object to the Petition please email this Firm at [jckitto@internode.on.net](mailto:jckitto@internode.on.net) and simply state - No objection is taken to the Petition.

Finally, please do not hesitate to contact the writer on **(03) 6331 2555**, if you have any questions concerning the above.

Yours faithfully,  
**JAMES C KITTO**

**J KITTO**

Encl.



**Attachment 2 - Affidavit in Relation to Affected Party Notification**

PETITION TO AMEND SEALED PLAN NO. S.P.D. 15

IN THE MATTER of Section 103 of  
the *Local Government (Building and  
Miscellaneous Provisions) Act 1993*

Patrick John Graham

Applicant


BETWEEN: ( - and -



- 1<sup>st</sup> Respondent
- 2<sup>nd</sup> Respondent
- 3<sup>rd</sup> Respondents
- 4<sup>th</sup> Respondents
- 5<sup>th</sup> Respondents
- 6<sup>th</sup> Respondent
- 7<sup>th</sup> Respondents
- 8<sup>th</sup> Respondent
- 9<sup>th</sup> Respondent
- 10<sup>th</sup> Respondent
- 11<sup>th</sup> Respondents
- 12<sup>th</sup> Respondent
- 13<sup>rd</sup> Respondent
- 14<sup>th</sup> Respondent

AFFIDAVIT

I, PATRICK JOHN GRAHAM of 166 Henry Street, Launceston in Tasmania 7250, Landscape Gardener, make oath and say as follows:

1. I am the abovenamed Applicant in this matter
2. I say that I did duly serve all of the abovenamed respondents on the 24 April 2019, by personally placing in each respondent's Letter box at their home address, the following documents:-
  - (a) Letter (Annexed hereto and marked with the Letter "A");
  - (b) Request to Amend Sealed Plan (Annexed hereto and marked with the Letter "B").
3. I say that I also posted a copy of the same documents to  (the "5<sup>th</sup> Respondents"), to their address situate at 277A Nelson Road, Mount Nelson in Tasmania 7007, as they also had a Hobart address as well as a Launceston address.


Filed on behalf of: the Applicant, **Patrick John Graham**  
James C Kitto Barrister & Solicitor  
Address: 6 Cameron Street, Launceston in Tasmania 7250

Tel: (03) 6331 2555  
Fax: (03) 6331 9600  
Email: [jckitto@internode.on.net](mailto:jckitto@internode.on.net)  
Ref: FILE2019.1



4. I say that the Letter referred to in paragraph 2(a) above (ie. Annexure "A") is an example only, which letter is addressed to [REDACTED], and say further that each letter was individually addressed to each and every party to sealed plan no. SPD15 (ie. the respondents), noting the home address of that party on the said letter addressed to that party and that I attach a copy of the Letter served upon [REDACTED], for the sake of clarity and completeness.

SWORN by the abovenamed Deponent at )  
Launceston in Tasmania the )  
day of 20<sup>th</sup> May 2019 )

Before me   
LEGAL PRACTITIONER

**James C. Kitto** B.Comm, LLB  
Barrister & Solicitor

PETITION TO AMEND SEALED PLAN NO. S.P.D. 15

IN THE MATTER of Section 103 of  
the *Local Government (Building and  
Miscellaneous Provisions) Act 1993*

Patrick John Graham

Applicant

BETWEEN: ( - and -



- 1<sup>st</sup> Respondent
- 2<sup>nd</sup> Respondent
- 3<sup>rd</sup> Respondents
- 4<sup>th</sup> Respondents
- 5<sup>th</sup> Respondents
- 6<sup>th</sup> Respondent
- 7<sup>th</sup> Respondents
- 8<sup>th</sup> Respondent
- 9<sup>th</sup> Respondent
- 10<sup>th</sup> Respondent
- 11<sup>th</sup> Respondents
- 12<sup>th</sup> Respondent
- 13<sup>nd</sup> Respondent
- 14<sup>th</sup> Respondent

ANNEXURE PAGE

This page and the following ..... page(s) is the annexure marked "Annexure "A"  
and referred to in the Affidavit of PATRICK JOHN GRAHAM sworn of the 20<sup>th</sup>  
day of May, 2019.

LEGAL PRACTITIONER

Filed on behalf of: the Applicant, **Patrick John Graham**  
James C Kitto Barrister & Solicitor  
Address: 6 Cameron Street, Launceston in Tasmania 7250

Tel: (03) 6331 2555  
Fax: (03) 6331 9600  
Email: [jekitto@internode.on.net](mailto:jekitto@internode.on.net)  
Ref: FILE2019.1

Annexure "A"

**JAMES C KITTO**

BARRISTER & SOLICITOR  
ABN 18 668 098 350

6 CAMERON STREET  
LAUNCESTON  
TASMANIA

POSTAL ADDRESS:  
6 CAMERON STREET  
LAUNCESTON TAS 7250

TELEPHONE: (03) 6331 2555

FACSIMILE: (03) 6331 9600

EMAIL: [jkitto@internode.on.net](mailto:jkitto@internode.on.net)

[www.jameskitto.com.au](http://www.jameskitto.com.au)

JAMES KITTO, B.COMM, LL.B



18 April 2019

Our Ref: FILE2019.1      Your Ref:

*By Hand*

Dear Sir,

**RE: PETITION TO COUNCIL – REQUEST TO AMEND SEALED PLAN: SPD 15**

I refer to the above and confirm that this Firm acts for Mr. Patrick Graham, the registered proprietor of the property situate at 24 - 26 Queechy Road, Norwood in Tasmania 7250.

I advise the following : -

1. Mr. Graham has petitioned Council to amend Sealed Plan no. S.P.D 15;  
[see copy of the Request to Amend Sealed Plan no. SPD 15 lodged with Council this afternoon, for your easy reference]
2. Mr. Graham is required to give you notice of his Petition pursuant to Section 103 – 105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*;
3. If you wish to object to the Petition please contact Council on **(03) 6323 3000**;
4. If you do not wish to object to the Petition please email this Firm at [jkitto@internode.on.net](mailto:jkitto@internode.on.net) and simply state - No objection is taken to the Petition.

Finally, please do not hesitate to contact the writer on **(03) 6331 2555**, if you have any questions concerning the above.

Yours faithfully,  
**JAMES C KITTO**

**J KITTO**

Encl.

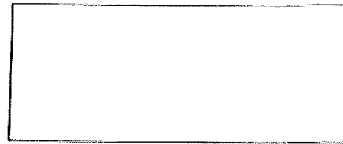




Annexure "B"

TASMANIAN LAND TITLES OFFICE

Blank Instrument Form  
Land Titles Act 1980



DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
21308	31		

**REQUEST TO AMEND SEALED PLAN NO. S.P.D. 15**

**IN THE MATTER** of Section 103 of  
the *Local Government (Building and  
Miscellaneous Provisions) Act 1993*

To: The Recorder of Titles

The Launceston City Council hereby requests that Sealed Plan No. **S.P.D. 15** be amended in the following terms :-

Delete from **Schedule of Covenants no. A935047** relative to Sealed Plan No. **S.P.D. 15** the following covenant :-

- (a) That not more than one main building shall be erected on the Covenantor's lot

Land Titles Office Use Only

---

Version 1

THE BACK OF THIS FORM MUST NOT BE USED

*[Handwritten Signature]*

Stamp Duty

Page 2 of 2 Pages  
Vol. 21308 Fol. 31

And that Folio 31 of the Register issued pursuant to Sealed Plan No. S.P.D. 15 be amended accordingly and that all consequential amendments necessary to give effect to this request be made.

IN WITNESS thereof THE COMMON )  
SEAL of the LAUNCESTON CITY )  
COUNCIL, has been hereunto affixed )  
this      day of                      2019 )

.....  
General Manager



**Attachment 3 - Certificate of Title CT21308/31 and  
Associated Memorandum of Covenants for Sealed Plan SPD15**



**RESULT OF SEARCH**

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 21308	FOLIO 31
EDITION 6	DATE OF ISSUE 01-May-2018

SEARCH DATE : 10-Jul-2019  
SEARCH TIME : 12.32 PM

DESCRIPTION OF LAND

City of LAUNCESTON  
Lot 31 on Plan 21308  
Derivation : Part of 30 Acres Gtd. to W.E. Lawrence  
Prior CT 4120/5

SCHEDULE 1

E109981 TRANSFER to PATRICK JOHN GRAHAM Registered  
01-May-2018 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
BURDENING EASEMENT: A Right of Drainage including the right of construction of drains as appurtenant to Twenty six acres and twenty seven perches of land vested in The Crown by Notification Registered Number 29/6112 for the purpose of carrying away storm water and other surplus water from the said Twenty six acres and Twenty seven perches over and under the strip of land 1.83 metres wide shown passing through the said land within described and through all sewers and drains hereinbefore made or which may hereafter be made or passing under through and along the said strip of land and the right of The Crown and the surveyors and workmen from time to time and at all times hereafter to enter into and upon the said strip of land and to inspect repair cleanse and amend any such sewer or drain without doing unnecessary damage to the said strip of land

SPD 15 FENCING COVENANT in Schedule of Easements  
37/934 CONVEYANCE made subject to Fencing Covenant  
A935047 MEMORANDUM of Covenants Registered 10-Oct-1984 at noon

UNREGISTERED DEALINGS AND NOTATIONS



## RESULT OF SEARCH

DEPUTY RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*



---

No unregistered dealings or other notations





## FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

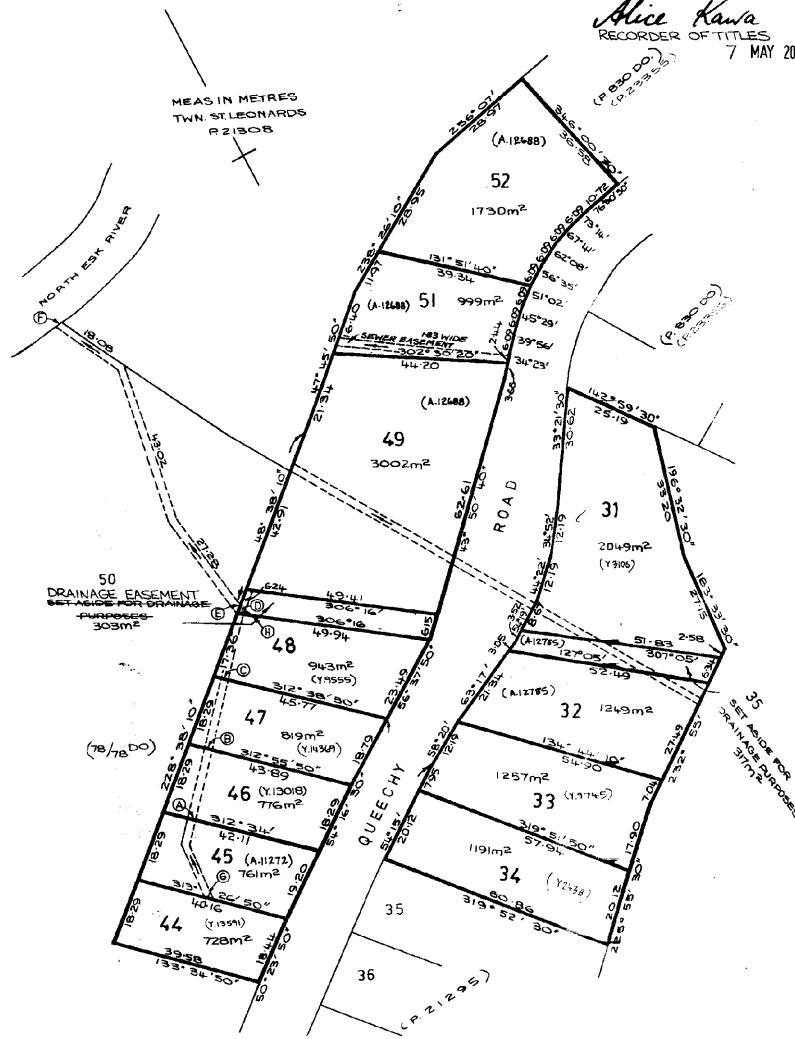


Owner:	<b>PLAN OF SURVEY</b> by Surveyor..... of land situated in the	Registered Number: <b>P 21308</b>
Title Reference:	<b>TOWN OF ST LEONARDS</b>	Approved Effective from: <i>5 September 1993</i>
Grantor: PART OF 30°0'0" GTD. TO WILLIAM EFFINGHAM LAWRENCE	<b>CITY OF LAUNCESTON</b>	ACTING DEPUTY Recorder of Titles
	SCALE 1: 750 MEASUREMENTS IN METRES	

DRAINAGE EASEMENT 1.83 WIDE SHOWN THUS

C.900740 : NOTATION " SET APART FOR DRAINAGE PURPOSES " WITHIN LOT 50 HAS BEEN DELETED AND REPLACED WITH THE NOTATION " DRAINAGE EASEMENT " PURSUANT TO REQUEST TO AMEND SPD IS MADE UNDER SECTION 103 OF THE LOCAL GOVERNMENT ( BUILDING AND MISCELLANEOUS PROVISIONS ) ACT No.96 OF 1993

*Alice Kawa*  
RECORDER OF TITLES  
7 MAY 2009



LETTERS ABCDEF  
ADDED 1-3-1990  
LETTERS G H  
ADDED 3-8-1990

TASMANIAN LAND TITLES OFFICE

Blank Instrument Form  
Land Titles Act 1980



A935047

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
4120	5		

**MEMORANDUM OF COVENANTS**

MEMORANDUM OF COVENANTS  
PURSUANT TO LAND TITLES ACT 1980  
SECTION 102(8)

COVENANTS CREATED BY AND MORE FULLY SET FORTH IN SPD No.15

COPY OF SCHEDULE OF EASEMENTS TO SPD No.15 ATTACHED

Registered 10-October-1984

Land Titles Office Use Only	
Version 1	

THE BACK OF THIS FORM MUST NOT BE USED



**SCHEDULE OF EASEMENTS**

First Sheet of 5 Sheets

This is the schedule of easements attached to the plan of Queequey Farm Estate Lots 31 to 39 and 44 to 52 comprising part of the land in Conveyance No. 33/7541 Sealed by The Warden (insert title reference) Councillors and Electors of the Municipality of St. Leonards on 11th May 1964.

Office use only  
PLAN No.  
**S.P.D. 15**

X  
*[Signature]*  
Council Clerk/Town Clerk

INTERPRETATION  
IN THE FIRST SCHEDULE

- (a) the words "together with (or subject to) a right of drainage" shall imply the words contained in Form 11A in the schedule to the Real Property Act 1886 except that instead of the words "Reserve for Drainage on the said diagram hereon" there shall be implied the words "Drainage Easement 6' 0" wide shown on the said plan"
- (b) the words "subject to a right of drainage and sewerage" shall imply the words contained in that Form by the use of the words "subject to a right of drainage" except that immediately after the word "away" there shall be implied the word "sewerage".

LOT A means ALL THAT piece of land containing TWENTY SIX ACRES AND TWENTY SEVEN PERCHES resumed by the Crown by Notification registered No. 29/6112 for a school site and shown on Survey Diagram Volume 243 Folio 13 filed in the office of the Surveyor-General.

LOT B means ALL THAT piece of land containing ELEVEN ACRES ONE ROD TWO PERCHES AND THREE TENTHS OF A PERCH being Lot 1 on Survey Diagram registered No. 78/78 and conveyed to The Warden Councillors and Electors of the Municipality of St. Leonards by Conveyance registered No. 35/4693.

IN THE SECOND SCHEDULE

the words "shall not be required to fence" shall imply the covenant implied by the use of those words in accordance with section 27F of the Real Property Act 1886.

THE FIRST SCHEDULE HEREBEFORE REFERRED TO

LOTS 31 31A AND 32 are subject to an existing drainage easement over the Drainage Easement six feet wide passing through those lots as appurtenant to Lot A created by a surrender of easement to the Crown registered No. 33/7180 but are without easements



Second Sheet of 5 Sheets

SCHEDULE OF EASEMENTS

Office use only

PLAN No.

S.P.D. 15

This is the schedule of easements attached to the plan of Queechy Farm Estate Lots 31 to 39 and 44 to 52 comprising part of the land in Conveyance No. 33/7541 Sealed by The Warden (insert title reference) Councillors and Electors of the Municipality of St. Leonards on 11th May 1964

X. [Signature] Council Clerk/Town Clerk

over any other Lot

LOT 31A is also subject to rights of drainage and sewerage over the whole of it by way of easements in gross in favour of FIRST the Warden Councillors and Electors of the Municipality of St. Leonards and SECONDLY as a separate easement in favour of the Crown

LOTS 33 to 39 (both inclusive) are not subject to any easements and are without easements over any other lot.

LOT 44 is together with a right of drainage over the Drainage Easement six feet wide passing through Lots 45 to 48A (both inclusive) and from the last mentioned lot through Lot B to the North Esk River

LOT 45 is together with a right of drainage over the Drainage Easement six feet wide passing through Lots 46 to 48A (both inclusive) and from the last mentioned lot through Lot B to the North Esk River and is SUBJECT TO a right of drainage over the Drainage Easement six feet wide passing through it as appurtenant to Lot 44.

LOT 46 is together with a right of drainage over the Drainage Easement six feet wide passing through Lots 47 48 and 48A and from the last mentioned lot through Lot B to the North Esk River and is SUBJECT TO a right of drainage over the Drainage Easement six feet wide passing through it as appurtenant to Lots 44 and 45.

LOT 47 is together with a right of drainage over the Drainage Easement six feet wide passing through Lots 48 and 48A and from the last mentioned lot through Lot B to the North Esk River and is SUBJECT TO a right of drainage over the Drainage Easement six feet wide -- passing through it as appurtenant to Lots 44 45 and 46.

