



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 7 FEBRUARY 2019
1.00pm**

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

Date: 7 February 2019

Time: 1.00pm

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

22 November 2019

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

Dear Michael

COUNCIL MEETING

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

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

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

Yours sincerely



Councillor A M van Zetten
MAYOR

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - section 48

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

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 24 January 2019 be confirmed as a true and correct record.

4 DEPUTATIONS

No Deputations have been identified as part of this Agenda

5 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

6 COMMUNITY REPORTS

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

6.1 Dr John Ralph - Launceston Urban Fringe Trail

Mr Ralf will provide information to Council regarding the Launceston Urban Fringe Trail (LUFT) - a 100km pedestrian and cycling trail that connects all of greater Launceston.

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

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

7.1.1 Public Questions on Notice - Removal of Art Work in Mall - Mr Robin Smith - 24 January 2019**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTION and RESPONSE:

This following question was asked by Mr Robin Smith at the Council Meeting of 24 January 2019 and a response has been provided by Ms Tracy Puklowski (Director Creative Arts and Cultural Services).

Question:

1. *As part of the Mall redevelopment project, why has Council not removed public artwork in the Mall [All About Us]?*

Response:

All About Us is a Reconciliation Sculpture (Commemorative Marker) which was a created in consultation with the community and the Tasmanian Aboriginal Advisory Group.

The sculpture was a gift to the City to acknowledge more than 40,000 years of living heritage and continuing cultural practice of the Tasmanian Aboriginal people and 200 years of European history in Launceston. The sculpture symbolises two cultures coming together in reconciliation.

The sculpture was created by respected sculptor, Peter Corlett who is based in Melbourne (<http://petercorlett.com/biography.html>). The foundry work was completed in Melbourne - Meridian Foundry and stonework by Dunn Stone in Launceston.

At the time, the role of Mr John Millwood was the proposer of the project and coordinator, working with sculptor, Peter Corlett, the Council and the Tasmanian Aboriginal Advisory Group (TAAG).

The process of the Reconciliation Sculpture required a thorough and consultative process with the community and the TAAG. Removal of this existing element from the Mall was never intended as part of the Mall redevelopment project.

Removal of the All About Us Reconciliation Sculpture would be culturally insensitive, disrespectful and significantly damage relationships and progress made towards reconciliation.

7.1.2 Public Questions on Notice - Mr Robin Smith - Food Van Trial - 24 January 2019**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSE:

The following question was asked by Mr Robin Smith at the Council Meeting of 24 January 2019 and a response has been provided by Mr Michael Stretton (General Manager).

Question:

1. *What engagement with local businesses did Council undertake prior to this trial? What engagement was undertaken with Councillors prior to this trial?*

Response:

The Council has engaged with the community in respect to the City Heart project over a number of years which has included a focus not only on built form improvements, but also on measures to activate the City. A trial of food vans in the Brisbane Street Mall has long been mooted as a City activation initiative. The Council's Major Projects Department engaged with the Brisbane Street Mall traders and Cityprom in respect to the operation of a food van trial, and Councillors were advised of the proposal to undertake the trial in December 2018. It should be noted that this is a trial to inform a decision by the Council on whether to allow food vans within the Mall. No decision has been made to allow food vans in the Mall. The month-long trial will provide everyone, including food operators, the opportunity to engage in the Council's consideration and decision-making process and provide real data and evidence for the Council. Ultimately, any decision that comes before the Council must be backed up by evidence and facts - and not simply anecdotal in nature.

7.2 Public Questions without Notice

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

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

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

8 PLANNING AUTHORITY

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage

FILE NO: DA0698/2018

AUTHOR: Marilyn Burns (Urban Design Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Woodland Shopfitting
Property:	80A-88 Charles Street, Launceston
Zoning:	Central Business
Receipt Date:	3/12/2018
Validity Date:	8/12/2018
Further Information Request:	13/12/2018
Further Information Received:	14/12/2018
Deemed Approval:	7/02/2019
Representations:	20

PREVIOUS COUNCIL CONSIDERATION:

D251/86 - purpose of extension to shop (Shop)

DA0693/2007 - Advertising Sign - Window Signs

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0698/2018 - General Retail and Hire - Alterations to Signage at 80A-88 Charles Street, Launceston, subject to the following conditions:

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

1. ENDORSED PLANS & DOCUMENTS

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

- a. Cover Letter, prepared by Platinum Planning Solutions, Shopfront Works and Signage, Page No 1-4, dated 03/12/2018.
- b. Awning Signage Details, prepared by Woodland Shopfitting, Drawing No. 20584-3.1, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018.
- c. Electrical Plan, prepared by Woodland Shopfitting, Drawing No. 20584-3, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018. **Amended Plan Required.**
- d. External/Internal Elevations, prepared by Woodland Shopfitting, Drawing No. 20584-8, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018. **Amended Plan Required.**
- e. Details - SF Window, prepared by Woodland Shopfitting, Drawing No. 20584-17, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018. **Amended Plan Required.**
- f. Shopfront Window Details, prepared by Woodland Shopfitting, Drawing No. 20584-10.2, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018. **Amended Plan Required.**

2. AMENDED PLANS REQUIRED

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

- a. The televisions screen situated in the curved window on the corner of Brisbane Street and Charles Street moved to the existing covered window at the western end of the Brisbane Street frontage; and
- b. The televisions screen on the Charles Street frontage rotated 90 degrees.

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. SIGNAGE CONTENT

The images displayed on both the televisions screens must be static and any change between static images must be instantaneous. The signs must not include colours which are used for official traffic signs, or imitate a traffic control device or give instructions to traffic such as 'give way' or 'stop.' Apart from this, content of the signs may be updated or changed without separate approval of Council, subject to:

- a. the structure, location and size of the signage not changing.
 - b. the content of the signage relating to the site.
 - c. compliance with the requirements of the planning scheme.
-

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

5. SIGN ILLUMINATION

All signs must only be illuminated during business hours. The television screens must have a maximum luminance level of 2,700 nits.

6. REMOVAL OF EXISTING SIGNS

Prior to the erection or display of the signs approved by this permit, all other signs nominated to be removed on the subject land must be removed.

7. SIGN MAINTENANCE

The signs must be constructed and maintained in good condition to the satisfaction of the Council. The television screens must incorporate an automatic error detection system or similar which will turn the display off or switch to a blank, black screen should the screen or system malfunction.

8. DAMAGE TO COUNCIL INFRASTRUCTURE

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

9. 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.

10. OCCUPATION OF ROAD RESERVE (COMPLEX)

Where it is necessary for works to occur within the road reserve or for the occupation of the road reserve, the express written permission of the Director Infrastructure Services is required. Application for the occupation of Brisbane and/or Charles Streets must be made

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

14 days prior to date of the scheduled occupation or works and detailing (but not limited to):

- a. the nature, dates and duration of the occupation and/or works;
- b. the contractor's name and contact number;
- c. the traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles;
- d. any alternative pedestrian routes to be provided where the existing footpath in Brisbane and/or Charles Streets is unavailable for use due to the delivery of materials such as the precast concrete panels; and
- e. any temporary works required to maintain the serviceability of the road or footpath.

A permit issued for any occupation and/or works may be subject to conditions specifying or limiting:

- a. the nature, dates and duration of the occupation and/or works;
- b. the traffic management works that must be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles. Any alternative pedestrian routes to be provided where the existing footpath in Brisbane and/or Charles Streets is unavailable for use due to the delivery of materials such as the precast concrete panels;
- c. any temporary works required to maintain the serviceability of the road or footpath; and
- d. all remedial works required to repair any damage to the road reserve resulting from the occupation and/or works.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

11. OCCUPATION OF ROAD RESERVE (METERED/TIMED PARKING BAYS)

Prior to the commencement of the work, the applicant must make application to Council for the occupation of the metered/timed parking spaces located along the northern side of Brisbane Street. The applicant must pay the prescribed daily fee for each occupied metered space for the duration of the occupation, except where the Council's Manager Parking permits a variation.

12. EXTERIOR AND SECURITY LIGHTING PLANNING

Exterior Lighting and Security lighting to comply with the Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting" or any subsequent versions of the document.

13. DEMOLITION

The Developer must:

- (a) ...carry out all demolition work in accordance with Safe Work Australia '*Demolition Work' Code of Practice* or any subsequent versions of the document;
-

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0698/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

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>>

D. Permit Commencement

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

E. 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.

REPORT:**1. THE PROPOSAL**

The broader proposal involves two elements:

1. alterations to the existing shopfront; and
2. new signage.