LOT 48 is together with a right of drainage over the Drainage Easement six feet wide passing through Lot 48A and from that lot through Lot B to the North Esk River and is SUBJECT TO a right of drainage over the Drainage Easement six feet wide passing through it as appurtenant to Lots 44 45 46 and 47.

LOT 48A is SUBJECT TO a right of drainage over the Drainage Easement



Third Sheet of 5 Sheets

SCHEDULE OF EASEMENTS

Office use only
PLAN No.
S.P.D. 15

This is the schedule of easements attached to the plan of Queechy Farm Estate. Lots 31. to 39. and 44. to 52. comprising part of the land in Conveyance No. 33/7541 Sealed by The Warden.. (insert title reference) Councillors and Electors of the Municipality of St. Leonards on 11th May 1964.

X [Signature] Council Clerk

to a right of drainage over that portion of the said Drainage Easement in the North Western corner thereof as appurtenant to Lots 44 to 48 (both inclusive) and to rights of drainage and sewerage over the whole of it by way of easements in gross in favour of FIRST The Warden Councillors and Electors of the Municipality of St. Leonards and SECONDLY as a separate easement in favour of the Crown but is without easements over any other lot. LOT 49 is together with a right of drainage over the Drainage Easement six feet wide passing through Lot 48A and from that Lot through Lot B to the North Esk River and is SUBJECT TO the existing drainage easement over the Drainage Easement six feet wide passing through it as appurtenant to Lot A created by a surrender of easement to the Crown registered No. 33/7180. LOT 51 is subject to a right of drainage and sewerage by way of easement in gross in favour of The Warden Councillors and Electors of the Municipality of St. Leonards over the strip of land six feet wide passing through it and on the said plan marked "Sewer E'mt 6' 0" Wide" but is without any easement over any of the other lots. LOT 52 is not subject to any easements and is without easements over any other lot. NO lot has or is subject to any profit a prender.

Replaced in lieu of cancelled sheet
Albumpull
Nominated Solicitor
4th July 1964

X [Signature] Council Clerk



COVENANTS <sup>FOURTH</sup> ~~Fourth~~ Sheet of <sup>FIVE</sup> ~~six~~ Sheets.  
**SCHEDULE OF EASEMENTS**

covenants  
This is the schedule of easements attached to the plan of QUEBECY FARM  
ESTATE Lots 31 to 39 & 44 to 52 comprising part of the land in  
Conveyance No. 33/7541 Sealed by THE WARDEN  
(insert title reference) MUNICIPALITY OF ST. LEONARDS  
COUNCILLORS & ELECTORS OF THE / on d. 11th May 19 64

Office use only  
PLAN No.  
15

*C. A. Williams*  
Council Clerk/Town Clerk

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO

THE owner of each lot shown on the said plan covenants:-

FIRSTLY with the said Eric Ernest Richards and John Francis Martin (herein-  
after referred to as "the Vendors") that they the Vendors shall not be  
required to fence

SECONDLY with the Vendors and the Owners for the time being of every other  
lot to the intent that the burden of this covenant may run with and bind  
the covenantor's lot and every part thereof and that the benefit thereof  
may be annexed to and devolve with each and every part of every other lot  
and each and every part thereof but so that the same shall not impose any  
personal liability on the Covenantor or any person deriving title after him  
after his interest in his lot shall have been determined to observe the  
following stipulations:-

- (a) That not more than one main building shall be erected on the  
Covenantor's lot
- (b) That there shall not be erected on such lot any building (exclusive of  
outbuildings) of a less value than Three thousand five hundred pounds  
such value to be the actual cost of labour and materials only and any  
question as to value shall be settled by the Vendors' agents to whom  
all necessary vouchers shall be produced
- (c) That the main building erected on such lot shall not be used for any  
purpose other than a private dwelling house
- (d) That no engine or machinery worked or driven by steam gas electricity  
or other mechanical power and used for any trade operations shall be  
erected affixed or placed on any part of such lot and no trade or  
business which may be a public nuisance or private annoyance and no  
noxious trade or business whatsoever shall be carried on or be permitted  
to be carried on on any part of such lot

*o o o o o*



FIFTH Sheet of six Sheets. COVENANTS ~~Sixth~~ Sheet of six Sheets. SCHEDULE OF EASEMENTS

Office use only  
PLAN No. 15

covenants  
This is the schedule of easements attached to the plan of QUEECHY FARM ESTATE Lots 31 to 39 & 44 to 52 comprising part of the land in Conveyance No. 33/7541 Sealed by THE WARDEN (insert title reference) MUNICIPALITY OF ST. LEONARDS COUNCILLORS & ELECTORS OF THE / on 11.7.1964

..... Council Clerk/Town Clerk

SIGNED by the said ERIC ERNEST RICHARDS and JOHN FRANCIS MARTIN in the presence of

*McConnell*  
Solicitor  
Launceston

*E. L. Leonard*  
*Chairman*

THE WARDEN COUNCILLORS AND ELECTORS OF THE MUNICIPALITY OF ST. LEONARDS hereby consents to the creation of the aforesaid drainage easement through Lot 5 B

FOR the purpose of such consent

THE COMMON SEAL of THE WARDEN COUNCILLORS AND ELECTORS OF THE MUNICIPALITY OF ST. LEONARDS has been hereunto affixed pursuant to a resolution of the Council of the said municipality passed the 13<sup>th</sup> day of July 1964 in the presence of

*A. Scheppl*

Members


*W. K. ...*

Council Clerk

### Attachment 4 - The Examiner Advertisement - 24-26 Queechy Road, Norwood

Examiner - Date 13 / 07 / 2019

File No. SE6596/11874



**City of  
LAUNCESTON**

**Notice of a Council  
Committee Hearing**

---

Notice is hereby given that the City of Launceston will hold a Council Committee Hearing at approximately 3.15pm (subject to conclusion of the Council Meeting) on Thursday 25 July 2019 in the Town Hall Reception Room at Town Hall, St John Street.

The purpose of the Hearing will be to hear representations from affected persons regarding a Petition to Amend Sealed Plan Number SPD15 - 24-26 Queechy Road, Norwood under section 104 of the Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas).

---

[www.launceston.tas.gov.au](http://www.launceston.tas.gov.au)

0007 2019/07/13



*Attachment 5 - Representations Received*

Representation 1

**Abby Osborne**

---

**From:** [REDACTED]  
**Sent:** Thursday, 25 April 2019 11:36 AM  
**To:** Contact Us  
**Cc:** [REDACTED]  
**Subject:** 24 -26 Queechy Road  
**Attachments:** CCF\_000020.pdf

Good morning

Please find attached a petition being hand delivered to selected residents in Queechy Road [REDACTED] of a property I would expect to receive a copy or notification from council

I,am objecting to the covenant being removed from the properties at 24- 26 Queechy Road on the grounds that I purchased [REDACTED] over 55 years ago and one of the saleable items was that every property on the old Queechy Estate had a covenant on the deeds allowing only a single dwelling

I would hope the council consider the extra traffic entering Queechy Road at the bottom of the hill from 24-26 with the amount of large caravan traffic coming from Old Mac Farm

If this covenant is removed we will be seeking compensation from the council or others to give us the opportunity to move to a suitable location

[REDACTED]

Representation 2 - Not an affected party on sealed plan

---

**From:** [REDACTED]  
**Sent:** Saturday, 27 April 2019 8:54 PM  
**To:** Contact Us  
**Subject:** Schedule of Covenants no. A935047 re 24-26 Queechy Road  
**Attachments:** CCF\_000020.pdf  
**Categories:** Robyn

PLEASE FORWARD TO THE GENERAL MANAGER Launceston City Council

When DA0708 was before council on 21st March , part of my allotted 2 minute speech acknowledged that "Council does not take in to account registered covenants....."

And I posed the question as to WHY a covenant was placed on 24-26 Queechy Road in the first place. This question (WHY) remains officially unanswered.

Just prior to the meeting on 21/3 , Councillor McKenzie spoke to me personally and confirmed that Council does not take in to account registered covenants.

In the course of the formal council meeting , Councillor McKenzie put forward a motion in favour of DA0708 and in so doing , he again re-iterated that Council does not take in to account registered covenants.

Given due regard to the attached letter from James Kitto (Solicitor for the developer) and what appears to be a request (by Council to the Land Titles Office) to remove the said covenant , can you please explain why Council is now involving itself with this covenant when it has publicly said it does not do so.

Please also note that it was by accident that I was made aware of the James Kitto attachment and was not notified either by hand delivery , mail or email.

Please accept this as my objection to the deletion of Schedule of Covenants no. A935047 relative to Sealed Plan No. S.P.D. 15

I will hand deliver a copy of this email to your office as well as to the Land Title Office.

[REDACTED]

---

Please accept this as my detailed objection to the removal of the covenant on 24-26 Queechy Road , Norwood.

A covenant is defined as a formal promise in writing.

At the time of writing I am unaware of the reason why the covenant was placed on 24-26 in the first instance.

Removing this covenant would set a precedent for other similar properties in the area to do likewise with negative implications including but not limited to the issues referred to below.

Removing this covenant exacerbates an existing Road Safety issue on the sloping road section in front of 24-26. This section of road is a bottleneck. It also has a "blind" section for downhill/westbound traffic. Two residences at 24-26 doubles the traffic from this block. Add the possible increased traffic from 55 Sandown Crescent as a result of its current DA. These all add up to increased traffic past 24-26.

The detailed Geo Technical survey of 2017 was limited to within the boundaries of 24-26. The survey did not pay particular attention to areas outside 24-26. The original detailed report was formulated on the basis of ONE building only (as per the covenant) , located either on the high side or the low side of the block. One building equates to a certain amount of earth displacement/disturbance during the construction phase with a potential risk of exacerbating any land instability. If two buildings go in , that earth disturbance and risk is doubled. The developer has voiced an intention to build a third building in 2020. If it does go ahead , then earth disturbance is now tripled. It should be noted that neighbouring Queechy High School land has recently had major works which has involved heavy machinery moving backwards and forwards on the high ground above 24-26 with unknown possible impact damage. A HYDROLOGY survey was done by Queechy High School regarding the land above and abutting 24-26 the results of which are unknown to the writer. Subsequent geo tech reports were a paper review of the existing 2017 report. No further testing has been carried out beyond the detailed 2017 survey. No testing was ever done outside the boundaries of 24-26 in spite of an actual landslide event which occurred pre 2005. To the best of my knowledge this actual slide , located on Queechy Road at the western boundary of number 22 has not been mentioned in any of the above reports.

The onus of proof that the lifting of this covenant is to the benefit of the general neighbourhood lies with the developer and this criteria has not been met.

Despite the fact that the DA for this block has been approved , the removal of the covenant is , like the planning approval , a matter that must be taken in isolation from the DA process. I therefore request this committee recommend to council that the covenant remains in place.

## Representation 3

26<sup>th</sup> April 2019

Ms Abby Osborne,  
Launceston City Council,  
PO Box 396,  
Launceston. TAS 7250

Dear Abby,

RE: Change of the Covenant to 24-26 Queechy Road, Norwood, Tasmania, and the request to amend Sealed Plan: SPD 15.

As we explained in our telephone conversation to you on Friday 26 April 2019, we received a letter by James Kitto, Barrister and Solicitor which was delivered by hand by the owner of the above property, Mr Patrick Graham, on the 24 April 2019 at 5:45 p.m. The letter concerned a notification to us of the *Petition to Council-Request to Amend Sealed Plan SPD 15*. Mr Graham informed me [REDACTED] that the Council had approved the application to build on the property and that construction would commence on Monday, 29 April 2019. He stated that the letters were a courtesy. We believe that planning approval had been given to the owner to build two units on the above property. As you would be aware, the covenant indicates one dwelling per block. We have noted that the trees have been cleared off the block and that a high-power water drill seemed to have been used to make sewerage and other connections on Wednesday 24 April or thereabouts; we had assumed that the Council had granted the requisite permissions but now understand that this is possibly not the case until the petition to remove the Covenant has been heard.

We have a number of concerns that we would like to raise with the Council.

1. In removing the vegetation and trees and the significant altering of the contour of the land we are concerned about the current risk of the water flow from Queechy High School increasing substantially. This has occurred in the past, prior to the structural changes to land where a significant volume of water had cascaded into the property of [REDACTED] who reside at 22 Queechy Road.
2. There is an ongoing issue with sewerage pipes which are constantly blocked and back up into private residences, especially on the lower side of Queechy Road. The Council has had to pay major costs when the sewerage spilled into the internals of a house in the past. With the addition of more housing/units, the possibility of sewerage overload is bound to increase. It seems that there has already been an overload of sewerage at the pump station from the new subdivision (Eastman Estate) as it is often smelly. Recently the pressure pipe

from the Queechy Road pump station to the Hobblers Road works was breached and significant work had to be done to rectify this. There is also another smaller leak near the play-ground which was pointed out to the work supervisor at the time.

3. When units are built, there is also a concern that they will be for the rental market; this in turn can lead to several issues which have already occurred in the past. One of the properties near the proposed constructions was run as a rental property and the police had to be called in on a regular basis. Potentially renting the units may devalue surrounding properties.
4. We are further concerned that the changing of the Covenant will set a precedence and that other properties which are situated on the original subdivision could apply for a similar amendment. Such approvals will change the nature of the residences and noise levels, as experienced previously with other rental properties in the street.

We appreciate your consideration of these matters.



Representation 4 - received after the 28 day notice period

**Abby Osborne**

---

**From:** [REDACTED]  
**Sent:** Wednesday, 12 June 2019 2:11 PM  
**To:** Abby Osborne  
**Subject:** 24-26 Queechy Rd, Norwood

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Abby

My husband [REDACTED] and myself were in Spain when the letter concerning 24-26 Queechy Rd was hand delivered to my sister on the night of the Wednesday 24 April.

The person who delivered the letter told my sister that work would commence at 24-26 Queechy Rd on Mon 29th April. Given that extremely tight timeframe, and that we did not have reliable internet access, we felt that we were not in a position to respond.

Since returning we have heard that a hearing is to take place and we would like to register our interest in being involved in that hearing.

Regard

[REDACTED]

***Attachment 6 - Supporting Document from Applicant***

**SUBMISSIONS IN FAVOUR OF REMOVAL OF CAVEAT**

---

**PETITION TO AMEND SEALD PLAN – 24-26 QUEECHY ROAD, NORWOOD**

**HEARING**

Date: Thursday, 25 July 2019

Time: 3.15pm

Venue: Mayoress Room, Town Hall, St. John Street, Launceston

**Generally**

The outcome sought by the Petitioner is to permit more than one main dwelling to be constructed upon the subject land.

The proposed development is to construct two (2) residential Townhouses upon the subject land.

The objectors have not provided any evidence that they will be adversely affected by the amendment sought and it is submitted that the impact of the development upon them will be minor, *if there is any impact at all*, which impact it is submitted has been adequately addressed by the Planning Application and Permit conditions.

**Background**

The Petitioner has planning approval (ie. DA0708/2018) to construct two (2) residential Townhouses upon the property situate at **24 – 26 Queechy Road, Norwood (CT 21308/31)**.

In order to proceed with the development the Petitioner seeks to amend **Memorandum of Covenants A935047 for Sealed Plan number S.P.D. No. 15** by deleting the covenant listed below : -

*“... (a) That not more than one main building shall be erected on the  
Covenantor’s lot...”*

**[Copy of the Sealed Plan and Memorandum of Covenants are enclosed in this Book]**

## Summary of Arguments for Removal of Covenant

### 1. Jurisdiction and Standing to Object

It would appear that either one and/or *some* of the objectors are not a party to the Sealed Plan and as a consequence have no right to enforce the covenant at law.

Be that as it may, an objector might lodge an objection with Council, but the objection ought to be given either no weight by Council and/or less weight by Council given that they have no legal right to enforce the covenant in question.

### 2. Relevance of the planning scheme

Weight ought to be given to the fact that the Planning Authority has approved the proposed development and has issued a permit.

The Covenant was signed on **13 July 1964** and re-registered on **10 October 1984**.

Council in exercising its municipal powers and in considering the broader balancing of interests and issues should place significant weight on the current and existing conditions that exist in Launceston. That is : -

- 2.1 the significant increase in population since 1964;
- 2.2 public knowledge that a shortage of residential housing exists;
- 2.3 public knowledge of a shortage of rental accommodation exists;
- 2.4 public knowledge that there is a shortage of affordable housing;
- 2.5 public knowledge of the impact on the above as a consequence of Airbnb.

### 3. Consistency in decision making

It is the Petitioner's understanding that the Planning Authority has previously approved construction of more than one main dwelling on Lot 38 (Sep 2008) and Lot 52 (Sep 2012), the subject of the Sealed Plan.

In effect the above land was permitted to be subdivided permitting more than one main dwelling to be constructed on the said land within the said Sealed Plan area, contrary to the existing covenant.

Weight ought be given to consistency in decision making in addition to the merits of the current application.

The circumstances of this application are very similar to the previous successful applications referred to above.



4. Immediate impacts of the development

It is submitted that the objectors are not significantly affected, *or at all*, by the amendment sought. That is : -

- 4.1 no objector's view is impacted upon;
- 4.2 no objector's amenity is impacted upon;
- 4.3 all objectors' concerns are addressed by the Planning Application and Permit conditions (See enclosed **Planning Compliance Report (RevB)** - which addresses the geotechnical aspects of the proposed development including but not limited to soil testing and so on – at approximate cost \$15,000).

**[Also, contrary to what is submitted by an objector, the report does address the development of two (2) Townhouses]**

- 4.4 no evidence is put forward by the objectors demonstrating and/or proving adverse impacts upon traffic flow and other issues raised by the objectors.

[see attached a **Traffic Assessment** report – commissioned for Old Mac's Farm – in support of this contention. The report concludes that an increase from 160 to 200 motor vehicles on daily basis would utilize Queechy Road to get to that site during peak season in the context of adding 35 car spaces to Old Mac's Farm]

It is submitted that a 2nd Townhouse in addition to the permitted one main dwelling upon the subject land would add 4 x car spaces, which relying upon the data in the aforesaid report, is likely to have a negligible impact on traffic flow on Queechy road to the site of the proposed development.

**Moreover, the zone is a 50km zone.**

- 4.5 the proposed development addresses the very real and current housing crisis Tasmania is currently experiencing.
- 4.6 the local TasWater sewerage pump station at the bottom of Queechy Hill has recently undergone improvements and has been significantly upgraded, addressing an objector's perceived adverse impact upon the area of additional sewerage coming from the proposed development site.

Moreover, TasWater has stipulated what is required to be carried out by the Developer in terms of water and sewerage issues (see enclosed in this book TasWater's conditions imposed upon the developer)

5. Interference with covenant rights
  - 5.1 there is no evidence put forward by the objectors that the proposed development will impact upon the character of the area and upon property values in the area;
  - 5.2 the subject covenant conflicts with the planning scheme for the Council area;
  - 5.3 the planning scheme zone characteristics do not support the retention of the particular *values* raised by the objectors in this particular zone;
  - 5.4 the subject covenant and like covenants can lead to inefficient use of infrastructure and therefore increase total cost to the community;
  - 5.5 the maximum benefit cannot be derived in terms of the available residential land in the Launceston urban area if the subject covenant and like covenants are permitted to remain in place;
  - 5.6 it is conceded that Council's power to "*interfere*" with property interests should be exercised sparingly where it extinguishes a valid proprietary right of current utility. However, it is submitted that this particular property interest (ie. the subject covenant) does not serve any utility and merely inhibits valuable development of the subject area;
  - 5.7 the amendment sought merely permits one additional Townhouse to be constructed upon the subject land, which land is substantial in size.

### **Summary of Issues**

1. It is submitted that Council ought approve the Petition/Amendment;
2. The amendment sought will have little or no impact upon the objectors' amenity, land values and other issues raised by the objectors;
3. The Planning Application and Permit Conditions address all technical issues raised by objectors (ie. geotechnical issues);
4. It can be concluded from the attached Traffic Assessment report in connection with the "Old Mac's Farm" site, that traffic flow will not be adversely impacted upon by the removal of the subject covenant;
5. The objectors either do not provide evidence to support their grounds of objection and/or have not provided any grounds for their objection;
6. One and/or some of the objectors are not a party to the Sealed Plan and have no legal right to enforce the subject covenant.

**ECONOMIC IMPACT**

No evidence is provided by objectors that addresses this issue

**ENVIRONMENTAL IMPACT**

No evidence is provided by objectors that addresses this issue

**SOCIAL IMPACT**

No evidence is provided by objectors that addresses this issue

**Dated:** 11 July 2019

**List of Documents enclosed and relied upon:**

---

1. A3 photographs of proposed development
  2. Email from Council attaching objections
  3. Petition
  4. Certificate of Title (CT21308/31)
  5. Sealed Plan no. S.P.D 15
  6. Memorandum of Covenants (A935047)
  7. Letter to [REDACTED] enclosing Blank Instrument Form [EXAMPLE]
  8. Affidavit of Service by Mr. Patrick Graham
  9. Planning Permit no. DA0708/2018
  10. TasWater conditions
  11. Proposed Unit Development Plans
  12. Planning Compliance Report (RevB)
-

**Attachment 7 - Planning Permit DA0708/2018**

## PLANNING PERMIT

*s.57 Land Use Planning and Approvals Act 1993*

**PROPERTY ADDRESS:** 24-26 Queechy Road, Norwood

**DEVELOPMENT/USE:** Residential - Construction of two dwellings

**ZONE:** General Residential

**USE CLASS:** Residential

**DECISION:**

That the Council, at its meeting held on 21/03/2019 (Minute No: 8.1), made a decision to approve the development application, subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Site Plan, Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 3/16, Revision No. 5, Dated 25/1/2019
- b. Site Landscaping Plan, Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 4/16, Revision No. 4, Dated 14/1/2019
- c. Plant Schedule, Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 5/16, Revision No. 4, Dated 14/1/2019
- d. Overall Site Drainage Plan, Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 6/16, Revision No. 4, Dated 14/1/2019
- e. Lower Floor Plan (Townhouse #1), Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 7/16, Revision No. 4, Dated 14/1/2019
- f. Upper Floor Plan (Townhouse #1), Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 8/16, Revision No. 4, Dated 14/1/2019
- g. Lower Floor Plan (Townhouse #2), Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 9/16, Revision No. 4, Dated 14/1/2019



Leanne Hurst

**DIRECTOR DEVELOPMENT SERVICES**

Date: 21 March 2019

Permit No: DA0708/2018

**PLANNING PERMIT***s.57 Land Use Planning and Approvals Act 1993*

- h. Upper Floor Plan (Townhouse #2), Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 10/16, Revision No. 4, Dated 14/1/2019
- i. Elevations (Sheet 1), Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 11/16, Revision No. 4, Dated 14/1/2019
- j. Elevations (Sheet 2), Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 12/16, Revision No. 4, Dated 14/1/2019
- k. Elevations (Sheet 3), Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 13/16, Revision No. 4, Dated 14/1/2019
- l. Elevations (Sheet 4), Prepared by Adams Building Design, Project No. 010318, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Drawing No 14/16, Revision No. 4, Dated 14/1/2019
- m. Planning Compliance Report, Prepared by Adams Building Design, Project: Proposed Townhouse 24 - 26 Queechy Road, Norwood, Revision B, Dated 14/1/2019
- n. Geotechnical Review, Prepared by Geoton Geotechnical Consultants, Reference No GL17367Cd, Dated 25 January 2019
- o. Landslide Risk Assessment and Management Report, Prepared by Geoton Geotechnical Consultants, Reference No GL17367Ab, Dated 4 December 2017, Amended Plan Required

**2. LEGAL TITLE**

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

**3. HOURS OF CONSTRUCTION**

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

7.00am to 6.00pm - Monday to Friday

8.00am to 5.00pm - Saturday

No works on Sunday or Public Holidays.

**4. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice TWDA 2018/02074-LCC, dated 04/01/019 and attached to the permit.



Leanne Hurst

**DIRECTOR DEVELOPMENT SERVICES**

Date: 21 March 2019

Permit No: DA0708/2018

## PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

### 5. SITE LANDSCAPING

The landscaping must be:

- a. installed in accordance with the endorsed plan; and
- b. completed prior to the use commencing; and
- c. maintained as part of residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

### 6. NO FURTHER VEGETATION REMOVAL

Tree and vegetation removal must be limited to those specifically notated on the approved plans in red as trees to be removed.

No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

### 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. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

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

### 9. AMENDED PLANS REQUIRED

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

- a. works required to construct a new driveway crossover to align with the proposed driveway.



Leanne Hurst

**DIRECTOR DEVELOPMENT SERVICES**

Date: 21 March 2019

Permit No: DA0708/2018

## PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

- b. works to remove and reinstate the redundant kerb crossover.

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

### 10. DAMAGE TO COUNCIL INFRASTRUCTURE

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

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

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

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

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

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

### 12. 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 Council's stormwater mains.

### 13. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements. The asphalt



Leanne Hurst

**DIRECTOR DEVELOPMENT SERVICES**

Date: 21 March 2019

Permit No: DA0708/2018

## PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

### 14. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of Technical Services.

An application for such work must be lodged electronically via the Council eServices web portal or on the approved hard copy form.

All redundant crossovers and driveways must be removed prior to the occupation of the development.

All new works must be constructed to Council standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

### 15. 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.

### 16. CONSTRUCTION OF RETAINING WALLS

All retaining walls, above 0.5m, located within 1.5m of the property boundaries are to be designed and certified by a suitably qualified person. The design must have regard to the installation of



Leanne Hurst

**DIRECTOR DEVELOPMENT SERVICES**

Date: 21 March 2019

Permit No: DA0708/2018



## PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

fencing atop the retaining wall and other imposed loading in addition to site conditions on adjoining properties.

### 17. 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:

Townhouse No	Strata Lot No.	Street Address
1	1	1/24-26 Queechy Road, Norwood
2	2	2/24-26 Queechy Road, Norwood

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

### 18. 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.

### 19. NO BURNING OF WASTE

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

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0708/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.*



Leanne Hurst

**DIRECTOR DEVELOPMENT SERVICES**

Date: 21 March 2019

Permit No: DA0708/2018

## PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

This permit takes effect after:

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

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

**B. Restrictive Covenants**

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

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

**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for



Leanne Hurst

**DIRECTOR DEVELOPMENT SERVICES**

Date: 21 March 2019

Permit No: DA0708/2018

## PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

- E. 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.
  
- F. 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.
  
- G. 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.



Leanne Hurst

**DIRECTOR DEVELOPMENT SERVICES**

Date: 21 March 2019

Permit No: DA0708/2018

### Attachment 8 - Endorsed Plans

NOTES:  
REFER TO LAST PAGES IN THE ARCHITECTURAL DRAWING SET FOR GENERAL NOTES.

D:\Users\Leigh\Desktop\Revit\2018\revit2018\GUL - 24 - 26 Queechy Rd\gulf lake skillion\_BA.rvt

#### EXTERNAL LIGHTING

External lighting to illuminate pathways & parking areas must be controlled by a sensor & shielded to prevent direct light being emitted outside the site.

#### CONTOURS

Contours are indicative only for the site. Refer Elevations for accurate representation of existing ground levels. The contours on this plan are to be used for the sole purpose of approach & construction of this proposal & are to be used for no other future purpose.

NOTE: SEWER & STORMWATER CONNECTIONS LOCATED IN DRIVE VEHICLE MANOEUVREING AREAS MUST BE HOUSED IN TRAFFICABLE BOXES

EXISTING DRAINAGE

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXISTING DRIVEWAY



Site Plan  
1:300

- #### SITING WORKS
- Site to be prepared in accordance with engineers or surveyors report if applicable.
  - Site to be excavated or filled to indicated levels.
  - Excavation and filling of the site to be in accordance with BCA part 3.1 and AS2870.
  - Drainage works to be in accordance with BCA part 3.1 and AS3500.3.2.
  - Surface drainage - finished ground to fall away from building for a minimum distance of 1500 at 1:20 minimum and to a point where ponding will not occur.
  - Downpipes to be connected into Council stormwater as soon as the roof is installed.
  - Install AG drain prior to footing excavation. See Drainage Plan for details.
  - Excavated material placed up-slope of AG drain. To be removed where building works are complete and used as fill on site for any low points. Install a sediment fence on the downslope side of the material.
  - Construction vehicles to be parked on the street only, to prevent transferring debris onto the street.
  - Finished slab level to be:
  - 150mm above finished ground level.
  - 30mm above paved surfaces.
  - prevent ponding of water under suspended floors.
- #### SITE SERVICES
- Electricity, Gas, Telephone, Water, Stormwater & Sewer Services Locations are to be determined on site & connected as per local authority requirements.

Adams  
building design

170 Abbott Street,  
Launceston TAS 7250

M: 0411 294 351  
E: leigh@adamsbuildingdesign.com.au  
www.adamsbuildingdesign.com.au

ABN 71 048 418 121  
acc. # CC0641

Rev.	Date	Description
1	21.11.18	Concept # 1
2	05.12.18	Planning Approval
3	08.12.18	Planning App 2
4	14.01.19	Building Approval
5	25.01.19	Building Approval
6		
7		
8		

Project:  
Proposed Townhouses  
24-26 Queechy Road,  
Norwood, Launceston

Drawing Title:  
Site Plan

Client:  
Luke Gul

Scale: 1:300

Starting Date: 01.03.18

Plot Date: 5/03/2019 4:05:23 PM

**PLANNING ENDORSED DOCUMENT**

In accordance with the requirements related to the issued Planning Permit as indicated by City

Permit No. DA 0700/2018  
Date: 24/03/2018

Client: Luke Gul

Project No. 010318  
Drawing No. 3 / 16



**adams building design**  
 170 Abbott Street  
 Launceston TAS 7250  
 M: 0411 294 381  
 E: High@adamsbuildingdesign.com.au  
 www.adamsbuildingdesign.com.au  
 ABN 71 545 418 121  
 o/c: CCRBAJ

Rev	Date	Description
8		
7		
6		
5		
4	14/01/19	Planning App 2
3	06/12/18	Planning Approval
2	05/12/18	Prelim DA
1	21/11/18	Concept # 1

Project: Proposed Townhouses  
 24-26 Queechy Road  
 Norwood, Launceston

Drawing Title: Site Landscaping Plan

Client: Luke Gul

Scale: 1:300  
 Starting Date: 01/03/18  
 Plot Date: 14/01/2019 3:49:12 PM

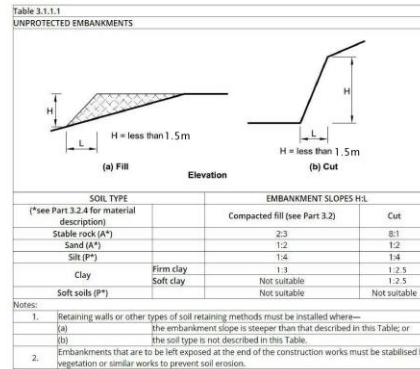
Project No: 010318  
 Drawing No: 4 / 16

NOTES:  
 REFER TO LAST PAGES IN THE ARCHITECTURAL DRAWING SET FOR GENERAL NOTES

D:\Users\Leigh\Desktop\rev\2018\GUL - 24 - 26 Queechy Rd\luka skillion.rvt

**PLANNING EXHIBITED DOCUMENTS**  
 Ref No: DA 0708/2018  
 Date: 08/02/2019  
 Planning Administrator: [Signature]

PLANT SCHEDULE			
<b>TREE</b>	SILVER BIRCH ( <i>Betula pendula</i> ) - mature height approx 10m	CALIFORNIA PEPPER TREE ( <i>Schinus Molle</i> ) - mature height approx 4.5 m	ORNAMENTAL PEAR ( <i>Pyrus calleryana</i> ) - mature height approx 7 m
<b>SHRUB</b>	PITTOSPORIUM ( <i>Pittosporum Tom thumb</i> ) - mature height approx 5m	MEXICAN ORANGE BLOSSOM ( <i>Choisya ternata</i> ) - mature height approx 2.0m	DIOSMA ( <i>Coleonema bulbellum</i> ) - mature height approx 1.5M m
<b>GROUND COVER</b>	NATIVE FLAX LILY ( <i>Dianella tasmanica</i> ) - mature height approx 1.0m	SEDGE ( <i>Carex</i> species) - mature height approx 1.0m	LUTCHUENSIS JUNIPER ( <i>Juniperus Taxifolia</i> ) - mature height approx 0.3m



**adams building design**  
 170 Abbott Street  
 Launceston TAS 7250  
 M: 0411 294 381  
 E: High@adamsbuildingdesign.com.au  
 www.adamsbuildingdesign.com.au  
 ABN 71 545 418 121  
 o/c: CCRBAJ

Rev	Date	Description
8		
7		
6		
5		
4	14/01/19	Planning App 2
3	06/12/18	Planning Approval
2	05/12/18	Prelim DA
1	21/11/18	Concept # 1

Project: Proposed Townhouses  
 24-26 Queechy Road  
 Norwood, Launceston

Drawing Title: Plant Schedule

Client: Luke Gul

Scale: 1:300  
 Starting Date: 01/03/18  
 Plot Date: 14/01/2019 3:49:12 PM

Project No: 010318  
 Drawing No: 5 / 16

**PLANNING ENDORSED DOCUMENT**  
 This document is one of the documents referred to in the above Planning Permit as notified to the Council.  
 Ref No: DA 0708/2018  
 Date: 21/03/2019  
 Planning Services

NOTES: REFER TO LAST PAGES IN THE ARCHITECTURAL DRAWING SET FOR GENERAL NOTES.

**TASWATER NOTES:**

- PROPERTY CONNECTIONS LOCATED IN UNPAVED MANEUVERING AREAS MUST BE PLACED IN TRAFFICABLE BONES.
- ANY REMOVAL, CURRY AND INSTALLATION OF METER METERINGS AND/OR THE REMOVAL OF RESIDUANT AND/OR INSTALLATION OF NEW AND MODIFIED PROPERTY SERVICE CONNECTIONS MUST BE CARRIED OUT BY TASWATER AT THE DEVELOPER'S COST.
- BEFORE COMMENCING CONSTRUCTION OF THE DEVELOPMENT, ANY WATER CONNECTION UTILISED FOR CONSTRUCTION MUST HAVE A BACKFLOW PREVENTION DEVICE AND WATER METER INSTALLED TO THE SATISFACTION OF TASWATER.



**PLUMBING NOTES:**

REACTIVE SITES - where they penetrate through external flooring, stormwater, sewer, Drain waste, & vent pipes are to be lagged & fireable connections are to be provided adjacent to the footings prior to connection to the drainage to comply with AS2919 1998 Section 5.5, additional requirements for class H & E sites.