The alterations to the shopfront do not trigger any standards in the applicable zone or codes, and thus do not require a planning permit. The application from a planning scheme perspective is therefore limited to the proposed signs.

There will be a total of seven signs:

- three awning fascia signs;
 - two below awning signs; and
 - two window signs.
-

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

The awning fascia signs are composed of illuminated white lettering of the words "Michael Hill" in lowercase letters along with the company's logo. The signs have a maximum height of 314mm and are 2.2m long. They are to be attached to a new black fascia board. The first awning fascia sign will be located on the Brisbane Street frontage. The second will be located on the Charles Street frontage. The third will be positioned on the corner of the awning facing the intersection.

The below awning signs will use the existing light boxes but the supporting frames will be altered. The signs are 1.83m long, 330mm high and 195mm wide. The frame and sign faces will be white, with black lettering of the words "Michael Hill" in lowercase letters along with the company's logo. The signs will be placed in the same location as the existing below awning signs.

The window signs are 55 inch television screens and will show product images. They have a maximum luminance level of 2500cd/m² and a minimum dwell time of 10 seconds.

The alterations proposed for the shopfront were intended to provide a modern appearance consistent with the Michael Hill brand, and constituted an effective replacement of the existing fabric under the awning. Notwithstanding the fact no approval is required, this element of the proposal has generated significant community concern, which is shared by Council Officers. Following discussions, the applicant has reconsidered this approach and modified the proposal to effectively maintain the shopfront. There is no mechanism for including these new changes to the shopfront in the determination of the application, as the original alterations did not require approval.

The changes suggested to the proposal will, however, require consequential changes to two of the signs proposed to fit in with the retained shopfront. The other five signs proposed will not be altered. These changes have been managed in the assessment of the signs application. The original plans form Attachments 2 and 3 of the report, and the modified proposal is contained in Attachment 4.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is situated on the western corner of the intersection between Charles Street and Brisbane Street, located in the Launceston CBD. The surrounding properties primarily consist of two storey buildings with shops or eateries on the ground level. Directly to the east is the Brisbane Street Mall. Several of the surrounding properties are heritage listed, however, the site itself is not.

The fully serviced site is an irregular shape with an area of 630m². The site is completely developed with a two storey conjoined building. There is no vehicular access onto the site. Pedestrian access is via Charles Street.

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

The existing building was constructed in three stages. The two storey corner of the building was built around 1927 as a pharmacy. There has been a pharmacy in the building until 2018. There were three single storey shops added to the north of the pharmacy in 1927. Around this time the upper storey was altered to reflect the curved shopfront. The second storey above the smaller shops was constructed around 1938.

The building features art deco elements with the stepped vertical rendered elements that project above the parapet, the corner detail above the windows and the curved glazed corner. The building is one of the few good examples of art deco/post war architecture remaining. In particular, many previous shopfronts with stained glass and tiled nib walls have been replaced with modern alternatives. The corner section has often been referred to as Hatton and Laws, referring to the original business. The lead light windows include the original business name situated over the corner, providing a key link to the building's origins.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

22.0 Central Business Zone

22.1.1 Zone Purpose Statements

22.1.1.1 To provide for business, civic and cultural, community, food, hotel, professional, retail and tourist functions within a major centre serving the region or sub-region.

22.1.1.2 To enhance the role of Launceston's central city area by encouraging intensive development of the central business district as the major retail, commercial and entertainment centre and the principal activity centre within the Northern Tasmania region.

22.1.1.3 To create:

- (a) activity at pedestrian levels, with active road frontages offering interest and engagement to shoppers; and
- (b) appropriate provision for car parking, pedestrian access and traffic circulation.

22.1.1.4 To encourage a diversity of residential developments, including shop-top housing and tourist accommodation, which support the functions of the central business district.

Consistent

22.4 Development Standards

22.4.1 Building height, setback and siting

Objective:

To ensure that building bulk and form, and siting:

- (a) is compatible with the streetscape and character of the surrounding area;
- (b) protects the amenity of adjoining lots; and
- (c) promotes and maintains high levels of public interaction and amenity.

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

Consistent
A4 The facade and entrance of the primary building, must be clearly visible and accessible from a road, for pedestrians and persons with a disability.
Complies
The facade and entrance to the building will be clearly visible and accessible from the road.

22.4.3 Active ground floors

Objective: To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.
Consistent
A2 Alterations to ground floor facades of non-residential buildings must not: <ul style="list-style-type: none"> (a) reduce the level of glazing on a facade to a road, mall, laneway or arcade that is present prior to alterations; (b) have security grilles or screens that obscure the ground floor facade; (c) introduce new or additional mechanical plant or equipment such as air-conditioning units or heat pumps located on the facade; and (d) increase blank walls, signage panels or blocked out windows, wider than 2m on ground floor facades to roads, malls, laneways or arcades.
Complies
There will be alterations to the ground floor facade. There will not be any reduction to the level of existing glazing. No security grilles or screens will be installed. There will not be any new mechanical plant or equipment attached to the facade. The proposal will not increase blank walls, signage panels or blocked out windows wider than 2m on the ground floor facade.
A3 The building must: <ul style="list-style-type: none"> (a) provide a direct access for pedestrians from the road or publicly accessible areas; and (b) be orientated to face a road, mall, laneway or arcade, except where the development is not visible from these locations.
Complies
The building provides direct access to pedestrians from the Charles Street. It is orientated to face both Brisbane Street and Charles Street.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to: <ul style="list-style-type: none"> (a) ensure that an appropriate level of parking facilities are provided to service use and development; (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas; (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; (d) ensure that parking does not adversely impact on the amenity of a locality;

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

(e) ensure that parking spaces and accesses meet appropriate standards; and (f) provide for the implementation of parking precinct plans.
Consistent

E6.7.1 Precinct 1 - Launceston Central Business District Parking Exemption Area

E6.7.1.3 Local area provisions

Objective: To limit on-site car parking within the Launceston Central Business District Parking Exemption Area.
Consistent
A1 On-site car parking is: (a) not provided; or (b) not increased above existing parking numbers.
Complies On-site car parking is not provided.

E18.0 Signs Code

E18.1 The purpose of this provision is to: (a) provide opportunities for appropriate business advertising and information essential to support and encourage business activity; (b) promote the use of well-designed signs that complement and enhance the streetscape and the City and do not contribute to visual clutter and detract from the visual amenity of the locality; and (c) ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.
Consistent

E18.5 Development Standards

E18.5.1 Unacceptable signage

Objective: To prevent unacceptable signage.
Consistent
A1 Signage must not be for the following sign types: (a) an above awning sign; (b) bunting (flag and decorative elements); (c) a flashing lights sign; (d) a roof sign; (e) a sky sign; or (f) a third party sign.
Complies The proposal is for three awning fascia signs, two below awning signs, and two window signs.

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

E18.5.2 Design and siting of signage

Objective:

To:

- (a) provide for appropriate signage and to ensure the visual scale and impact of signage is managed; and
- (b) ensure that the design and siting of signs achieves the purpose of this code.

Consistent

The visual scale and impact of the signage is managed.

A1 A sign must:

- (a) be located within the applicable zone for the relevant sign type set out in Table 1 of E18.6; and
- (b) meet the requirements for the relevant sign type set out in Table 1 of E.18.6.

Relies on Performance Criteria

The Central Business zone is an applicable zone for awning fascia signs, below awning signs and window signs.

Table 1 of E18.6 requires that awning fascia signs have a maximum vertical dimension of 250mm and do not project above or below the fascia, do not contain lettering that projects more than 38mm from the fascia line, are setback at least 450mm in the horizontal plane from the kerb alignment of any street, and have a vertical clearance of at least 2.4m above ground level.

The proposed awning fascia signs have a maximum height of 314mm, with the logo having a maximum depth of 40mm. Therefore, they do not meet the requirements of the table and must be assessed against the performance criteria.

Table 1 of E18.6 requires that below awning signs have a maximum height of 500mm, have a maximum width of 300mm, have a maximum length of 2.5m, do not project beyond the width of the awning, are setback at least 450mm in the horizontal plane from the kerb alignment of any street, and have a vertical clearance of at least 2.4m above ground level.

The proposed below awning signs are 330mm high, 195mm wide and 1830mm long. They have a minimum vertical clearance of 2.414m, do not extend beyond the edge of the awning and are at least 450mm in the horizontal plane from the kerb alignment of Charles Street and Brisbane Street. Therefore, they meet the requirements of the table.

Table 1 of E18.6 requires that window signs occupy no more than 50% of the window area. The television screens take up less than 6% of the total window area. Therefore, they meet the requirements of the table.

P1 A sign must:

- (a) be located within an applicable zone for the relevant sign type as set out in Table 1 of E18.6; and
- (b) be appropriate to the natural and built environment of the locality, having regard to:

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

<ul style="list-style-type: none"> (i) domination of the streetscape or premises on which it is located; (ii) the size and dimensions of the sign; (iii) the amenity to surrounding properties; (iv) the repetition of messages or information; (v) the number and density of signs; and (vi) the obstruction of movement of vehicles and pedestrians.
<p>Complies</p> <p>The proposed awning fascia signs are 314mm high and 2.2m long, with a maximum depth of 40mm. They will be attached to the existing awning in similar locations to previous signage and will not obstruct the movement of vehicles or pedestrians. The majority of businesses in the CBD have awning fascia signs. Each of the awning fascia signs will be facing a different orientation.</p>
<p>A2 A sign must be a minimum distance of 2m from the boundary of any lot in the General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living or Village zones.</p>
<p>Complies</p> <p>The signs are at least 400m from the boundary of any lot in the Inner Residential zone.</p>
<p>A3 A building or tenancy must have:</p> <ul style="list-style-type: none"> (a) a maximum of one of each sign type per building or tenancy, unless otherwise stated in Table 1 of E18.6; and (b) no more than three individual signs in total.
<p>Relies on Performance Criteria</p> <p>There are a total of seven signs proposed for the tenancy: three awning fascia signs, two below awning signs, and two window signs.</p>
<p>P3 Visual clutter must be reduced where multiple signs of the same type are proposed, having regard to:</p> <ul style="list-style-type: none"> (a) the number of signs; (b) replacement of existing signs with fewer, more effective signs; and (c) duplication of messages or information on the same frontage.
<p>Complies</p> <p>The site has two frontages and is opposite the Brisbane Street Mall, thus benefiting from ample foot traffic. There will be an awning fascia sign and a below awning sign on both frontages, as well as an awning fascia sign located at the corner of the site. The signs will be replacing similar existing signs in the same location, though there are slight changes to dimensions. The awning signs all display the words "Michael Hill" with the company's logo. The awning fascia signs will advertise the business to passing traffic, while the below awning signs will advertise to pedestrians walking along the footpath.</p>

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

<p>One of the television screens will be situated along the Charles Street frontage. The second screen is recommended to be relocated from the corner window to the large covered window on Brisbane Street through a condition. The television screens are designed to display static images of products to pedestrians walking past or across the street in the mall. There was previously an extensive amount of window signage on the building that has now been removed.</p>
<p>A4 A sign must not be illuminated.</p>
<p>Relies on Performance Criteria The awning fascia signs, below awning signs and television screens will be illuminated.</p>
<p>P4 A sign must not result in unreasonable loss of amenity to neighbouring properties or cause undue distraction to drivers of motor vehicles, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the sign; (b) the intensity of the lighting; (c) the hours of operation of the sign; (d) whether the sign is visible from the road; and (e) the character of the surrounding area.
<p>Complies The awning fascia signs will contain illuminated lettering. The illumination will be equivalent to 18 watts. The below awning signs will retain the existing light boxes, so the level of illumination will be the same as the existing signs. While the signs will be visible from the road, the level of illumination is considered appropriate.</p> <p>The television screens will have a maximum lux level of 2500cd/m². It was proposed that the signs have a dwell time of 10 seconds. This is considered appropriate for northernmost sign. Due to the location of the Brisbane Street Mall, drivers will not be able to readily view the sign, so it will not cause a risk of distraction.</p> <p>The southernmost sign is angled to face the intersection. It will be best viewed from the Brisbane Street Mall, however, it will be at least partially visible to traffic travelling in the right lane along Charles Street. This could result in drivers being distracted while travelling towards or through the intersection. Following proposed changes submitted by the applicant to address representors concerns, it is proposed to relocate the sign to the existing covered window at the western end of the Brisbane Street frontage. This will move the sign away from the intersection and will prevent traffic from being distracted by transitioning images.</p> <p>It was proposed that the signs be illuminated 24/7. Due to the nature of the business it is likely that hours of operation will be between 7.00am and 7.00pm. Illuminated signs can inform customers as to whether a shop is open or not. Signs that remain illuminated after hours can attract unwanted attention. It is not considered reasonable or necessary to have the signs illuminated when the business is closed. As such, it is proposed for the signs to be conditioned to only operate during business hours.</p>

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Services	N/A
Environmental Health	N/A
Heritage/Urban Design	<p>The building features art deco elements with the stepped vertical rendered elements that project above the parapet, the corner detail above the windows and the curved glazed corner. The stripped down forms, eclectic detailing and window configuration gives the building a strong rhythm in the street and further strengthens the corner composition. The building is one of the few good examples of art deco/post war architecture in the City of Launceston. Elements excluded from significance include the modern convex awning, aluminium framed glazed shopfront, door to secondary entry to upstairs and tenancies on Brisbane Street, the Charles Street second tenancy, and the large signage across prominent and significant corner shopfront areas.</p> <p>The building has been previously recommended for listing on the Tasmanian State Heritage Register. However, it has never been officially included, and thus the Local Historic Cultural Heritage Code of the Planning Scheme does not apply.</p>
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 22 December 2018 to 14 January 2019. Eighteen representations were received during the advertising period. Two representations were received after the advertising period closed, however, it was determined that they should be included by the Director Development Services. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

Issue 1:
The handmade lead light glass reads "Hatton and Laws" in reference to the pharmacy that previously occupied the site in the 1900s. It is a historical link back to the past and must not be lost.
Response 1:
<i>The proposal is not listed under the local or state heritage register. This means it is exempt from the Local Historic Cultural Heritage Code. Additionally, as the proposal does not decrease the amount of clear glazing on the ground floor façade, the proposal does not trigger the active ground floor standard 22.4.3 A2 of the scheme.</i>
Issue 2:
Heritage is intrinsic to the value of Launceston. Other larger cities have lost the majority of their valuable history. There will be a public backlash if the plans are made too public. Are there any alternatives proposed?
Response 2:
<i>Following discussions with the applicants, they have provided amended plans which would allow for the retention of the stained glass windows and the majority of the tiled nib wall. It should be noted that these changes cannot be enforced from a planning perspective, except in the instance of the resultant changes to the proposed television screens.</i>
Issue 3:
The building has been in place for nearly 100 years. It is one of the few intact historic shop fronts remaining in Launceston. It must be preserved as an example of what the City used to look like. Can the façade be heritage listed?
Response 3:
<i>The building has been previously recommended for listing on the Tasmanian State Heritage Register. However, it has never been officially included, and thus the Local Historic Cultural Heritage Code does not apply.</i>

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

<p>Issue 4:</p> <p>Why could the developers not choose one of the surrounding low value shopfronts? Can council require the developers choose another location? Can the building remain as a pharmacy as it has been for most if not all of the time?</p>
<p>Response 4:</p> <p><i>Council cannot force an applicant to choose a specific property, or dictate what use they must apply for. The Council can only assess what is proposed and determine whether to approve it based on the requirements of the scheme.</i></p>
<p>Issue 5:</p> <p>The building is iconic due to its corner position, curved glass frontage and lead lights. It would be a shame for the historical façade and tiling to be removed. Launceston has character and we should not replace it with bland facades.</p>
<p>Response 5:</p> <p><i>The site is not listed on the local or state Heritage Registers, therefore the Local Historic Cultural Heritage Code does not apply. The only trigger for the current planning application is the proposed signage. However, the applicants have provided amended plans which would allow for the retention of the stained glass windows and the majority of the tiled nib wall.</i></p>
<p>Issue 6:</p> <p>Surely the lead lights can be incorporated into the proposal. Stained glass windows would tie in well with the proposed use as a jewellery shop.</p>
<p>Response 6:</p> <p><i>Following discussions with the applicants, they have provided amended plans which would allow for the retention of the stained glass windows. It should be noted that these changes cannot be enforced from a planning perspective, except in the instance of the resultant changes to the proposed television screens.</i></p>

Following the receipt of the representations, Council Officers contacted the applicant to discuss the issues raised. It was confirmed that the alterations to the existing shopfront are exempt from assessment against the scheme. However, the applicant sought to address the concerns expressed, and has committed to making the following amendments to the proposal:

1. Retain the stained glass windows, and provide LED lighting behind them to provide visual interest;
2. Retain the majority of the existing shopfront;
3. Retain the majority of the tiled nib wall;
4. Widen the existing entry by removing the northernmost glass pane, and reinstate the tiled nib wall;
6. Replace the existing curved glass panel and make good the copper trims;
7. Remove the tiles from the masonry wall on the Brisbane Street frontage, and use the leftover tiles to replace existing damaged tiles on the shopfront;

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

8. Move the television screen from the corner of Brisbane Street and Charles Street to replace the existing window sign at the western end of the Brisbane Street frontage; and
9. Rotate the television screen on the Charles Street frontage 90 degrees.