D:\Users\Leigh\Desktop\rev\2018\GUL - 24 - 26 Queechy Rd\guk luke skillion.rvt

**PLUMBING LEGEND:**

- WC
- URINAL
- KITCHEN SINK
- BATH / VANITY
- BATH
- SHOWER
- WASH TROUGH
- WASHING MACHINE
- DISHWASHER

- INSPECTION OUTLET
- OVERFLOW RELIEF GULLY
- DOWNPIPE
- DN50 VENT TO AIR
- WATER METER

**PLUMBING LEGEND:**

- EXISTING STORMWATER
- EXISTING SEWER
- EXISTING WATER
- NEW STORMWATER
- NEW DOWNPIPE S/W
- NEW SEWER
- NEW WATER
- NEW AC DRAIN

**PLUMBING NOTES:**

- All plumbing work to comply with AS 2500 parts 1, 2, 3 & 4, and the Local Council plumbing requirements.
- Hot water from the H.E. is to be tempered to 55°C.
- Hot & cold reticulation lines to be DN20 with DN15 branches in individual fixtures.
- Drain all surface water away from footings in accordance with BCA part 3.1.2.1.
- The building Contractor must locate the connection points to the mains to verify that their positions & depths are as shown on the endorsed plans. Such verification must be completed as the first task of the building works.
- Installation of ORC is to comply with AS1500 part 2 clause 4.6.1.7. Minimum height above surrounding ground.
- New Stormwater + DN150 pvc @ 150 falls min.
- New Stormwater + DN150 pvc @ 1:100 falls min UNLESS NOTED OTHERWISE.
- Grated drains to be installed via a gas sealed pit.
- STANDARD DRAIN SIZES:
  - TROUGH: DN20
  - SINK: DN20
  - WC: DN100
  - STORMWATER: DN100
- WATER PIPE SIZES:
  - COLD WATER: DN 20 WITH DN15 BRANCHES
  - HOT WATER: DN 20 WITH DN15 BRANCHES
- HOT WATER INSTALLATION SHALL DELIVER HOT WATER TO ALL SANITARY FIXTURES AT THE FOLLOWING TEMPERATURES:
  - BATH & SHOWER: 50deg C
  - KITCHEN SINK & LAUNDRY: 60deg C
- ALL WORKS ARE TO BE IN ACCORDANCE WITH THE WATER SUPPLY CODE OF AUSTRALIA (S.A. 31:2013.3.1 VERSION 3.1) MINOR. EDITION V2.0 AND SEWERAGE CODE OF AUSTRALIA (S.A. 31:2013.3.2 VERSION 3.1) MINOR. EDITION V2.0 AND TOWNPLANNING ACT 2014 (S.A. 31:2014.1) MINOR VERSION AND TASWATER'S SUPPLEMENTS TO THESE CODES.
- BUILDER & PLUMBER TO REFERENCE CUSTOMER'S GEOTECHNICAL REVIEW & LANDSLIP RISK ASSESSMENT (GUL-178) FOR ANY ADVISE REGARDING CONNECTIONS & SITE DRAINAGE. PLEASE ADVISE OF ANY DISCREPANCIES BETWEEN ARCHITECTURAL, ENGINEERING & GEOTECHNICAL ADVICE.

**24 Queechy Rd neighbour**

NEW DN150 SEWER CONNECTION BY SUBSIDIARY AT DEVELOPER'S COST

EXISTING STORMWATER (OLD)

EXISTING WATER (OLD)

2000 WEST BRANCH (NEW)

150 THICK REINFORCED CONCRETE BLOCK RETAINING WALL TO 1800 HIGH WITH AC-SILV TREATED CONCRETE COLOUR AS SELECTED BY OWNER

150 THICK REINFORCED CONCRETE BLOCK RETAINING WALL UP TO 1800 HIGH WITH AC-SILV TREATED CONCRETE COLOUR AS SELECTED BY OWNER

ALL DRAINAGE SERVICES UNDER FLOOR FINISHES @ 2000 - MAX IN ACCORDANCE WITH AS3600 SECTION 9

NOTE: ALL DRAINAGE ALONG THE UPPER DATUM BOUNDARY OF THE SITE. REFER TO SECTION 10 FOR DETAILS.

AC DRAIN WITH FALL INTO STORMWATER VIA SILENT PIT

24 & 190 THICK REINFORCED CONCRETE BLOCK RETAINING WALL TO MAXIMUM HEIGHT OF 2000. REFER ENGINEER FOR DETAILS.

**28 Queechy Rd neighbour**

CONNECT NEW DN150 STORMWATER INTO NEW STORMWATER CONNECTION POINT

NEW DN150 WATER CONNECTION WITH METER BY SUBSIDIARY AT DEVELOPER'S COST. METAL A BOND METER WITH BACKFLOW DEVICE TO EACH SIDE.

150 THICK REINFORCED CONCRETE BLOCK RETAINING WALL UP TO 1800 HIGH WITH AC-SILV TREATED CONCRETE COLOUR AS SELECTED BY OWNER

150 THICK REINFORCED CONCRETE BLOCK RETAINING WALL UP TO 1800 HIGH WITH AC-SILV TREATED CONCRETE COLOUR AS SELECTED BY OWNER

24 & 190 THICK REINFORCED CONCRETE BLOCK RETAINING WALL TO MAXIMUM HEIGHT OF 2000. REFER ENGINEER FOR DETAILS.

### Overall Site/ Drainage Plan

1:400

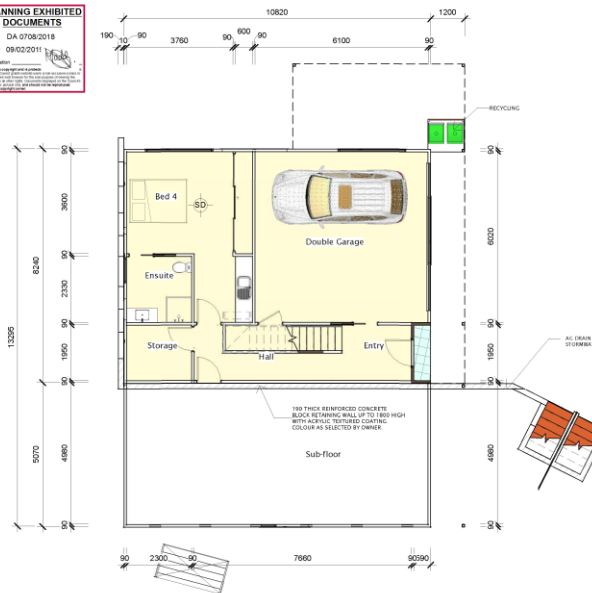


170 Abbott Street, Launceston TAS 7250.	8	Project:	Proposed Townhouses	Drawing Title:	Overall Site Drainage Plan	Scale:	1:400	Planning App 2
M: 0411 294 351	7	14.01.18	Planning App 2	Client:	Luke Gul	Starting Date:	01.03.18	
E: high@adamsbuildingdesign.com.au	6	05.12.18	Planning Approval			Plot Date:	14/01/2019 3:49:12 PM	Project No. 010318
www.adamsbuildingdesign.com.au	5	05.12.18	Practm DA					Drawing No. 6 / 16
ABN 71 048 418 121	4	21.11.18	Concept # 1					
acc: # CCB85J	3							
	2							
	1							

NOTES: REFER TO LAST PAGES IN THE ARCHITECTURAL DRAWING SET FOR GENERAL NOTES.



Area Schedule (Gross Building)		
Name	Area	Area (Squares)
TN #2 Upper Deck Area	14.97 m <sup>2</sup>	1.36
TN #2 Upper Floor Area	143.20 m <sup>2</sup>	15.40
TN#2 Lower Floor Area	89.16 m <sup>2</sup>	9.59
TN#1 Lower Floor Area	82.95 m <sup>2</sup>	8.86
TN#1 Upper Floor Area	143.20 m <sup>2</sup>	15.40
TN#1 Upper Deck Area	14.97 m <sup>2</sup>	1.36
TN#1 Sub-floor Area	53.44 m <sup>2</sup>	5.73



170 Abbott Street, Launceston TAS 7250.  
M: 0411 294 351  
E: high@adamsbuildingdesign.com.au  
www.adamsbuildingdesign.com.au  
ABN 71 048 418 121  
acc: # CCB85J

**Planning App 2**

8	Project:	Proposed Townhouses
7		24-26 Queechy Road,
6		Norwood, Launceston
5	Client:	Luke Gul
4	Drawing Title:	Lower Floor Plan (Townhouse # 1)
3	Scale:	1:100
2	Starting Date:	01.03.18
1	Plot Date:	14/01/2019 3:49:13 PM
	Project No.	010318
	Drawing No.	7 / 16

### Lower Floor Townhouse # 1

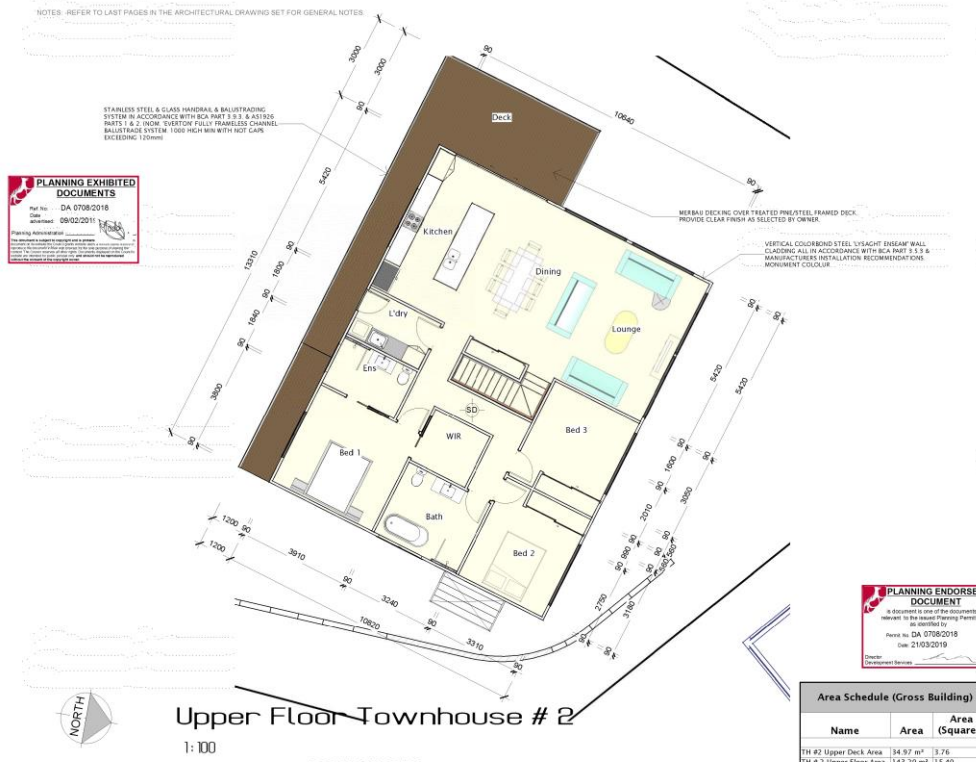
1:100

(TOWNHOUSE # 1)



HARDWIRED SMOKE DETECTORS IN ACCORDANCE WITH BCA PART 3.7.2 & AS 3786. UNLINKED





**Planning App 2**

No.	Date	Description
1	14/01/19	Planning App 2
2	05/12/18	Planning Approval
3	05/12/18	Prism DA
4	25/11/18	Concept # 1

**Project:**  
 Proposed Townhouses  
 24-26 Queechee Road,  
 Norwood, Launceston

**Client:**  
 Luke Gul

**Drawing Title:**  
 Upper Floor Plan  
 (Townhouse # 2)

**Scale:** 1:100

**Starting Date:** 01.03.18

**Plot Date:** 14/01/2019  
 3:49:14 PM

**Project No. Drawing No.**  
 010318 10/16



**Planning App 2**

No.	Date	Description
1	14/01/19	Planning App 2
2	05/12/18	Planning Approval
3	05/12/18	Prism DA
4	25/11/18	Concept # 1

**Project:**  
 Proposed Townhouses  
 24-26 Queechee Road,  
 Norwood, Launceston

**Client:**  
 Luke Gul

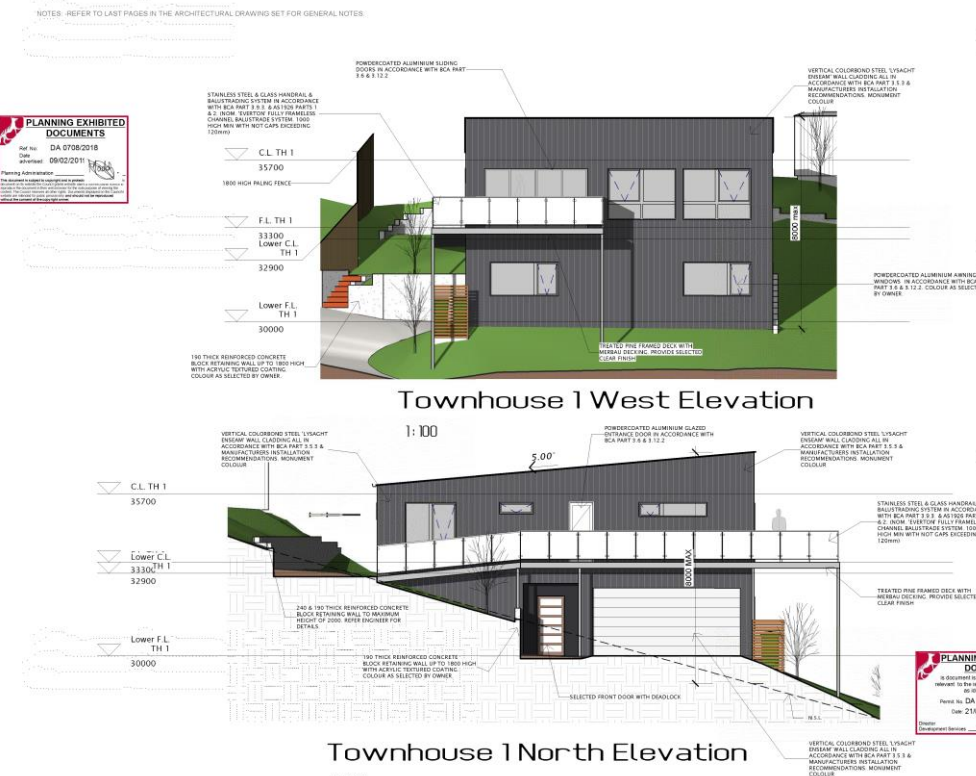
**Drawing Title:**  
 Elevations (sheet 1)

**Scale:** 1:100

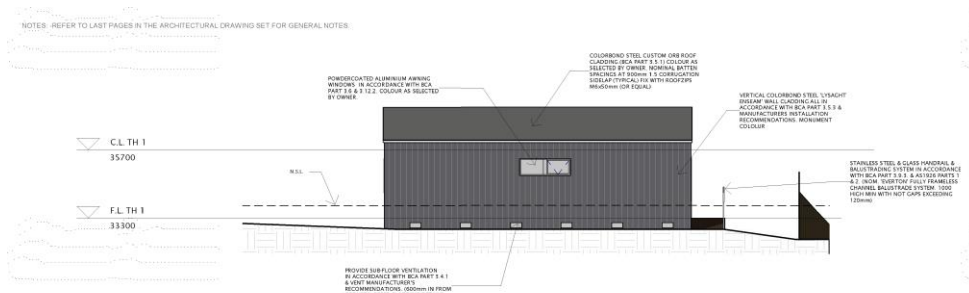
**Starting Date:** 01.03.18

**Plot Date:** 14/01/2019  
 3:49:15 PM

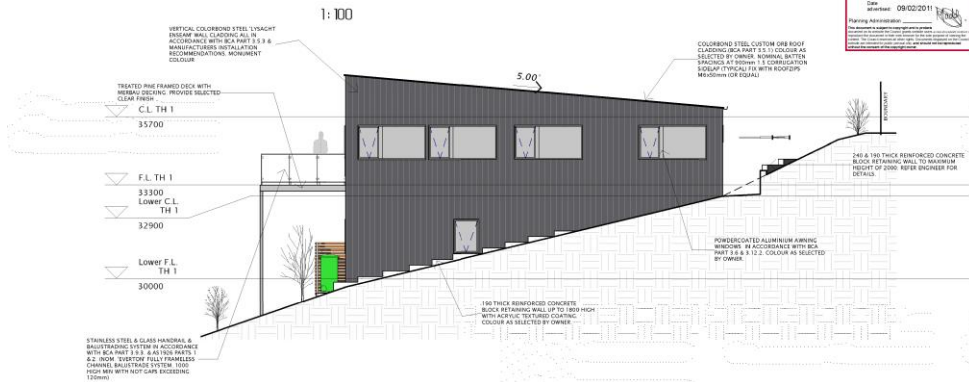
**Project No. Drawing No.**  
 010318 11/16







**Townhouse 1 East Elevation**  
1:100

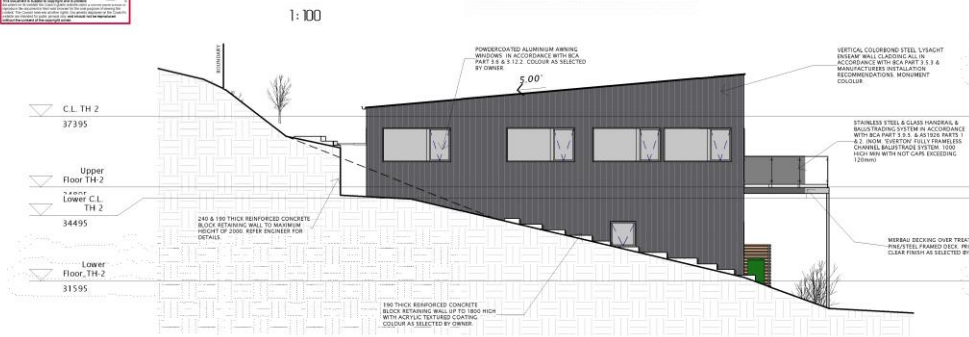


**Townhouse 1 South Elevation**  
1:100

Document: [Townhouse1Elevations201818GUL - 24 - 26 Queechey Rd.dwg](#)  
Version: 3, Version Date: 25/02/2019



**Townhouse 2 West Elevation**  
1:100



**Townhouse 2 North Elevation**  
1:100

Document: [Townhouse2Elevations201818GUL - 24 - 26 Queechey Rd.dwg](#)  
Version: 3, Version Date: 25/02/2019



**Planning App 2**

No.	Date	Description
1	14/01/19	Planning App 2
2	05/12/18	Planning Approval
3	05/12/18	Prizein DA
4	23/11/18	Concept # 1