These amended plans are provided as Attachment 4.

The representors were invited to a meeting on 21 January 2019 with the associated planning officer, Heritage Planner and Manager City Development to discuss the proposed changes. Nine of the representors attended. They were informed of the intended amendments and it was generally agreed that they substantially address their concerns. Three of the representors unable to attend contacted the associated planner and were advised of the intended amendments.

A common question that arose from the meeting was whether the Council could require that the applicant commit to the proposed changes, or force the applicants to re-advertise. As the site is not listed on the local or state Heritage Register, the Local Historic Cultural Heritage Code does not apply. Additionally, as the proposal does not decrease the amount of clear glazing on the ground floor façade, the proposal does not trigger the active ground floor standard 22.4.3 A2 of the scheme. This means that the Council cannot formally require that the existing shopfront to be retained. It is open, however, for the applicant to modify the elements by agreement. This is what they have chosen to do.

The proposed changes would result in consequential alterations to the location and orientation of the television screens. The screens are considered window signs and thus need to be assessed against the Signs Code. None of the five other signs are affected. The change in location for one of the screens would remove any potential impact on the Brisbane Street/Charles Street intersection, providing justification for the proposal against clause E18.5.2 P4 of the scheme. Therefore, it is recommended that a condition be included that requires amended plans to show the changes proposed to the television screens. These changes are embodied in the plans shown in Attachment 4. Council officers consider the changes to be significant and very beneficial.

6. CONCLUSION

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

ECONOMIC IMPACT:

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

8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.


BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

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

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School**FILE NO:** DA0582/2018**AUTHOR:** Iain More (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	GHD
Property:	368 St Leonards Road, St Leonards and 378A St Leonards Road, St Leonards
Zoning:	General Residential
Receipt Date:	12/10/2018
Validity Date:	20/11/2018
Further Information Request:	23/10/2018
Further Information Received:	05/12/2018
Deemed Approval:	23/01/2019
Representations:	Eight

RECOMMENDATION:

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted pursuant to a delegation from Council, for DA0582/2018 - Educational and occasional care - Construction of a school at 368 and 378A St Leonards Road, St Leonards 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. Drawing Index & Location Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A000, dated 09/10/2018;
 - b. Sit Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A101, dated 09/10/2018;
 - c. Demolition Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A102, dated 09/10/2018;
-

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- d. Low Floor Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A103, dated 09/10/2018;
- e. Floor Plan Upper, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A104, dated 09/10/2018;
- f. House Elevations & Sections, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A201-01, dated 09/10/2018;
- g. Class Room Plans Elevations & Sections, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A202, dated 09/10/2018; and
- h. Traffic Impact Statement, Prepared by GHD, dated October 2018.

2. USE LIMITATION

This permit allows the educational and occasional care use as defined in the Launceston Interim Planning Scheme 2015. The use is limited to 102 students and 12 full-time equivalent (FTE) staff members. This number encompasses child care, kinder, prep, primary school and secondary school students. Any increase in student numbers and/or FTE staff numbers is subject to a further application and approval.

3. COMBINED SITE USE

The Educational and Occasional Care use located on 152338/4 cannot operate unless the parking and access located on 174941/4 is made available exclusively for the use.

4. 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.

5. HOURS OF CONSTRUCTION

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

7.00am to 6.00pm - Monday to Friday

8.00am to 5.00pm - Saturday

No works on Sunday or Public Holidays

6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2018/01692-LCC, dated 25/10/2018 and attached to the permit.

7. PARKING RESTRICTIONS IN ST LEONARDS ROAD

A plan of the parking restrictions in St Leonards Road and details of the completed public consultation are to be submitted for approval by the Director Infrastructure Services. Once approved, the parking restrictions are to be installed at the applicant's expense and prior to the school operations starting on the site.

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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.

8A. 368 ST LEONARDS ROAD ACCESS

Within six months of the use occurring, the crossover into 368 St Leonards Road must be widened to a minimum of 6m, with a passing bay located no less than 15m from St Leonards Road. The detailed design must be provided and signed by Manager City Development.

9. DAMAGE TO COUNCIL INFRASTRUCTURE

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

10. 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.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

11. SOIL AND WATER MANAGEMENT PLAN

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

12. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

13. NO BURNING OF WASTE

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0582/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

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>>

D. Permit Commencement.

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

E. Access for People with a Disability

This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

F. Food Premises

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102.

G. Heat Pump Use

Use of the heat pump will be subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or as amended.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

REPORT:**1. THE PROPOSAL**

It is proposed to construct a new school over two properties. The school will cater for a maximum of 102 students and 12 staff. Site development will include:

1. Redevelopment of the existing residential dwelling located at 368 St Leonards Road to incorporate on the ground floor, three classrooms, meeting room, office, administration kitchen and reception facilities;
2. Introduction of a mezzanine level which has been designed to provide a classroom, craft room, office/store, toilet facility and lobby;
3. An external bridge and pathway will enable external access to the mezzanine level;
4. In addition, two classrooms linked by a deck will be introduced onto the site positioned approximately 12m south west of the main building;
5. A new main vehicle entrance to the school will be constructed from 376-378 St Leonards Road and lead onto the site proper where a turning circle will provide for bus set down and associated parking;
6. Pedestrian access to the school will likewise extend from the main access adjacent the St Leonards Road frontage providing direct connection to the school grounds and buildings;
7. Future parking spaces for up to 18 vehicles will be developed on the northern side of the new entry point with associated landscaping; and
8. The existing site entry at 368 St Leonards Road will be retained and widened.

The proposal will result in relocation of the Steiner School currently located at 14 Station Road, St. Leonards. The relocation will be gradual but it is expected the complete relocation will occur by the end of 2020.

1A. PREVIOUS CONSIDERATION

The current application went to Council Meeting on 24th January 2019 for decision. At this meeting the Council decided to lay the application on the table to seek clarification on a number of issues. These issues are summarised and responded to below.

(a) Widening of the driveway into 368 St Leonards Road

A condition has been recommended to widen the access to 6m to the applicable Australian Standard as well as provide room for a passing bay. This will allow two vehicles to enter and exit the site safely as well as a pull over should two vehicles be utilising the access at the same time.

(b) Future growth plans for the school

The proposal is for a school for 102 students. The applicant and the report has made this clear. Whether or not the school is K-12 or only primary makes negligible

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

difference when assessing the application. As a planning authority it can only assess an application based on its current proposal, not what may occur in the future. If future growth occurs, it will be up to the school to discuss with Council's City Development Department a way forward to allow for more students. If a permit were to be granted for this proposal, the school would not be able to exceed 102 students without being in breach of its planning permit. Notwithstanding, the following information has been provided to allow the Councillors a better understanding of what is being proposed:

- The proposal is to develop a primary school at the site. There are no plans for a secondary school;
- Student numbers do not exceed 102; and
- The existing school will be moved to the new site as soon as possible.

(c) Will a school zone be implemented, and if so, whose responsibility will it be and what will it entail?

A school zone is not proposed as part of this development. There will be a no-stopping area that will be constructed to the relevant standards. It is possible that a school zone will be implemented in the future, however, it is not proposed as part of this application and cannot be a consideration. If one were to occur, it would be outside of the planning process and as an agreement between the Council and the Department of State Growth.

It is expected that all drop off and pickup associated with the school will be within the boundaries of the school site. Sufficient space on site has been provided to cater for the traffic movements associated with the use.