**Project:**  
Proposed Townhouses  
24-26 Queechey Road,  
Norwood, Launceston

**Client:**  
Luke Gul

**Drawing Title:**  
Elevations (sheet 2)

**Scale:** 1:100

**Starting Date:** 01.03.18

**Plot Date:** 14/01/2019  
3:48:16 PM

**Project No. Drawing No.**  
010318 12/16



**Planning App 2**

No.	Date	Description
1	14/01/19	Planning App 2
2	05/12/18	Planning Approval
3	05/12/18	Prizein DA
4	23/11/18	Concept # 1

**Project:**  
Proposed Townhouses  
24-26 Queechey Road,  
Norwood, Launceston

**Client:**  
Luke Gul

**Drawing Title:**  
Elevations (sheet 3)

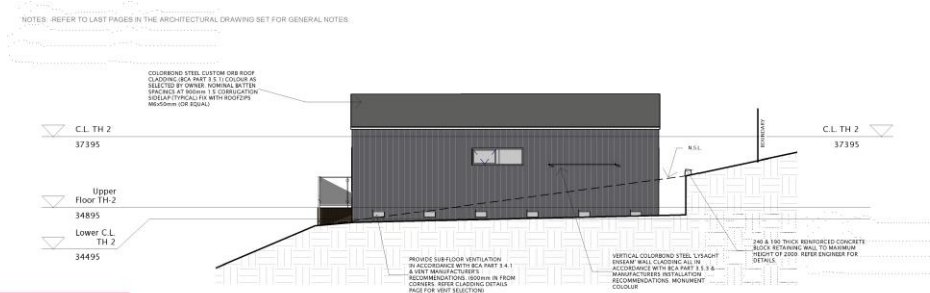
**Scale:** 1:100

**Starting Date:** 01.03.18

**Plot Date:** 14/01/2019  
3:49:17 PM

**Project No. Drawing No.**  
010318 13/16





**Townhouse 2 East Elevation**  
1:100



**Planning App 2**

No.	Date	Description
1	14/01/19	Planning App 2
2	05/12/18	Planning Approval
3	05/12/18	Prism DA
4	23/11/18	Concept # 1

Project: Proposed Townhouses 24-26 Queechy Road, Norwood, Launceston

Client: Luke Gul

Drawing Title: Elevations (sheet 4)

Scale: 1:100

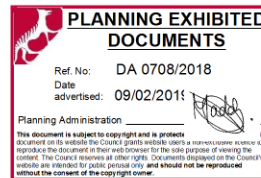
Starting Date: 01.03.18

Plot Date: 14/01/2019 3:48:19 PM

Project No. 010318 Drawing No. 14/16

Document Set: 14/01/2019/10/rev15/DA 07082018 - 24 - 26 Queechy Rd/luke skillion.rvt  
Version: 3, Version Date: 23/02/2019





## Planning Compliance Report (RevB)

Monday, 14 January 2019

### Addressing Interim Planning Scheme

2015 Launceston City Council

### Proposed

Townhouses at 24-26 Queechy Rd, Launceston, TAS 7250

### Client

Luke Gul

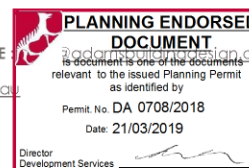
**Zone:** 10.0 General Residential

**Planning Overlay:** Landslip Code

A : 170 Abbott Street, Newstead, Launceston, TAS. 7250 M : 0411 294 351 E :

W : [www.adamsbuildingdesign.com.au](http://www.adamsbuildingdesign.com.au)

Document Set ID: 3006585  
Version: 2, Version Date: 25/02/2019



## Introduction

This report aims to demonstrate compliance with relevant planning standards for a [Townhouses at 24-26 Queechy Rd, Launceston, TAS 7250, Launceston, TAS.](#) The report aims to take into consideration the intent, values and objectives of the Launceston City Council Interim Planning Scheme 2015, with amendments, and address all scheme standards applicable to this development. This report is based on proposed development works to be carried out, completed and maintained by the applicant & owner. The proposed development relies on Performance Criteria to satisfy relevant planning standards and is to be read in conjunction with drawings submitted for the development.

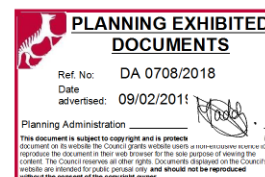
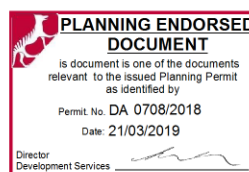
## Development Details

The proposed development comprises proposed [Townhouses at 24-26 Queechy Rd, Launceston, TAS 7250](#)

Use Class: [Residential](#)

Site Area: [2050 m2](#)

Area Schedule (Gross Building)		
Name	Area	Area (Squares)
TH #2 Upper Deck Area	34.97 m <sup>2</sup>	3.76
TH # 2 Upper Floor Area	143.20 m <sup>2</sup>	15.40
TH#2 Lower Floor Area	89.16 m <sup>2</sup>	9.59
TH# 1 Lower Floor Area	87.95 m <sup>2</sup>	9.46
TH# 1 Upper Floor Area	143.20 m <sup>2</sup>	15.40
TH# 1 Upper Deck Area	34.97 m <sup>2</sup>	3.76
	533.44 m <sup>2</sup>	57.36



## Applicable Planning Standards & Codes

The following zone standards and codes of the Launceston City Council Interim Planning Scheme 2015 are applicable to the proposed development:

- [10.4.2 Setbacks and building envelope for all dwellings](#)
- [10.4.3 Site coverage and private open space for all dwellings](#)
- [10.4.12 Earthworks and retaining walls \(retaining walls 2600 MAX\)](#)
- [E3.0 Landslide Code](#)
- [E6.6.1 Construction of parking areas](#)

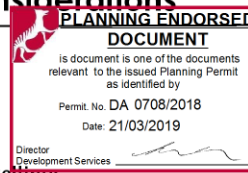
All Zone standards & codes that are not applicable (N/A) or are compliant with the acceptable solutions have not been listed.

**Interim Planning Scheme Considerations**

**PART D ZONES**

**10.0 General Residential Zone**

**10.4.2 Setbacks and building envelope for all dwellings**

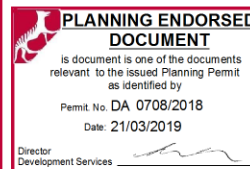


<p><b>Objective:</b></p> <p><b>To control the siting and scale of dwellings to:</b></p> <p>(a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and</p> <p>(b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and</p> <p>(c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and</p> <p>(d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.</p>	
Performance Criteria	Response
<p>P1</p> <p>A dwelling must:</p> <p>(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and</p> <p>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</p>	<p>P1 a)</p> <p>Frontage setbacks along Queechy Road vary considerably &amp; at least 7 dwellings are setback 4500 or less (including 20,31,33,45,55,56 &amp; 65 Queechy Rd). At 3500 to the upper deck &amp; 5822 to the building footprint, Townhouse # 2 has a frontage setback that is compatible with the existing dwellings in the street</p>

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

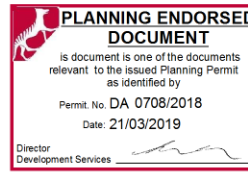
<p><b>Objective:</b></p> <p><b>To provide:</b></p> <p>(a) for outdoor recreation and the operational needs of the residents; and</p> <p>(b) opportunities for the planting of gardens and landscaping; and</p> <p>(c) private open space that is integrated with the living areas of the dwelling; and</p> <p>(d) private open space that has access to sunlight.</p>	
Performance Criteria	Response
<p>P2</p> <p>A dwelling must have private open space that:</p> <p>(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:</p> <p>(i) conveniently located in relation to a living area of the dwelling; and</p> <p>(ii) orientated to take advantage of sunlight.</p>	<p>P2</p> <p>The primary areas of open space for each Townhouse are the decks which are located between the frontage &amp; the dwellings. The Decks measure 6000 long x 3000 wide. the decks do not satisfy the Acceptable solutions, but they do meet the performance criteria:</p> <p>a) are capable of serving as an extension to the dwelling for outdoor relaxation, dining, entertaining &amp; children's play when paired with the secondary open space on the eastern side of each dwelling at ground level.</p> <p>i) the decks are conveniently located in relation to the living area of the dwellings for the abovementioned activities &amp; the backyard to the</p>

East can be easily accessed via the walkway along the side of each dwelling.  
 ii) the decks are oriented to the western side of each dwelling to take full advantage of direct sunlight which is unobstructed due in part to the steepness of the site.



10.4.12 Earthworks and retaining walls

<p>To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>	
Performance Criteria	Response
<p><b>A1</b></p> <p>Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the appearance, scale, and extent of the works;</li> <li>(c) overlooking and overshadowing of adjoining lots;</li> <li>(d) the type of construction of the works;</li> <li>(e) the need for the works;</li> <li>(f) any impact on adjoining structures;</li> <li>(g) the management of groundwater and stormwater; and</li> <li>(h) the potential for loss of topsoil or soil erosion.</li> </ul>	<p><b>A1</b></p> <p>The proposed excavation &amp; retaining walls for each dwelling lower floor is approximately 2600mm below natural surface level, which is more than the 1m max in the acceptable solutions. Some reinforced concrete retaining walls (approx. 2100 high) are also required for the swept paths &amp; driveways.</p> <ul style="list-style-type: none"> <li>a) the steepness of the site (1:3) requires a deep cut to enable undercover carparking for 2 cars for each dwelling &amp; also driveway access.</li> <li>b) the excavation &amp; retaining wall for the driveways will be visible from street although the visual impacts will be minimised by the distance from the street (approx. 6.)</li> <li>c)N/A.</li> <li>d)reinforced concrete block retaining walls designed by an engineer.</li> <li>e) the excavation is required to provide a level platform for covered parking spaces for 2 cars each dwelling &amp; driveway access.</li> <li>f) The impact on adjoining structures will be minimised by setbacks from boundaries which are 4m minimum.</li> <li>g) Refer drainage plan in the drawing set.</li> <li>h) The potential for loss of topsoil or soil erosion will be mitigated by adopting batter gradients compatible with the soil type &amp; ag drains connected to the stormwater system via silt pits. The excavation batters (which are only located at the rear of each dwelling &amp; are less than 1m in height) will also be planted out with suitable native vegetation which will help stabilise the slope &amp; keep the ground intact.</li> </ul>



**PART E CODES**

**E1.0 Bushfire Prone Areas Code**

BAL LOW

**E2.0 Potentially Contaminated Land Code**

N/A

**E3.0 Landslip Code**

Refer Landslip Risk Assessment (report # GL 17367A Geoton - Tony Barriera)

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

N/A

**E5.0 Flood Prone Areas Code**

N/A

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

**E6.6.1 Construction of parking areas**

Objective: To ensure that parking areas are constructed to an appropriate standard.	
Performance Criteria	Response
<p>PI</p> <p>All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature of the use;</li> <li>(b) the topography of the land;</li> <li>(c) the drainage system available;</li> <li>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</li> <li>(e) the likelihood of generating dust; and</li> <li>(f) the nature of the proposed surfacing and line marking.</li> </ul>	<p>PI</p> <p>All parking, access ways, manoeuvring and circulation spaces are a gradient of 10% or less, provided with a concrete all-weather seal with spoon drains connected to the public stormwater system via silt pits. Some of the driveway sections are up to 25% max but any unreasonable impacts of the steep gradient are minimised with generous driveway widths, good visibility &amp; a broomed concrete surface.</p>

**E7.0 Scenic Management Code**

N/A

**E8.0 Biodiversity Code**

N/A

**E9.0 Water Quality Code**

N/A

**E10.0 Recreation and Open Space Code**

N/A

### E11.0 Environmental Impacts and Attenuation Code

N/A

### E12.0 Airports Impact Management Code

N/A

### E13.0 Local Historic Heritage Code

N/A

### E14.0 Coastal Code

N/A

### E15.0 Telecommunications Code

N/A

### E16.0 Invermay/Inveresk flood inundation area code

N/A

### E17.0 Cataract Gorge Management Area Code

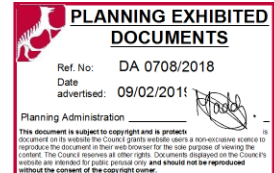
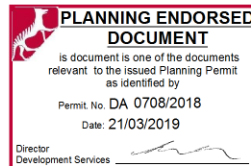
N/A

### E18.0 Signs Code

N/A

### E19.0 Development Plan Code

N/A







Geoton Pty Ltd ABN 81 129 764 629  
 PO Box 522 Prospect TAS 7250  
 Unit 24, 16-18 Goodman Court  
 Invermay TAS 7248  
 Tel (+61) (3) 6326 5001  
[www.geoton.com.au](http://www.geoton.com.au)

25 January 2019

Reference No. GL17367Cd

APEXIA Building Solutions  
 23 Eldonhurst Drive  
 NEWSTEAD TAS 7250

Attention: Mr Luke Gul

Dear Sir

**RE: Geotechnical Review  
 Proposed Residential Development  
 24-26 Queechy Road, Norwood**



At your request, Geoton provides the following comments regarding a geotechnical review of revised design drawings of a proposed townhouse development at the above-mentioned site.

Geoton Pty Ltd has previously carried out a geotechnical Landslide Risk Assessment for the above-mentioned site, our Reference No. GL17367Ab, dated 4 December 2018. A geotechnical review of previous design drawings was carried out, our reference GL17367Bc, dated 17 August 2018.

This geotechnical review has been carried out to confirm that the recommendations of our previous landslide risk assessment report have been incorporated in the proposed design.

The following design drawings were provided for review:

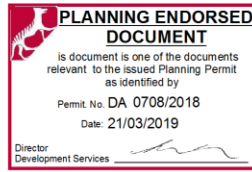
- Architectural Design Drawings for preliminary DA, prepared by Adams Building Design, project No. 010318, plot dated 5 December 2018.

The proposed development is for two townhouses on the site. Each townhouse has 3 bedrooms on an upper level, with a double garage, a fourth bedroom and an ensuite underneath. In addition to the retained excavation for the lower floor, the upper floor will also be excavated into the uphill somewhat and fully retained with engineered retaining walls.

The townhouses are shown as being of flexible and lightweight construction as per the recommendations of our previous report.

Our previous report also recommended that any building located on the existing cut and bench must be supported on bored piers or screw piles founded through the uncontrolled fill and 3m into the underlying very stiff natural clay soils. As such, the site classification of

Geotechnical Review



CLASS P can be proportioned to a **CLASS H2**, with an available allowable bearing pressure of **100kPa** for the bored piers founded as above.

As recommended in our previous report, 'cuts and fills on the site should be minimised, and these should be limited to less than 1.5m in height and battered at slope angles no steeper than 1 vertical to 3 horizontal (1V:3H) for fill batters and 1V:2.5H for cut batters or alternatively these should be retained'. Cuts and fills greater than 1.5m in height should be retained with structurally designed retaining walls by a suitably qualified engineer and reviewed by an experienced geotechnical practitioner

Surface and subsurface drainage is to be provided behind and uphill of the townhouses and the retaining walls.

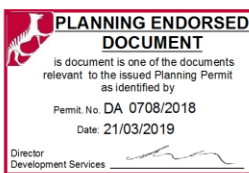
It is considered that the proposed development is generally in keeping with the recommendations of our previous report and we consider that it would not adversely impact on the slope stability of the site or the immediate surrounding areas provided good hill side practices and the recommendations of our previous report are adhered to, and the buildings and retaining walls are designed by a suitably qualified engineer.

We trust that this report fulfils your current requirements. Should you require clarification of any aspect of this report, please contact Tony Barriera on (03) 6326 5001.

For and on behalf of Geoton Pty Ltd

**Tony Barriera**  
 Director

Attachments: Limitations of report



# GEOTON Pty Ltd

## Geotechnical Consultants - Limitations of report

These notes have been prepared to assist in the interpretation and understanding of the limitations of this report.

### Project specific criteria

The report has been developed on the basis of unique project specific requirements as understood by Geoton and applies only to the site investigated. Project criteria are typically identified in the Client brief and the associated proposal prepared by Geoton and may include risk factors arising from limitations on scope imposed by the Client. The report should not be used without further consultation if significant changes to the project occur. No responsibility for problems that might occur due to changed factors will be accepted without consultation.

### Subsurface variations with time

Because a report is based on conditions which existed at the time of subsurface exploration, decisions should not be based on a report whose adequacy may have been affected by time. For example, water levels can vary with time, fill may be placed on a site and pollutants may migrate with time. In the event of significant delays in the commencement of a project, further advice should be sought.

### Interpretation of factual data

Site assessment identifies actual subsurface conditions only at those points where samples are taken and at the time they are taken. All available data is interpreted by professionals to provide an opinion about overall site conditions, their likely impact on the proposed development and recommended actions. Actual conditions may differ from those inferred to exist, as it is virtually impossible to provide a definitive subsurface profile which includes all the possible variabilities inherent in soil and rock masses.

### Report Recommendations

The report is based on the assumption that the site conditions as revealed through selective point sampling are indicative of actual conditions throughout an area. This assumption cannot be substantiated until earthworks and/or foundation construction is almost complete and therefore the report recommendations can only be regarded as preliminary. Where variations in conditions are encountered, further advice should be sought.

### Specific purposes

This report should not be applied to any project other than that originally specified at the time the report was issued.

### Interpretation by others

Geoton will not be responsible for interpretations of site data or the report findings by others involved in the design and construction process. Where any confusion exists, clarification should be sought from Geoton.

### Report integrity

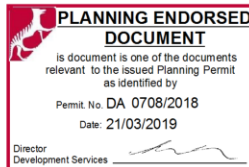
The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way.

### Geoenvironmental issues

This report does not cover issues of site contamination unless specifically required to do so by the client. In the absence of such a request, Geoton take no responsibility for such issues.