(d) There are concerns around the footpath located on the southern side of St Leonards Road. A hedge currently blocks off a portion of the path at 680 and 356 Ste Leonards Road, as well as a break in foot path at 362-364 St Leonards Road

The footpath external to the site does not form part of the application and was not required to be addressed. Notwithstanding, an order has been made to trim the large hedge that is currently blocking a portion of the footpath along St Leonards Road. The current break in the footpath will be something Council can consider outside of the planning process.

(e) St Leonards Road

St Leonards Road is a Category 5 road, as defined by the Department of State Growth. Category 5 roads are primarily access roads for private properties, some may be used for comparatively low frequency heavy vehicle transport. St Leonards Road is not a preferred transport route by the Department of State Growth.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	368 and 376-378 St Leonards Road, St Leonards
Zone	General Residential
Size	1.94ha combined
Access	Two existing accesses off St Leonards Road
Shape	Irregular
Slope	Slopes downwards from St Leonards Road from 47m AHD to 38m AHD, over 162m
Existing structures	A large single dwelling and several smaller sheds
Vegetation	Mostly cleared with areas of heavily planted residential vegetation
Connection to services	Connected to all reticulated services
Surrounding land	To the north, south, and east are residential lots containing residential uses. To the west is rural land.
Overlays	E9.0 Water Quality Code

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

<p>10.1.1 Zone Purpose Statements</p> <p>10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</p> <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</p> <p>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</p> <p>10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.</p>
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8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

Consistent

The purpose of the zone is to provide for compatible non-residential uses that primarily serve the local community. An educational and occasional care use achieves this purpose by provided educational facilities for the youth of St Leonards, complying with the purpose of the zone.

10.3 Use Standards

10.3.1 Hours of operation

Objective:

To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.

Consistent

A1 Commercial vehicles must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.

Complies

Class hours of the school will be 8:30am to 3:30pm Monday to Friday and commercial related deliveries will occur within that time of the day.

10.3.2 Mechanical plant and equipment

Objective:

To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.

Consistent

A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.

Complies

All air conditioning, air extraction, heating or refrigeration systems or compressors will be designed to ensure there are no negative effects on nearby sensitive uses. This has been reflected in a recommended condition.

10.3.3 Light spill and illumination

Objective:

To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.

Consistent

A1 The use must:

- (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the Inner Residential, Low Density Residential, Urban Mixed Use and Village zones; and
- (b) contain direct light from external light sources within the boundaries of the site.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

Complies
 The site does not adjoin the Inner Residential, Low Density Residential, Urban Mixed Use or Village zones.

10.3.4 External storage of goods

Objective:
 To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.

Consistent

A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.

Complies
 No goods and materials, including waste storage, will be visible from any public road or are of public open space.

10.3.5 Commercial vehicle parking

Objective:
 To ensure that parking of commercial vehicles does not detract from the amenity of the area.

Consistent

A1 Commercial vehicles must be parked within the boundary of the site.

Complies
 All parking will be contained within the boundary of the site.

10.4 Development Standards

10.4.11 Outbuildings, swimming pools and fences

Objective:
 To ensure that:
 (a) outbuildings, swimming pools and fences:
 (i) do not detract from the character of the surrounding area; and
 (ii) are appropriate to the site and respect the amenity of neighbouring lots;
 (b) dwellings remain the dominant built form.

Consistent

10.4.12 Earthworks and retaining walls

Objective:
 To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.

Consistent

A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:
 (a) be located no less than 900mm from each lot boundary;
 (b) be no higher than 1m (including the height of any batters) above existing ground

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

<p>level;</p> <ul style="list-style-type: none"> (c) not require cut or fill more than 1m below or above existing ground level; (d) not concentrate the flow of surface water onto an adjoining lot; and (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.
<p>Complies</p> <p>Whilst earthworks are proposed, no cut or fill of more than 600mm below or above existing ground level is proposed. Furthermore, any earthworks will be located more than 1m from any service line or easement, and will ensure stormwater is contained on site and is not directed onto adjoining properties.</p>

10.4.13 Location of car parking

<p>Objective:</p> <p>To:</p> <ul style="list-style-type: none"> (a) provide convenient car parking for residents and visitors; (b) protect residents from vehicular noise within sites; and (c) minimise visual impact on the streetscape.
<p>Consistent</p> <p>Consistency with the objective has been achieved as the proposal ensures parking locations reduce the visual impact on the streetscape.</p>
<p>A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage.</p> <p>A2.2 Turning areas for vehicles must not be located within the primary front setback.</p>
<p>Relies on Performance Criteria</p> <p>There are 18 car parking spaces located within the vehicle entrance access strip, being the primary frontage. As such, reliance on the performance criteria is sought.</p>
<p>P2 The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to:</p> <ul style="list-style-type: none"> (a) the visual impact of the car parking location viewed from the road; (b) access for users of the site; (c) pedestrian and vehicular traffic safety; (d) the nature and characteristics of the street; (e) the need for the location; (f) any landscaping of the car parking or turning area location; and (g) construction methods and pavement types.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

Complies

The closest parking space is located approximately 7.8m from the frontage. Between this space and the frontage will be two large trees to reduce any visual intrusion upon the streetscape. The 18 car parking spaces are located next to the entrance road, with further plantings behind. There is also a pedestrian walkway to the north of the spaces to allow pedestrians to enter and exit the site. It is considered that through the use of vegetation plantings for screening, the parking areas will reduce the visual impact on the streetscape whilst maintaining safe access and parking for users of the site. As such the proposal complies with the performance criteria.

10.4.14 Development for discretionary uses

Objective:

To ensure that development for discretionary uses is compatible with the form and scale of residential development and does not unreasonably impact on the amenity of nearby sensitive uses.

Consistent

Consistency with the objective has been achieved as the proposal is considered to be compatible with the surrounding area and will not unreasonably impact on any nearby sensitive uses.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Development must be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to:

- (a) the setback of the building to a frontage;
- (b) the streetscape;
- (c) the topography of the site;
- (d) the height, bulk and form of the building;
- (e) the height, bulk and form of adjacent buildings and buildings in the surrounding area;
- (f) the setbacks to side and rear boundaries;
- (g) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings;
- (h) the degree of overshadowing and overlooking of adjoining lots;
- (i) mutual passive surveillance between the road and the building;
- (j) any existing and proposed landscaping;
- (k) the visual impact of the building when viewed from adjoining or immediately opposite lots;
- (l) the location and impacts of traffic circulation and parking; and
- (m) the character of the surrounding area.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**Complies**

The setback of all buildings proposed for the site is well in excess of that of the existing and established building frontage of existing allotments in the immediate area. As the development site is located behind the existing allotments along the St Leonards frontage, no building structures will be closer than 60m to the front boundary.

The streetscape will be unaffected by the development given the access proposed to the site. Whilst the main entry will be the equivalent of a residential block width, it is not expected that this will impact the amenity of nearby or adjoining residential uses, in fact this additional width enables adequate separation to existing residential use and the introduction of landscape screening.

The topography of the site which falls away from St Leonards Road, minimises the impact of the development on surrounding residential uses and enables its virtual obstruction from the main road. In terms of the existing residential structure and the proposed buildings to house classrooms 5 and 6, all are of a residential scale and appearance. The existing dwelling whilst being adapted for educational use will be no higher than 5.5m, well within the development standards for the zone. Likewise, the additional classroom structures, which at their highest point will be 3.9m. All structures will be consistent with the height and bulk of structures in the surrounding area. Importantly, the physical separation of the structures on the site further reduces the scale of the development, which together with the size of the allotment and landscaping existing and proposed, will maintain a residential feel and pattern.

The height, bulk and form is consistent with that of existing buildings in the surrounding area. The setback to the side and rear boundaries is 38m and 34m respectively which together with the landscaped setting will both buffer and blend the development in terms of the neighbourhood's residential appearance. Given the significant setbacks, it is even less likely that the development will negatively impact the amenity of nearby residential uses. The proposed walkway to the mezzanine level is setback at least 6m from the rear boundary of the property at 374 St Leonards Road. Given the setbacks proposed and orientation/ position of the new structures and that of the existing building, the development will have no impact upon solar access and privacy of habitable rooms of adjoining dwellings.