Geoton Pty Ltd

Document Set ID: 0005585  
 Version: 2, Version Date: 25/02/2019



### LANDSLIDE RISK ASSESSMENT AND MANAGEMENT REPORT

Mr Beichuan Wang

24 - 26 Queechy Road, Norwood

Reference: GL17367Ab

Date: 4 December 2017

### **GEOTON** Pty Ltd Geotechnical Consultants



Geoton Pty Ltd ABN 81 129 764 629  
PO Box 522 Prospect TAS 7250  
Unit 24, 16-18 Goodman Court  
Invermay TAS 7248  
Tel (+61) (3) 6326 5001  
[www.geoton.com.au](http://www.geoton.com.au)

4 December 2017

Reference No. GL17367Ab

Mr Beichuan Wang  
26 Miller Drive  
HAPPY VALLEY SA 5159

Dear Sir

**RE: Landslide Risk Assessment and Management Report  
24 - 26 Queechy Road, Norwood**

We have pleasure in submitting herein our report detailing the results of the landslide risk assessment conducted at the above site.

Should you require clarification of any aspect of this report, please contact Tony Barriera on 03 6326 5001.

For and on behalf of Geoton Pty Ltd



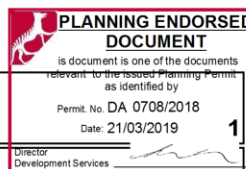
**Tony Barriera**  
Director

Landslide Risk Assessment and Management Report



**CONTENTS**

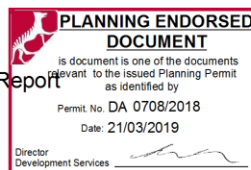
<b>1</b>	<b>INTRODUCTION</b>	<b>1</b>
<b>2</b>	<b>BACKGROUND</b>	<b>1</b>
2.1	Geology	1
2.2	Landslide Hazards	1
2.2.1	Landslide Inventory	1
2.2.2	Geomorphology	2
2.2.3	Slide Susceptibility	2
2.2.4	Potential Landslide Hazards	2
2.2.5	MRT Advisory Landslide Maps	2
2.3	MRT Reports	2
<b>3</b>	<b>FIELD INVESTIGATION</b>	<b>3</b>
<b>4</b>	<b>SITE CONDITION</b>	<b>3</b>
4.1	Site Description	3
4.2	Subsurface Conditions	4
4.3	Laboratory Testing	4
<b>5</b>	<b>SLOPE STABILITY ANALYSES</b>	<b>5</b>
5.1	General	5
5.2	Development of Geotechnical Models	6
5.2.1	Ground Surface Topography	6
5.2.2	Loading on Slopes	6
5.2.3	Groundwater Profile	6
5.2.4	Geology Profiles and Material Parameters Adopted	6
5.3	Analysis of Results	7
<b>6</b>	<b>LANDSLIDE RISK ASSESSMENT</b>	<b>7</b>
6.1	Small to Medium Scale Failure	8



Geoton Pty Ltd  
 GL17367Ab  
 4 December 2017

Document Set ID: 0005585  
 Version: 3, Version Date: 25/02/2019

### Landslide Risk Assessment and Management Report



<b>6.2</b>	<b>Large Scale Failure</b>	<b>8</b>
<b>6.3</b>	<b>Run Out Failure</b>	<b>9</b>
<b>7</b>	<b>DISCUSSION AND RECOMMENDATIONS</b>	<b>9</b>
<b>7.1</b>	<b>General</b>	<b>9</b>
<b>7.2</b>	<b>Cuts and Fills</b>	<b>9</b>
<b>7.3</b>	<b>Buildings</b>	<b>10</b>
<b>7.4</b>	<b>Drainage</b>	<b>10</b>
<b>7.5</b>	<b>Erosion control</b>	<b>10</b>
<b>7.6</b>	<b>Service trenches</b>	<b>11</b>
<b>7.7</b>	<b>Existing Large Trees Removal</b>	<b>11</b>
<b>8</b>	<b>SITE CLASSIFICATION</b>	<b>11</b>
<b>9</b>	<b>GEOTECHNICAL REVIEW</b>	<b>11</b>
<b>10</b>	<b>LIMITATIONS</b>	<b>11</b>
	<b>REFERENCES</b>	<b>12</b>

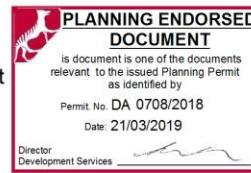
### Limitations of Report

#### Figures

- Figure 1: Launceston Geology extract
- Figure 2: Launceston Landslide Inventory extract
- Figure 3: Launceston Geomorphology extract
- Figure 4: Launceston Slide Susceptibility extract
- Figure 5: Launceston Potential Landslide Hazard extract
- Figure 6: Site Plan

Geoton Pty Ltd  
 GL17367Ab  
 4 December 2017

Landslide Risk Assessment and Management Report



### Appendices

Appendix A: Borehole and Test Pit Logs & Explanation Sheets

Appendix B: Site Photographs

Appendix C: Stability Analyses

Appendix D: Qualitative Terminology for Use in Assessing Risk to Property

Appendix E: Some Guidelines for Hillside Construction

Appendix F: Certificates



Landslide Risk Assessment and Management Report



## 1 INTRODUCTION

A limited scope investigation has been conducted for Mr Beichuan Wang at the site of a proposed residential development at 24 - 26 Queechy Road, Norwood.

A review of the hazard planning map on the Land Information System Tasmania (LIST) website indicates that the site is mapped within a medium landslide hazard band. As such, a landslide risk assessment is required to satisfy ground hazard code requirements for the Council Interim Planning Scheme.

In addition, the investigation has been conducted to provide the following:

- Recommendations for good hillside practices to maintain or possibly lower the potential landslide risks;
- Landslide mitigation methods required to maintain an acceptable LOW landslide hazard; and
- Basic drainage and building recommendations for the site.

The following documentation has been provided:

- Contour survey plan of the site, prepared by Cohen & Associates Pty Ltd, reference No. 28-75 (7563), dated 09/10/17; and
- Plan showing the potential location of the house, unreferenced, undated.

We understand that the proposed development will consist of a three-bedroom house potentially located on the lower slope towards the western boundary of the site or on the upper cut to fill bench.

## 2 BACKGROUND

### 2.1 Geology

The Mineral Resources Tasmania (MRT) Digital Geological Atlas, 1:25,000 Series, Launceston sheet, indicates that the site is located on Tertiary aged sediments consisting of poorly consolidated clay, silt, and clayey labile sand with rare gravel and lignite; some iron oxide-cemented layers and concretions; some leaf fossils.

An extract of the Geology sheet is provided as Figure 1.

### 2.2 Landslide Hazards

#### 2.2.1 Landslide Inventory

Examination of the MRT Tasmanian Landslide Hazard series, Launceston – Landslide Inventory sheet, 1:25,000 scale, indicates that the site is mapped within a fossil or old dormant deep landslide (Landslide ID No 1924) with activity unknown.

Two other fossil or old dormant landslides (Landslide ID Nos 1925 and 1926) with activity unknown are also mapped approximately 80m and 150m towards the northeast.

Geoton Pty Ltd  
 GL17367Ab  
 4 December 2017

## Landslide Risk Assessment and Management Report



An extract of the Landslide Inventory sheet is provided as Figure 2.

### 2.2.2 Geomorphology

Examination of the MRT Tasmanian Landslide Hazard series, Launceston - Geomorphology sheet, 1:25,000 scale, indicates that the site is generally mapped within an area with hill slopes of 13° to 35°, with the southwestern portion of the site mapped as having flatter slope angles of 7° to 13°. The sheet also indicates that the site is mapped as being on younger slopes on Tertiary aged sediments.

An extract of the Geomorphology sheet is provided as Figure 3.

### 2.2.3 Slide Susceptibility

Examination of the MRT Tasmanian Landslide Hazard series, Launceston – Slide Susceptibility sheet, 1:25,000 scale, indicates that the site is generally mapped within a source area, i.e. an area of hillside with the potential to form a slope failure, identified largely on the basis of slope angle and geology. The sheet also indicates that the site is mapped as a landslide of unknown activity.

An extract of the Slide Susceptibility sheet is provided as Figure 4.

### 2.2.4 Potential Landslide Hazards

Examination of the MRT Tasmanian Landslide Hazard series, Launceston - Potential Landslide Hazards sheet, 1:25,000 scale, indicates that the site is generally mapped as a Tb zone, i.e. "area above higher threshold angle of 12° which is determined that approximately represents a median value at which the landslides in the study area occur".

An extract of the Potential Landslide Hazards sheet is provided as Figure 5.

### 2.2.5 MRT Advisory Landslide Maps

A review of the Mineral Resources Tasmania (MRT) – Tamar Valley Advisory Landslide maps, 1: 25,000 scale, Prospect sheet shows the site as being within a CLASS IV zone, i.e. "old landslides and adjacent areas, with apparent failure now inactive. No building recommended without land stability assessment, generally requiring subsurface investigation".

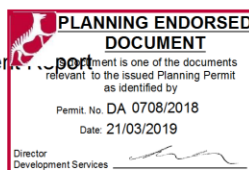
## 2.3 MRT Reports

No report relating to the subject site was found on the MRT database.

However, a number of reports on landslides in the surrounding areas of Newstead and Norwood, with similar geology and geomorphology were reviewed. The reports provide a good historical background of the area in addition to their technical content. Data and findings of the reports relevant to this study are summarized in point form below:

- The Tertiary aged sediments were deposited under deltaic conditions in which the locus of deposition changes rapidly. Both lenses and sheets can be expected in the area. (Weldon);

Landslide Risk Assessment and Management Report



- “The area ... lies on clays, sands, soft sandstone and thin ironstones of the Launceston beds of Tertiary age. These materials are known to cause landsliding in the Tamar Valley.... High shrinkage soils occur over the area and foundations should be designed accordingly” (Stevenson);
- “Tertiary clay which is fissured and in places contains thin ‘sandy’ layers which appear to carry water. ... cause of damage to the house is due to the alteration of the in soil moisture...” (Jennings); and
- “The cause of the recently reported house cracking in Sandown Road is thought to be from shrinkage in the underlying clay resulting from the prolonged drought of 1982-84.” (Moore).

**3 FIELD INVESTIGATION**

The field investigation was conducted between 19 and 24 October 2017 and involved the drilling of 3 boreholes by a trailer mounted hollow flight auger rig to the investigated or auger refusal depths of between 2.0m and 11.25m, and the digging of 4 test pits by a 7-tonne excavator to the investigated or near refusal depths of between 2.7m and 3.4m.

Standard Penetration Tests (SPT) were conducted at regular depths within the boreholes. In addition, in-situ vane shear strength and pocket penetrometer tests were conducted on the encountered soils, with sampling of the clay soils encountered being conducted for subsequent laboratory testing.

The logs of the boreholes and test pits are included in Appendix A with their locations shown in Figure 6 attached.

The results of the field and laboratory tests are shown in the borehole and test pit logs, whilst the laboratory test results are also summarised in Section 4.3 below.

**4 SITE CONDITION**

**4.1 Site Description**

The site is located on the south-eastern uphill side of Queechy Road, just where the road starts to climb with a moderate grade of about 15°. The ground surface within the front downhill western corner of the site has a gentle rise of 3° to 4° towards the east, becoming steeper at about 18° to 21° before becoming locally steeper up a fill batter slope of a near level cut to fill bench with slope angles of 28° to 34°, see Plate 1. On the uphill side of the cut to fill bench there is a steep excavated cut batter with slope angles of about 30° with the ground surface uphill of the cut batter flattening somewhat to about 13° to 17°, see Plates 2 and 3. A track has been cut in along the southern boundary of the site to access the cut to fill bench located in the upper portion of the site, see Plate 4.

Vegetation over the site generally has a long dense grass cover, whilst the cut to fill bench has a moderate to patchy cover of grass. There are several large, mature trees over the site.

There is no obvious sign of any recent landslide movement or seepages having occurred at the site.

Landslide Risk Assessment and Management Report



**4.2 Subsurface Conditions**

The investigation indicated that the soil profile varied over the site.

Borehole BH1 encountered fill of clayey silt to a depth of 0.4m, overlying natural medium plasticity sandy clay to a depth of 2.0m, overlying medium to coarse grained clayey sand to a depth of 4.0m, overlying fine to coarse grained silty sand to a depth of 7.0m, underlain by fine grained clayey sand to the auger refusal depth of 7.9m on very dense silty sand.

Borehole BH2 encountered fill of silty sand to a depth of 0.4m, overlying natural medium grained silty sand to a depth of 1.4m, overlying high plasticity silty clay to a depth of 3.8m, overlying fine to medium grained silty sand to a depth of 5.2m, underlain by high plasticity silty clay to the auger refusal depth of 11.25m on hard silty clay.

Borehole BH3 encountered fill of sandy clay/silty sand to a depth of 1.2m, underlain by natural medium plasticity sandy clay to the investigated depth of 2.0m.

Test Pit TP1 encountered fill of clayey silt/sandy silt to a depth of 0.6m, overlying silty sand topsoil to a depth of 0.8m, underlain by natural fine grained silty sand to the near refusal depth of 3.4m on very dense silty sand.

Test Pits TP2 and TP3 encountered silty sand topsoil to depths of 0.2m, overlying medium/high plasticity silty clay to depths of 2.4m to 2.5m, underlain by low plasticity sandy silt to the near refusal depths of 2.7m to 2.8m on very dense sandy silt.

Test Pit TP4 encountered fill of sandy silt/silty sand and silty clay to a depth of 1.0m, underlain by natural high plasticity silty clay to the investigated depth of 3.0m.

Groundwater seepages were encountered in the Borehole BH2 with the water level measured at a depth of 10.0m on 24/10/2017.

The SPT results indicate that N values of greater than 15 were generally achieved in the natural soils within the Boreholes BH1 and BH2, with N values of approximately 30 encountered in the very dense silty sand layers, and when approaching the auger refusal depths.

Full details of soil conditions encountered are presented on the borehole and test pit logs.

**4.3 Laboratory Testing**

The laboratory test results are summarised below:

Landslide Risk Assessment and Management Report



Table 1: Summary of Laboratory Test Results

SAMPLE	BH1 2.0-2.25m	BH2 2.3m-2.6m	BH2 8.3m-8.5m
Liquid Limit (%)	55	73	87
Plastic Limit (%)	23	27	31
Plasticity Index (%)	32	46	56
Linear Shrinkage (%)	11	12	11.5
Class	CH	CH	CH

Published correlations between Plastic Index and effective friction angle indicate that the laboratory tested high plasticity clay soils (CH) sampled from the Borehole BH1, which is in close proximity to the cut to fill bench, would have effective friction angle values of approximately between 24° and 29° if undisturbed, and 18° if remoulded.

## 5 SLOPE STABILITY ANALYSES

Based on the encountered surface and subsurface conditions at the site, slope stability analyses have been conducted on the critical Section AA within the site, see Figure 6.

### 5.1 General

A slope stability analysis gives a numerical value for the Factor of Safety (FOS) against the failure of a nominated failure surface. In simple terms, the FOS is the ratio of sliding (activating) forces to resisting forces along the failure surface. Activating forces are generally weight of soil at the high end of a slope while resisting forces derive from the shear strength of the materials intersected by the failure surface. A FOS of 1.0 represents a condition of incipient failure or limiting equilibrium. A FOS of greater than 1.0 indicates that the slope should not fail, while a FOS of less than 1.0 indicates that failure could occur.

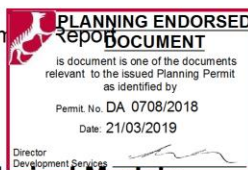
Two different analysed scenarios are presented in the following table along with the corresponding minimum acceptable FOS adopted as acceptance criteria.

Table 2: Analysed Scenarios and Acceptance Criteria

Analysed Scenarios	Minimum Acceptable FOS	Shear Strength
Long-term	1.5	Effective Strength
Short-term	1.3	Undrained Strength

Slope stability analyses were conducted in the two-dimensional, limit equilibrium based computer program Rocscience SLIDE version 7, utilising Morgenstern-Price method. Graphical outputs of the stability analyses are provided in Appendix C.

Landslide Risk Assessment and Management



**5.2 Development of Geotechnical Models**

The four major elements of a geotechnical model for slope stability analysis are:

- Ground surface topography;
- Loading on the slope;
- Groundwater profile; and
- Shear strengths of subsurface materials (Strength Profile).

**5.2.1 Ground Surface Topography**

Section AA was mapped out based on the contour map prepared by Cohen & Associates Pty Ltd.

**5.2.2 Loading on Slopes**

Distributed loads of 25kPa were applied to the stability analyses in consideration of the weight of potential dwellings on the slopes.

**5.2.3 Groundwater Profile**

Groundwater level was recorded at a depth of 10.0m within the Borehole BH2 which is located at the lowest western corner of the site. However, the findings of this investigation suggest that the site is well drained due to its close proximity to a hill crest and the relatively steep slopes on site. Therefore, groundwater is considered not prominent and thus has been omitted from the model.

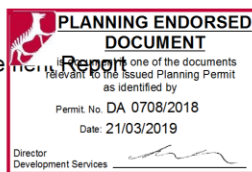
**5.2.4 Geology Profiles and Material Parameters Adopted**

The geology profile was simplified and defined based on the findings of the geotechnical investigation. Table 3 below summarises the soil strength parameters adopted in the modelling.

**Table 3: Geotechnical Parameters Adopted in Analyses**

Materials	Unit Weight (kN/m <sup>3</sup> )	Effective Strength Parameters		Undrained Strength Parameters	
		Cohesion, c' (kPa)	Friction Angle, Φ' (°)	Cohesion, c <sub>u</sub> (kPa)	Friction Angle, Φ <sub>u</sub> (°)
Hard Natural	20	3	33	200	0
Very Stiff Natural	19	5	27	100	0
Firm Fill	17	0	18	25	0

Landslide Risk Assessment and Management Report



**5.3 Analysis of Results**

Table 4 below summarises the various FOS for different scenarios.