There will be no shadowing of adjoining buildings or lots as a result of the proposed development. Mutual passive surveillance of the site will be maintained from existing buildings and lots adjacent the proposed site. Existing and proposed landscaping will both screen development and contribute to the residential ambience of the immediate area. The location is characterised by larger lots at the rear of the existing dwellings with direct frontage to St Leonards Road, and the development proposed will maintain this established spatial separation.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

The buildings when viewed from adjoining or lots which are immediately opposite will not change noticeably. The impact will be insignificant as the scale, orientation and position on the site relative to nearby properties will not present in contrast to the neighbourhood. The location and circulation of traffic is not expected to significantly impact the amenity of the neighbourhood and immediate area. Whilst there will be an increase in traffic movements to and from the site, this will generally occur at the peak periods of the day, at school commencement and at the end of the day. The Traffic Impact Statement discusses likely traffic movements and impacts, making recommendations as to design actions and site management to ensure traffic safety.

It is noted that the property at 380 St Leonards Road has a right of way over the development site's proposed main access. Access to that adjoining site will not be constrained by the proposed development.

The character of the surrounding area is typical of a neighbourhood in transition from a semi-rural environment to one of greater residential density adjacent the main road. Historically residential subdivision has occurred immediately adjacent St Leonards Road, whilst land north and south of the main road beyond this strip has been only partially developed with housing presenting as a rural residential type landscape. A Master Plan for the future development of St Leonards is in process, and the character of the area is expected to change significantly over time to meet the demands of an expanding growth area.

As such the proposal complies with the performance criteria.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

Consistency with the code purpose has been achieved as the proposal ensures the protection of safety and efficiency of the road network and reduces conflicts between the site and sensitive use.

It is noted that a Traffic Impact Statement (TIA) was prepared and lodged as part of the application, which addressed parts of the code.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

<p>Consistent Consistency with the objective has been achieved as the proposal ensures that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.</p>
<p>A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>
<p>Relies on Performance Criteria The Traffic Impact Statement has provided traffic generation estimates. These conclude that the use is estimated to generate a total of 306 vehicle movements per day, which is an increase of more than 40 vehicle movements per day. As such the development is reliant on the performance criteria.</p>
<p>P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.
<p>Complies The performance criteria have been addressed below and in conjunction with the supporting Traffic Impact Statement.</p> <p>(a) the increase in traffic caused by the use The site is currently utilised now by a single dwelling. The development of the site will result in 306 movements per day to the site.</p> <p>(b) the nature of the traffic generated by the use The primary nature of the traffic will be students being picked up and dropped off. There will also be staff entering and existing the site outside of the main hours of the students who will access the site. The majority of drop-off and pick-up activity associated with the school is intended to be accommodated on-site within dedicated parking areas. The west side of St Leonards Road may also be utilised for drop-off and pick-up. Given the level of parking provided, it is considered unlikely that the opposite side of St Leonards Road will be used extensively and therefore a school crossing and 40km/h school speed zone should not be required to support this development.</p>

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**(c) the nature and efficiency of the access or the junction**

The majority of traffic activity would be at the proposed main access on St Leonards Road at the southern end of the site. This access would be sealed with a width of 6.2m.

(d) the nature and category of the road

St Leonards Road is a Category 5 Road. Category 5 Roads are primarily access roads for private properties and some may be used for comparatively low frequency heavy freight vehicle transport.

St Leonards Road is a Category 5 State Road owned and maintained by the Department of State Growth. Near the development site, St Leonards Road has one lane travelling in each direction and a posted speed limit of 60km/h. Footpaths and on-street car parking are provided along both sides of the road. St Leonards Road is marked with centre and edge lines. Traffic data obtained from the Department of State Growth indicates an Average Annual Daily Traffic (AADT) of approximately 1,510 vehicles per day in 2016 with 9.3% heavy vehicles (defined as Austroads class 3 trucks and above). Peak volumes are in the range of 145 to 165 vehicles per hour

Given an entry rate of up to 61 vehicle movements per hour and an opposing flow rate on St Leonards Road of around 150 vehicles per hour, the warrants for specific turn treatments as defined by Austroads (2017) are not met and therefore no specific treatment on St Leonards Road is required.

(e) the speed limit and traffic flow of the road

St Leonards Road has a speed limit of 60km/h, and a flow rate of 105 vehicles per hour.

(f) any alternative access to a road

The two accesses into the site are existing, with no other alternatives available.

(g) the need for the use

The school is proposed to cater for up to 102 students who will primarily be based in St Leonards. The school is currently based in St Leonards, however, the proposed new site will allow for an expansion of the existing school to a new site. The new site will accommodate the primary school (classes 1 through to 6).

(h) any traffic impact assessment

The applicant provided a Traffic Impact Assessment as part of the application. The assessment has helped respond to the provisions within this performance criteria. The assessment concluded with some recommendations, including that the proposed access driveway should be constructed with a concrete crossover so as to be clearly recognised by drivers as a driveway property access, rather than an intersection with vehicular priority.

Development will be required to comply with the requirements of the assessment.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**(i) Any written advice received from the road authority**

The road, being St Leonards Road, is owned maintained by the Department of State Growth (DSG). Council is responsible to maintain the areas for parking control. The application was referred to the DSG who provided a letter seeking clarification on, among other things, the following:

- The requirement for some parking restrictions to be imposed in accordance with the Department's standard drawing;
- The applicant discusses with Council's engineering team about the proposed restrictions;
- The report mentions that it is "unlikely that the opposite side of St Leonards Road will be used extensively and therefore a school crossing and 40km/h school speed zone should not be required to support this development." However, if there is any potential for pedestrians to access the school via walking along the western side of St Leonards Road, the current situation where the footpath is discontinued between the northernmost site access and the access to 362-364 St Leonards Road will need to be addressed to remove any safety risk of users needing to walk on the road pavement.

The Department has stated that as the City of Launceston is responsible for managing the areas outside of the central 7.4m carriageway and have delegation for parking control. They are happy to support Council's Infrastructure advice and preferences. That being, the introduction of parking restrictions and clearway to allow for through traffic to pass right hand turners on the left. This plan has been included at Attachment 7 to the report.

The application has introduced a no stopping restriction areas which has been agreed upon by both Council and the DSG. The development also proposes sufficient access arrangements and parking spaces for all users of the site, removing the need for parking on the street and limiting the number of students walking. Therefore, at this stage, no school zone is proposed as part of this development.

The DSG has received all information relevant to this application including responses to further information requests. With regard to their concerns raised in their information request, they have confirmed in writing that they are satisfied with the response.

As discussed above, the proposal has demonstrated that the new use will ensure the safety and efficiency of the road is maintained.

E4.6 Development Standards**E4.6.2 Road accesses and junctions****Objective:**

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

<p>Consistent Consistency with the objective has been achieved as the proposal ensures that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>
<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>
<p>Relies on Performance Criteria The site consists of two titles, both of which have their own separate access.</p>
<p>P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.
<p>Complies Clause E4.6.4 of the Planning Scheme requires a minimum Safe Intersection Sight Distance (SISD) of 105m for a vehicle speed of 60km/h in an area with a speed limit of 60km/h or less. The available sight distance exceeds 150m in all directions and therefore complies with this requirement. The Department of State Growth has provided advice that it's satisfied with the access arrangements. As such the proposal complies with the performance criteria.</p>

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

<p>Objective: To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>
<p>Consistent A1 Sight distances at:</p> <ul style="list-style-type: none"> (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.
<p>Complies Table E4.6.4 requires a minimum SISD of 105m for a vehicle speed of 60km/h in an area with a speed limit of 60km/h or less. The available sight distance exceeds 150m in all directions and therefore complies with this requirement.</p>

E6.0 Parking and Sustainable Transport Code

<p>E6.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) ensure that an appropriate level of parking facilities are provided to service use and
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8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

<p>development;</p> <p>(b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;</p> <p>(c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;</p> <p>(d) ensure that parking does not adversely impact on the amenity of a locality;</p> <p>(e) ensure that parking spaces and accesses meet appropriate standards; and</p> <p>(f) provide for the implementation of parking precinct plans.</p>
<p>Consistent Consistency with the code purpose has been achieved as the proposal ensures there is safe and appropriate access and parking for the proposed use.</p>

E6.5 Use Standards

E6.5.1 Car parking numbers

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p>Consistent An educational and occasional care use requires one space per employee and one space per six tertiary education students. As the use is not for tertiary students, the number of parking spaces is determined by the number of staff, in this case 12 car parking spaces are required to be provided. A total of 30 car parking spaces have been provided, complying with the acceptable solution.</p>
<p>A1 The number of car parking spaces must:</p> <p>(a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or</p> <p>(b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or</p> <p>(c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or</p> <p>(d) be in accordance with an acceptable solution contained within a parking precinct plan.</p>
<p>Complies An educational and occasional care use requires 1 space per employee and 1 space per 6 tertiary education students. As the use is not for tertiary students, the number of parking spaces is determined by the number of staff. As the development proposed 12 staff, 12 car parking spaces are required. A total of 30 car parking spaces have been provided, complying with the acceptable solution.</p>
<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require six or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p>

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

Complies

The National Construction Code requires a school have one space for every 100 car parking spaces or part thereof, resulting in the requirement of one space. The development proposes a total of two accessible parking spaces, complying with the acceptable solution.