**Table 4: Factors of Safety for different scenarios**

Sections	Scenarios	Long-term (Effective Strength)	Short-term (Undrained Strength)
Section AA	No Load	0.46*	N/A
	Loaded	0.46*	2.79

\* Lower than the minimum acceptable FOS

The results of the stability analyses indicate that the slope in the Section AA will have FOS higher than the minimum acceptable value under the short-term scenario, but fail to achieve the minimum acceptable FOS under the long-term scenario.

For the long-term analyses, potential slip surfaces with FOS not higher than 1.5 are presented in the graphical outputs. It can be seen that, the low FOS results are only for localised failures within the very steep unretained fill batter slope. If no load is applied on the cut to fill bench, shallow failures of depths less than 1.2m may occur within the existing fill batter. However, if a 25kPa distributed load is applied on the cut to fill bench, the potential failing area will extend into the natural very stiff clay soils up to a depth of approximately 2m.

Also, there is a potential risk of a small shallow failure at the toe of the slope within the western downhill portion of the site.

The stability analyses indicated that shallow failures are likely to occur within the existing fill batter and at the toe of the slope within the western downhill portion of the site in the long term. However, the risk is manageable and can be reduced if proper remedial measures are implemented and the recommendations provided within Section 7 of this report are adhered to.

**6 LANDSLIDE RISK ASSESSMENT**

The qualitative likelihood, consequence and risk terms used in this report for risk to property are given in Appendix D. The risk terms are defined by a matrix that brings together different combinations of likelihood and consequence. Risk matrices help to communicate the results of risk assessment, rank risks, set priorities and develop transparent approaches to decision making. The notes attached to the tables and terms and the comments on response to risk in Appendix D are intended to help explain the risk assessment and management process.

The investigation and site walk-over revealed no evidence of any recent landslide activity or any spring activity in close proximity to the proposed building envelopes. However, the unprotected very steep cut and fill batter slopes of the cut to fill bench is a concern.

In order to address any potential land instability hazard within the proposed development area a landslide risk assessment has been conducted on the following:

Landslide Risk Assessment and Management Report



- Small to Medium Scale Failure – The landslide risk assessment for small to medium scale failure typically relates to shallow slides and earth or debris flows. Shallow slides are typically small (<1,000m<sup>3</sup>) and usually less than 5m in depth. Earth or debris flows are often triggered by the action of torrential rain and often occur as a consequence of an initial slide failure which, if ground conditions are wet enough, will then develop into a rapidly moving flow.
- Large Scale Failure – The landslide risk assessment for large scale failure typically relates to deep-seated landslides. Deep-seated landslides are typically large (>1,000m<sup>3</sup>) and usually greater than 5m in depth. Deep-seated landslides typically consist of the following landslide types: rotational soil slides, translational soil slides, soil slides that can be transitional into soil flows, and block or complex spreads.
- Run Out Failure – The landslide risk assessment for run-out failure relates to the land upslope of the site failing and/or moving earth, debris or rock potentially moving down-slope from the source area and impacting on the site.

In our experience, regulating authorities allow developments to proceed with VERY LOW to LOW risk.

**The outcomes of the landslide risk assessments conducted below only apply if the recommendations within Section 7 of this report are adhered to.**

**6.1 Small to Medium Scale Failure**

In light of the findings of this investigation, including geomorphology, geological conditions, slope angles, field and laboratory testing, and stability analyses, the likelihood of a small to medium scale failure affecting the proposed development areas is considered LIKELY (fill batter slope), with the potential consequences assessed to be MEDIUM.

Therefore, the corresponding qualitative risk for a small to medium failure occurring within the proposed development areas is assessed as HIGH.

**However, should the recommendations provided within Section 7 of this report be adhered to, the likelihood of a small to medium scale failure can be reduced to UNLIKELY with MEDIUM potential consequences, and the corresponding qualitative risk can be reduced to LOW.**

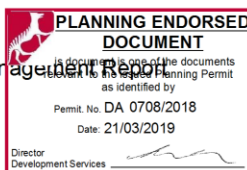
**6.2 Large Scale Failure**

In light of the findings of this investigation, including geomorphology, geological conditions, slope angles, field and laboratory testing, stability analyses and recommendations provided within Section 7 of this report, the likelihood of a large scale failure affecting the proposed developments is considered RARE, with the potential consequences assessed to be MAJOR.

**Therefore, subject to compliance with the recommendations within Section 7 of this report, the corresponding qualitative risk for a large scale failure occurring within the proposed development areas is assessed as LOW.**



Landslide Risk Assessment and Management Report



### 6.3 Run Out Failure

In light of the findings of this investigation, including geomorphology, geological conditions, slope angles, field and laboratory testing, and stability analyses, the likelihood of the run out of a failure occurring on the slopes uphill of the proposed development areas encroaching on the proposed development areas is considered LIKELY, with the potential consequences assessed to be MINOR.

Therefore, the corresponding qualitative risk for a run out failure affecting the proposed development areas is assessed as MEDIUM.

**However, should the recommendations provided within Section 7 of this report be adhered to, the likelihood of a run out failure can be reduced to UNLIKELY with MINOR potential consequences, and the corresponding qualitative risk can be reduced to LOW.**

## 7 DISCUSSION AND RECOMMENDATIONS

### 7.1 General

Based on the findings of the investigation and the above landslide risk assessments, we consider that the proposed development would not adversely impact on the site and immediate surroundings nor significantly increase its current assessed landslide risk, provided the development adheres to the principles of good hillside practice, and the recommendations below are included in the design and development of the site. An information sheet entitled "Some Guidelines for Hillside Construction" adapted from the Journal of the Australian Geomechanics Society, volume 42, Number 1, dated March 2007, is presented in Appendix E.

### 7.2 Cuts and Fills

- **The existing cut and fill batters should be retained with structurally designed retaining walls by a suitably qualified structural engineer, with appropriate design parameters determined from further geotechnical investigation and testing, and reviewed by an experienced geotechnical practitioner;**
- Alternatively, the steep fill batter material should be removed;
- The slope stability at the toe of the slope within the western downhill portion of the site should be improved by either placing additional toe support of about 1m of fill or retaining the toe;
- Cuts and fills on the site should be minimised, and these should be limited to less than 1.5m in height and battered at slope angles no steeper than 1 vertical to 3 horizontal (1V:3H) for fill batters and 1V:2.5H for cut batters or alternatively these should be retained; and
- Cuts and fills greater than 1.5m in height should be retained with structurally designed retaining walls by a suitably qualified engineer and reviewed by an experienced geotechnical practitioner.

Landslide Risk Assessment and Management Report



### 7.3 Buildings

- Any building on the existing cut to fill bench must be flexible and lightweight, otherwise building on the existing cut to fill bench should be avoided;
- The footings of any building on the existing cut to fill bench must be bored piers or screw piles founded through the uncontrolled fill and at least 3m into the underlying very stiff natural clay soils, otherwise building on the existing cut to fill bench should be avoided;
- The other recommended building area will be within the flatter front western downhill portion of the site;
- All footings should be founded through any fill into the underlying natural soils, provided the natural soils have an allowable bearing capacity of 100kPa. Site-specific Site Classifications will be required to provide site-specific footing recommendations and depths;
- All footings should be designed by a suitably qualified engineer and take into consideration possible lateral loading of moving soil and the structure; and
- The design plan for any development must be reviewed by an experienced geotechnical practitioner prior to construction and will require additional more detailed investigation and analyses prior to being approved.

### 7.4 Drainage

- A surface water cut off drain should be installed along the upper eastern boundary of the site;
- Adequate subsurface and/or surface drainage should be provided uphill of any structures, including buildings, retaining walls and cut/fill batters;
- All roof downpipes and collected surface and subsurface water should be piped and discharged to the council or street stormwater system;
- No uncontrolled discharge of collected surface water onto the ground surface or through absorption trenches is permitted on the site;
- Should any seepage or groundwater be encountered during site or footing excavations, it is recommended that subsoil drainage be provided to discharge to the council or street stormwater system; and
- Any water, drainage or sewage leak must be repaired, as soon as possible.

### 7.5 Erosion control

- Maintain vegetation on the surrounding slopes, in particular, the uphill and downhill slopes of the proposed development.

Landslide Risk Assessment and Management Report



**7.6 Service trenches**

- All service trenches to be run up and down slope at every opportunity. No cross-slope trenches >1m deep in areas with ground slopes greater than 10° without specific geotechnical design and specification (would include issues such as minimum grade for base of trench, backfill in short sections across the slope and subsoil drain requirements); and
- Subsoil drains should be placed within service trenches discharging to the council stormwater system.

**7.7 Existing Large Trees Removal**

There are a few very large pine trees on the site. These trees generally have a shallow root system and are considered a potential risk to being uprooted during severe winds. We recommend that these be removed. Removing these large pine trees should not adversely impact on the stability of the site.

**8 SITE CLASSIFICATION**

Insofar as it may be applicable, after allowing due consideration of the site geology, drainage and soil conditions, and because of the potential risk of landslides and the presence of fill to depths greater than 0.8m, the site has been classified as:

**CLASS P (AS 2870)**

This classification is based on the general conditions of the site and applicable only for ground conditions encountered at the time of this investigation. If cut or fill earthworks are carried out, then the Site Classification will need to be re-assessed, and possibly changed.

**9 GEOTECHNICAL REVIEW**

It is recommended that the drawings of any proposed development be reviewed by an experienced geotechnical practitioner to ensure that it is in keeping with good hillside practices and recommendations provided within Section 7. Further site-specific investigation and testing should also be conducted to provide site-specific footing recommendations and depths.

**10 LIMITATIONS**

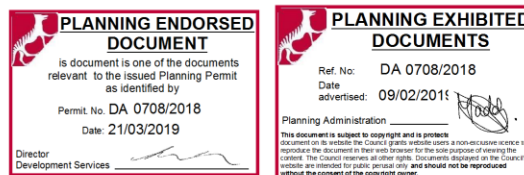
The findings contained within the report are the result of discrete/specific sampling methodologies used in accordance with normal practices and standards, with some variations as indicated in the report. To the best of our knowledge, they represent a reasonable interpretation of the general condition of the site. Under no circumstances, however, can it be considered that these findings represent the actual state of the site at all points. Variations in soil conditions may occur in areas of the site not specifically covered by the field investigation. The base of all footing or beam excavations should therefore be inspected to ensure that the founding medium meets the requirements referenced herein with respect to type and strength of founding material.

Landslide Risk Assessment and Management Report



## REFERENCES

- AS 1726 – 2017 Geotechnical site investigation
- AS 2870 – 2011 Residential Slabs and Footings
- AS/NZS ISO 31000:2009 Risk management – Principles and guidelines
- Australian Geomechanics Society (2007) – Practice note guidelines for landslide risk management 2007, Australian Geomechanics Journal, Vol 42, No. 1
- Weldon B.D. (1990) – Shallow subsurface investigation of a proposed subdivision at Newstead, MRT UR1990\_26.
- Moore W.R., (1984) – Subsurface movement in expansive clay: An alternative explanation for house cracking at Sandown Road, Launceston, MRT UR1984\_59
- Stevenson P C (1984) – Stability assessment of a proposed subdivision at Beverley Hills Road, Punchbowl, Launceston, MRT UR1984\_23
- Knights C.J., (1977) – Damage to a house at Punchbowl Road, Launceston, MRT UR1977\_20
- Jennings I.B., (1975) – Damage to a house at Ellison Street, Punchbowl, Launceston, MRT UR1975\_18



**GEOTON** Pty Ltd

## Geotechnical Consultants - Limitations of report

These notes have been prepared to assist in the interpretation and understanding of the limitations of this report.

### Project specific criteria

The report has been developed on the basis of unique project specific requirements as understood by Geoton and applies only to the site investigated. Project criteria are typically identified in the Client brief and the associated proposal prepared by Geoton and may include risk factors arising from limitations on scope imposed by the Client. The report should not be used without further consultation if significant changes to the project occur. No responsibility for problems that might occur due to changed factors will be accepted without consultation.

### Subsurface variations with time

Because a report is based on conditions which existed at the time of subsurface exploration, decisions should not be based on a report whose adequacy may have been affected by time. For example, water levels can vary with time, fill may be placed on a site and pollutants may migrate with time. In the event of significant delays in the commencement of a project, further advice should be sought.

### Interpretation of factual data

Site assessment identifies actual subsurface conditions only at those points where samples are taken and at the time they are taken. All available data is interpreted by professionals to provide an opinion about overall site conditions, their likely impact on the proposed development and recommended actions. Actual conditions may differ from those inferred to exist, as it is virtually impossible to provide a definitive subsurface profile which includes all the possible variabilities inherent in soil and rock masses.

### Report Recommendations

The report is based on the assumption that the site conditions as revealed through selective point sampling are indicative of actual conditions throughout an area. This assumption cannot be substantiated until earthworks and/or foundation construction is almost complete and therefore the report recommendations can only be regarded as preliminary. Where variations in conditions are encountered, further advice should be sought.

### Specific purposes

This report should not be applied to any project other than that originally specified at the time the report was issued.

### Interpretation by others

Geoton will not be responsible for interpretations of site data or the report findings by others involved in the design and construction process. Where any confusion exists, clarification should be sought from Geoton.

### Report integrity

The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way.