E6.5.2 Bicycle parking numbers

Objective:

To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.

Consistent

A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.

Complies

Bicycle spaces are required at a rate of one space per five employees. As such, two bicycle spaces are required. Accordingly, two bicycle spaces will be provided.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

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

Consistent

A1 All parking, access ways, manoeuvring and circulation spaces must:

- (a) have a gradient of 10% or less;
- (b) be formed and paved;
- (c) be drained to the public stormwater system, or contain stormwater on the site;
- (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and
- (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.

Relies on Performance Criteria

All parking spaces, access ways, manoeuvring and circulation spaces will:

- Have a gradient of 10% or less;
- Be formed and paved with an impervious all weather seal;
- Be line parked

Stormwater will initially be contained onsite however will then feed into the waterway. As such reliance on the performance criteria is required.

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

- (a) the nature of the use;

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

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

Complies

The principles of water sensitive urban design will be investigated and where practical applied to the balance of water runoff from the development to manage flows and rates of discharge as part of vegetated swale design in the collection distribution and management of point source flows. Natural flows through the site will be managed to ensure that flooding and erosion are mitigated. The extent of site hardstand is not significant and runoff can be managed with careful design for flow paths and natural water distribution will allow infiltration and displacement, benefiting landscaped and vegetated areas of the site.

Therefore the proposal complies with the performance criteria.

E6.6.2 Design and layout of parking areas

Objective:

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

Consistent

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

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

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

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

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

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

Complies
 All car parking spaces, access ways, manoeuvring and circulation spaces will allow all vehicles to enter and exit the site in a forward direction. In accordance with Table E6.3, parking and access dimensions have been designed with the following dimensions:
 Access and manoeuvring width: 5.8 - 6.2m
 Car Park Widths: 2.8m
 Car Park Length: 5.4m

There will also be a vertical clearance of not less than 2.1m above parking level. Furthermore, the accessible parking spaces are located closest to the main building and will be constructed, signed, and line marked in accordance with the Australian Standard.

E6.6.3 Pedestrian access

Objective:
 To ensure pedestrian access is provided in a safe and convenient manner.

Consistent

A1.1 Uses that require 10 or more parking spaces must:
 (a) have a 1m wide footpath that is separated from the access ways or parking aisles, except where crossing access ways or parking aisles, by:
 (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or
 (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and
 (b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and

A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the main entry point to the building.

Complies
 A 1.3m wide pedestrian footpath is proposed from St Leonards Road into the site. The footpath curves and at all times is more than 2.5metres away from the driveway, however, at times is less than 1m from parking bays. However, plantings are to occur between the parking bays and footpath for safety. Disability parking contains line marked crossings and a minimum 2m wide footpath to the main entry point of the building.

E9.0 Water Quality Code

E9.1 The purpose of this provision is to:
 (a) manage adverse impacts on wetlands and watercourses.

Consistent
 Consistency with the code purpose has been achieved as the proposal ensures development will have no adverse impacts on wetlands or watercourses.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

E9.6 Development Standards

E9.6.1 Development in the vicinity of a watercourses and wetlands

Objective:

To protect watercourses and wetlands from the effects of development and minimise the potential for water quality degradation.

Consistent

Consistency with the objective has been achieved as the proposal ensures development will have no adverse impacts on wetlands or watercourses.

A1 No acceptable solutions.

Relies on Performance Criteria

P1 Development must not unreasonably impact the water quality of water-courses or wetlands, having regard to:

- (a) the topography of the site;
- (b) the potential for erosion;
- (c) the potential for siltation and sedimentation;
- (d) the risk of flood;
- (e) the impact of the removal of vegetation on hydrology;
- (f) the natural values of the vegetation and the land;
- (g) the scale of the development;
- (h) the method of works, including vegetation removal, and the machinery used;
- (i) any measures to mitigate impacts;
- (j) any remediation measures proposed;
- (k) any soil and water management plan; and
- (l) the requirements of the Department of Primary Industries, Parks, Water and Environment Wetlands and Waterways Works Manual.

Complies

The only development within 30m of the watercourse that runs through the site is the walkway. As such it is not expected that stormwater drainage from the development will negatively impact the existing watercourse in terms of flow or water quality. The use of swale drainage as part of sensitive water management will enable use of the site's topography to both drain and slow water flows to reduce erosion, avoid siltation and sedimentation and reduce the impact of flooding.

The site and water course do not contain natural values of any significance, as the rear curtilages of the site are grassed and devoid of significant plantings. The scale of development is limited and is not expected to generate significant flows beyond the natural flows impacting the site. The detailed design of all hard stand areas and drainage from new structures will seek to minimise water flows and achieve water balance across the site.

As such the proposal is compliant with the performance criteria.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

E9.6.3 Discharges to watercourses and wetlands

<p>Objective: To manage discharges to watercourses and wetlands so as not unreasonably impact the water quality.</p>
<p>Consistent Consistency with the objective has been achieved as the proposal ensures the watercourse will not be unreasonably impacted upon.</p>
<p>A1 All stormwater discharge must be: (a) connected to the public stormwater system; or (b) diverted to an on-site system that contains stormwater within the site.</p>
<p>Relies on Performance Criteria It is proposed that stormwater management be achieved through the introduction of swale drainage from hard stand areas to the existing watercourse which ultimately drains to the North Esk River. As such reliance on the performance criteria is sought.</p>
<p>P1 Stormwater discharges must not unreasonably impact on the water quality of watercourses or wetlands, having regard to: (a) the characteristics, volume and flow rates of the discharge; (b) the characteristics of the receiving waters; (c) the potential for erosion; (d) the potential for siltation and sedimentation; (e) the impact on hydrology; (f) any measures to mitigate impacts; and (g) any soil and water management plan.</p>
<p>Complies The purpose of the swale drains will be to capture runoff from the new structures and hardstand areas, reducing flow rates to avoid erosion and improve water management on the site. Design will be undertaken as part of detailed design of these areas, particularly the vehicle stand and circulation paths. Therefore, the proposal complies with the performance criteria.</p>
<p>A2.1 No new point source pollution discharging directly into a watercourse or wetland. A2.2 For existing point source pollution discharges into a watercourse or wetland, there is no more than a 10% increase in the volume or characteristics of the discharge that existed at the effective date.</p>
<p>Relies on Performance Criteria As stormwater will be discharging to a watercourse reliance on the performance criteria is required.</p>
<p>P2 New and existing point source pollution discharges must not unreasonably impact on the water quality of watercourses or wetlands, having regard to: (a) the characteristics, volume and flow rates of the discharge; (b) the characteristics of the receiving waters; (c) the impact on hydrology; (d) the opportunities to recycle or reuse the discharge; (e) any measures to mitigate impacts; (f) best practice environmental management; and</p>

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

<p>(g) any emission limit guidelines or protected environmental values or water quality objectives issued by the Board of Environment Protection Authority in accordance with the State Policy for Water Quality Management 1997.</p>
<p>Complies The principles of water sensitive urban design will be investigated and where practical applied to the balance of water runoff from the development to manage flows and rates of discharge as part of vegetated swale design in the collection distribution and management of point source flows to ensure the watercourse is not negatively impacted upon.</p> <p>Natural flows through the site will be managed to ensure that flooding and erosion are mitigated. The extent of site hardstand is not significant and runoff can be managed with careful design for flow paths and natural water distribution will allow infiltration and displacement, benefiting landscaped and vegetated areas of the site.</p> <p>As such the proposal complies with the performance criteria.</p>

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Services	Conditional consent provided. It is noted that a request from the applicant proposed that the driveway into the site was to be sealed at a later date, once the use has commenced. This is generally not accepted as good practice or design, and the standard condition of driveway sealing has been recommended.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA No. 2018/01692-LCC, dated 25/10/2018.
State Growth	State Growth provided road authority consent on 20/11/2018. Please refer to Section 4.5.1(P1)(i) where the departments consent and discussions have been presented.