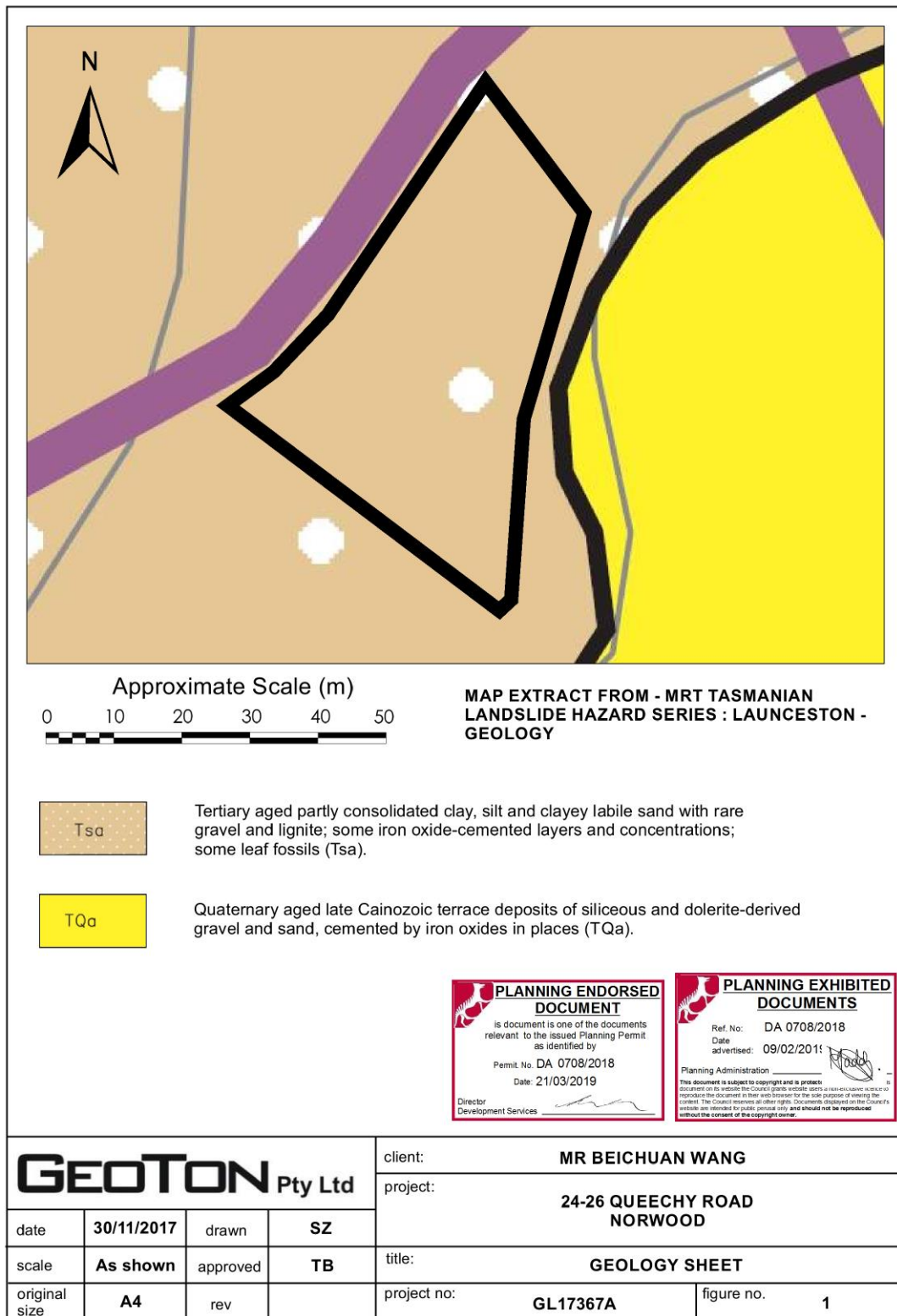
### Geoenvironmental issues

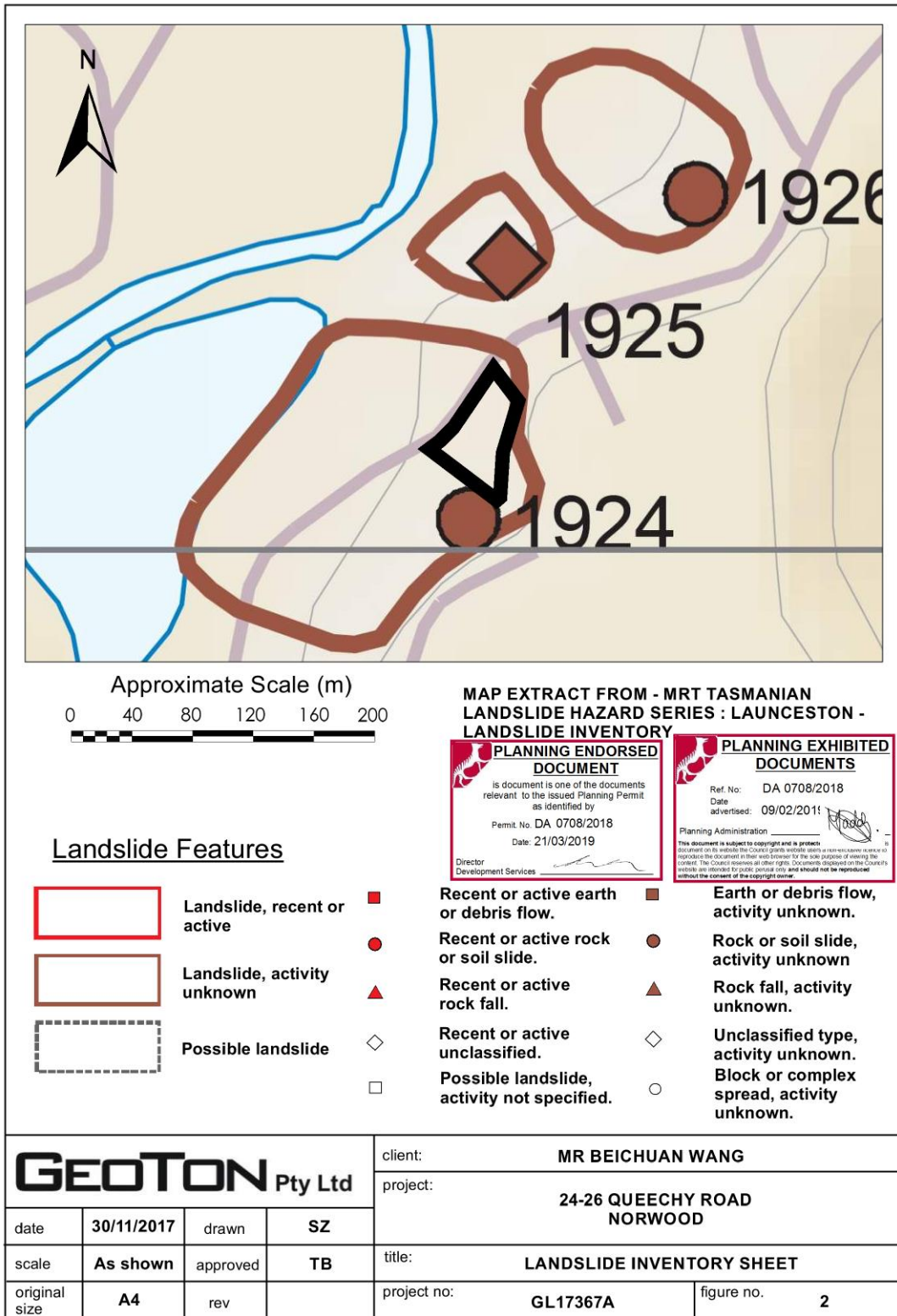
This report does not cover issues of site contamination unless specifically required to do so by the client. In the absence of such a request, Geoton take no responsibility for such issues.

Geoton Pty Ltd

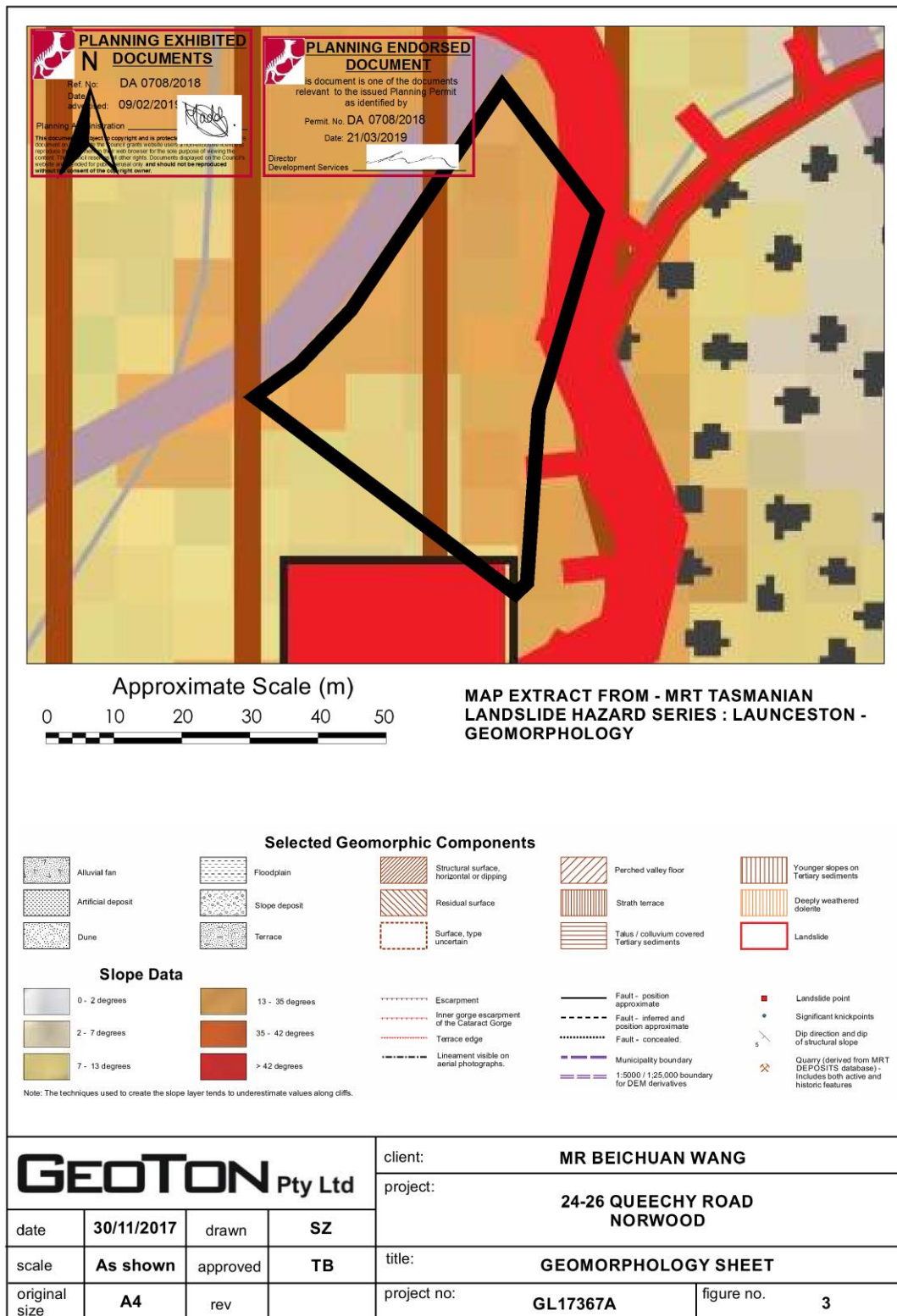


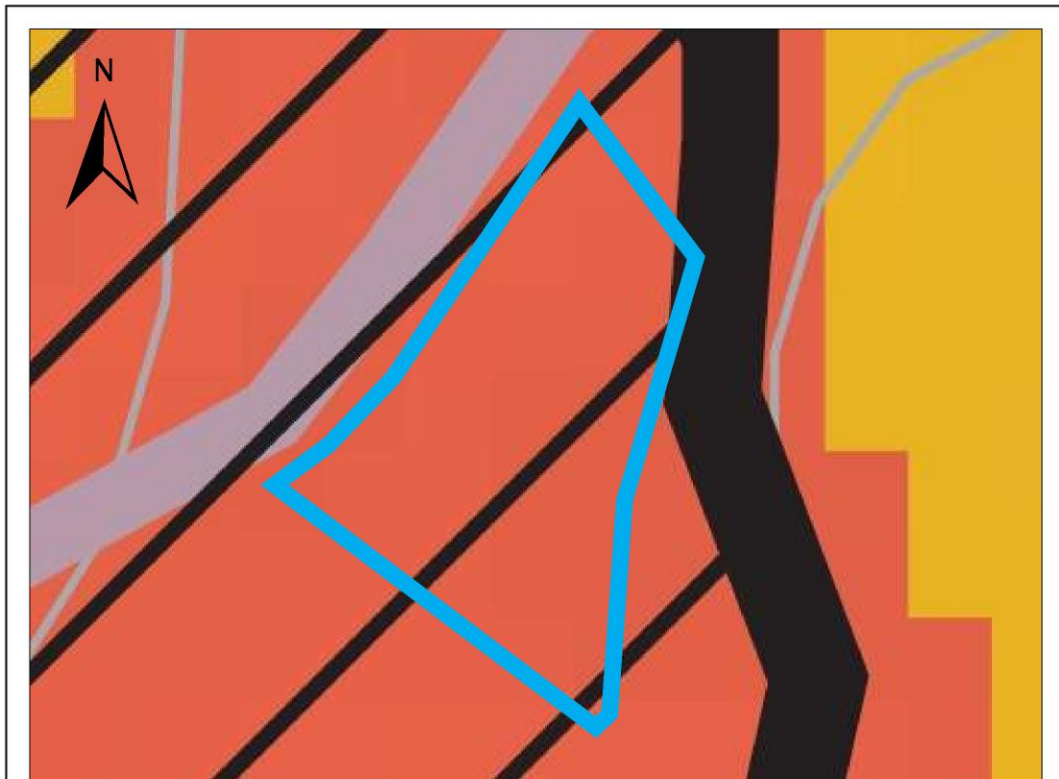
Figures











**Susceptibility Zones for First Time Failure**

- Regression area
- Source area
- Runout area

Regression area: An area up-slope of a source area that could fail following a deep-seated landslide movement (a.k.a retrogression or set-back area)  
 Source area: An area of hillside with the potential to form a slope failure, identified largely on the basis of slope angle and geology  
 Runout area: An area down-slope of a source area where the moving earth, debris or rock can potentially travel

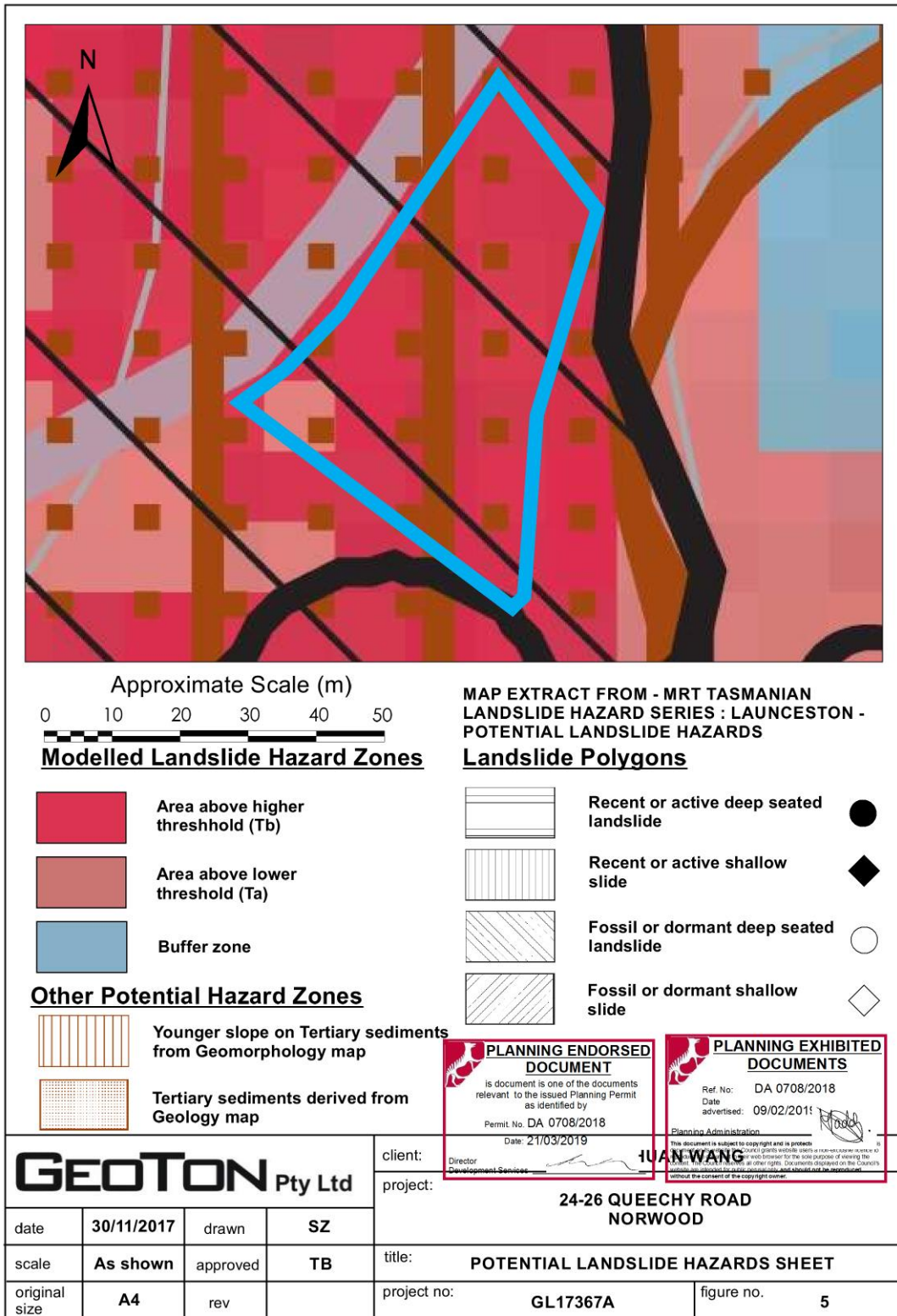
MAP EXTRACT FROM - MRT TASMANIAN LANDSLIDE HAZARD SERIES : LAUNCESTON - SLIDE SUSCEPTIBILITY



**Susceptibility Zones for Landslide Reactivation**

- Landslide, recent or active
- Landslide, activity unknown
- Possible landslide, activity unknown

<b>GEOTON</b> Pty Ltd				client:	MR BEICHUAN WANG
				project:	24-26 QUEECHY ROAD RW0109
date	30/11/2017	drawn	SZ	   Permit No. DA 0708/2018 Date: 09/02/2018 Project No. 7367A Date: 21/03/2019	
scale	As shown	approved	TB		
original size	A4	rev			





**Attachment 9 - Sections 103-105 Local Government  
(Building and Miscellaneous Provisions) Act 1993**

1/7/2019

View - Tasmanian Legislation Online

**Local Government (Building and Miscellaneous Provisions) Act 1993**

Version current from 1 January 2015 to date (accessed 7 January 2019 at 15:32)

***Division 5 - Amendments of sealed plans*****103. Amendment of sealed plans**

- (1) When a plan has taken effect, it may be amended by the council –
  - (a) of its own motion –
    - (i) to do anything that the council could do under any other power subject to any conditions precedent to the exercise of the power relied on; or
    - (ii) to bring the plan into conformity with any change in the rights and duties of land owners made under a statutory power; or
  - (b) on the application of any person having an interest in land subject to the plan.
- (2) If a council acts on its own motion, it is to serve a notice in writing to all persons appearing by the registers under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment.
- (3) A person is to –
  - (a) make an application under subsection (1) by petition; and
  - (b) serve a copy of the petition on all persons appearing by the registers under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment.
- (4) Any person affected by the proposed amendment may ask to be heard in support or opposition.
- (5) If a notice is not given or a petition is not served as required by this section, subsequent proceedings are not void.

**104. Hearing in respect of amendment of plans**

- (1) At the end of 28 days after the last notice is served or the last petition is served as required by section 103 (2) or (3), the council –
  - (a) may, if no person has asked to be heard in opposition, cause the amendment to be made; or
  - (b) if a person has asked to be heard, is to appoint a day for hearing any petitioner and those persons who have asked to be heard.
- (2) A hearing is to be by the council or a council committee who may –
  - (a) hear persons who have asked to be heard after the period referred to in subsection (1); and
  - (b) obtain the assistance of legal practitioners, architects, engineers and surveyors.
- (3) On the conclusion of the hearing, the council may –
  - (a) cause the amendment to be made with or without modification; and
  - (b) require as a condition of so doing that any person who benefits the amendment is to make compensation in money or land to a person who is injured by it.
- (4) The council may, with the consent of all persons concerned, act as provided in subsection (3).
- (5) The Recorder of Titles may call in and cancel or correct any certificate of title affected by amendments.

**105. Compensation in respect of amendments**

- (1) Subject to subsection (2), a person adversely affected by an amendment is entitled to compensation by the council if –

17/7/2019

View - Tasmanian Legislation Online

(a) having asked to be heard under section 103 (4) , the person gave the council notice of the claim at or before the hearing; or

(b) within 60 days of having been served a notice or petition under section 103 (2) or (3) , the person gave the council notice of the claim; or

(c) not having been given notice or served a petition, the person gave the council notice of the claim within 60 days of learning that he or she was affected by the amendment.

(2) If compensation is payable under subsection (1) , the council may recover against the petitioner and any person heard or asking to be heard in support of the amendment to the extent to which they benefited by the amendment.

**105A. Amendments to sealed plans sealed under *Local Government Act 1962***

Sections 103 and 104 apply to sealed plans that have taken effect under section 464 of the Local Government Act 1962 as if they were sealed plans made under this Act.

**105B. Validation of amendments to certain sealed plans**

Amendments made in accordance with sections 103 and 104 to plans sealed under the *Local Government Act 1962* are valid and effectual only to the extent that the amendments were made in accordance with the powers conferred on a council under those sections in respect of plans sealed under this Act.

**4 CLOSE OF MEETING**