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

REFERRAL	COMMENTS
	EXTERNAL
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 8 December 2018 to 2 January 2019. Eight representations were received.

A representor meeting was held on Wednesday, 9 January 2019 to allow representors to discuss their concerns.

The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1: The angle of the current northern driveway creates a blind spot when exiting onto St Leonards Road and turning into the site. Potential safety issues for two cars trying to enter/exit at the same time.</p>
<p><i>Response: The access in question will only be utilised by teachers of the school who will be accessing the property before and after school. There is a driveway approximately 30m in length from the road until a fork in the road to allow a turnoff into the school and a continuation along a right of way for 366 St Leonards Road to access. Whilst this is considered acceptable, a condition has been recommended widening the access to 6m.</i></p>
<p>Issue 2: St Leonards road is utilised by heavy vehicles, there are safety concerns regarding the safe exit and entry from the site.</p>
<p><i>Response: A Traffic Impact Assessment was prepared and lodged as part of the application. As part of this assessment safety was addressed where it was considered vehicles will be able to exit and enter the site safely.</i></p>
<p>Issue 3: Due to the increased vehicles there are risks to the nearby residences when entering and existing their properties, as well as other users of the road.</p>
<p><i>Response: A Traffic Impact Assessment was prepared and lodged as part of the application. As part of this assessment safety was addressed where it was considered vehicles will be able to exit and enter the site safely.</i></p>

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

<p>Issue 4: The no standing zones outside of the nearby properties will reduce the number of vehicles able to park on the road who visit these properties.</p>
<p><i>Response: Whilst it is acknowledged that a no standing area is proposed, all dwellings that would be affected have sufficient room on their properties for visitors to park in tandem.</i></p>
<p>Issue 5: The school is not in keeping with the character of the area which is primarily single dwellings and a more rural aspect outside of these properties. Concerns are raised about the visual impact the car park will have on the streetscape as well as the impact the buildings will have from adjoining lots. This will affect the character of the surrounding area.</p>
<p><i>Response: An educational and occasional care use is a discretionary but permissible use within the General Residential Zone. The purpose of the zone is to allow uses that are other than residential to be developed, is they primarily serve the local community. In this case a new school will directly serve the local community of St Leonards. With the majority of the development being located behind the primary frontage and located on the outskirts of rural land, it has been determined that the use is compatible with the area and surrounding uses. The car park is located along an access strip and will be screened via new vegetation.</i></p>
<p>Issue 6: The sight distances for the entry are not long enough.</p>
<p><i>Response: A Traffic Impact Assessment was prepared and lodged as part of the application. The assessment has determined that sight distances are sufficient.</i></p>
<p>Issue 8: There will be an extra 102 students in cars being dropped off and collected which may increase in the future. Should the school increase a school crossing of 40km/h may be installed.</p>
<p><i>Response: The application is for a total of 102 students. A condition will be placed on the permit that this is the total number of students permitted. If an increase is proposed further Council consideration will be necessary.</i></p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.


BUDGET & FINANCIAL ASPECTS:

Not relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map (distributed electronically)
 2. Plans to be Endorsed (distributed electronically)
 3. TasWater SPAN (distributed electronically)
 4. DSG Advice and Correspondence (distributed electronically)
 5. Representations (distributed electronically)
 6. Applicant's Response to Representations (distributed electronically)
 7. St Leonards Road Entry Junction General Arrangement Plan (distributed electronically)
-

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings**FILE NO:** DA0360/2018**AUTHOR:** Brian White (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Urban Design Solutions
Property:	27 - 29 Leslie Street, South Launceston
Zoning:	General Residential
Receipt Date:	26/06/2018
Validity Date:	29/06/2018
Further Information Request:	05/07/2018
Further Information Received:	13/12/2018
Deemed Approval:	26/01/2019
Representations:	None

PREVIOUS COUNCIL CONSIDERATION:

DA120/92 - Extension to existing motor body works and joinery (Light Ind)

DA0214/2015 - Food services - cafe; Residential - multiple dwellings; construction and use 11 dwellings (7 within the existing building); Signage - cafe signs

DA0350/2015 - Food Services - cafe; Residential - multiple dwellings; construction and use 10 dwellings (7 within the existing building); Signage - cafe signs

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, the application be refused for DA0360/2018 - Residential - Construction of an Additional Six Dwellings and Associated Earthworks at 27 and 29 Leslie Street, South Launceston on the following grounds:

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

1. the proposed development does not comply with Clause 10.4.1 P1 (a) or (b) of the Launceston Interim Planning Scheme 2015 as the proposed density is not compatible with the density of the surrounding area or does not provide a significant social or community housing benefit.
 2. the proposed development does not comply with Clause 10.4.3 P1 (a)(i), (b) or (c) of Clause 10.4.3 of the Launceston Interim Planning Scheme 2015 as:
 - the dwellings do not have outdoor recreational space consistent with the projected requirements of the occupants taking into account any communal open space provided for this purpose within the development; and
 - the dwellings and the site do not have reasonable space for the planting of gardens and landscaping.
-

REPORT:**1. THE PROPOSAL**

An application has been made to Council for the granting of a permit for the use and development of a partially developed site 27 - 29 Leslie Street South Launceston. The application is a type Council has a discretion to refuse or permit due to the development relying on a number of performance criterion of development standards in the General Residential Zone and relevant codes.

The proposal is to intensify a previously approved multiple dwelling residential development and use of the site. This will be done by constructing five townhouses along the southern side of the site, and replacing a previously approved café with a dwelling in an existing warehouse structure along the northern side. Other works include constructing car parking and manoeuvring areas, earthworks and minor landscaping.

Therefore, the proposal is for the use of six under construction dwellings and six new dwellings - equalling 12. This is an increase of two dwellings (the previous manager's 'dwelling' was included) from the previous permit.

Before describing the current application in detail, it is useful to explain what is currently approved (and being constructed under DA0350/2015 and BA 0554/2017) on site given this planning permit (if approved) will effectively replace that permit.

It is noted that this is not a typical application given different parts of previous permits are being relied upon whilst others are not. There is added complexity due to the designers of the previous and current application being different, so the floor plans and elevations of the previously approved dwellings were not provided and advertised.

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

Should this permit be issued, DA0350/2015 will be superseded by the current permit. For the common areas, the existing permit will still be in place for the dwellings under construction.

The Previous Permit - DA0350/2015

Planning permit (DA0350/2015) approved six conjoined multiple dwellings and a café/manager's quarter (also classified as a dwelling) within an existing large warehouse building previously used for a panel beating workshop. The permit also approved three multiple dwellings and car parking along the southern side of the site, and car parking along the eastern boundary.

The total number of dwellings approved (including the manager's 'dwelling' above the café) was 10.

An earlier application (DA0214/2015) for 11 dwellings and a café was previously refused.

The six multiple dwellings within the previous warehouse approved by DA0350/2015 are currently under construction in accordance with building permit BA0554/2017. The supporting planning submission describes the changes to DA0350/2015 as follows:

It is proposed to not proceed with the café, but to use that space for a dwelling instead and to increase the number of dwellings on the southern side of the lot from four to five. This is summarised as, replacing the café and manager's residence with a dwelling and increasing the dwellings on the southern side by one (10 dwellings and a café with a manager's residence to 12 dwellings). Additional changes to the original planning approval include:

- *a change to the retaining wall on the northern boundary (Approved in BA0554/2017); and*
- *changes to the car parking layout, including no requirement for café carpark in the frontage. Overall car parking numbers are proposed to meet the requirements of the scheme; and*
- *changes to the car parking layout, including no requirement for café carpark in the frontage. Overall car parking numbers are proposed to meet the requirements of the scheme; and*
- *changes to wheelie bin location (DA0359/2015 did not provide for wheelie bin storage).*

It is noted that the number of dwellings approved on the southern part of the site was three, not four as stated in the submitted report.

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ... (Cont'd)

Figure 1 shows the site plan approved by DA 0350/2015.

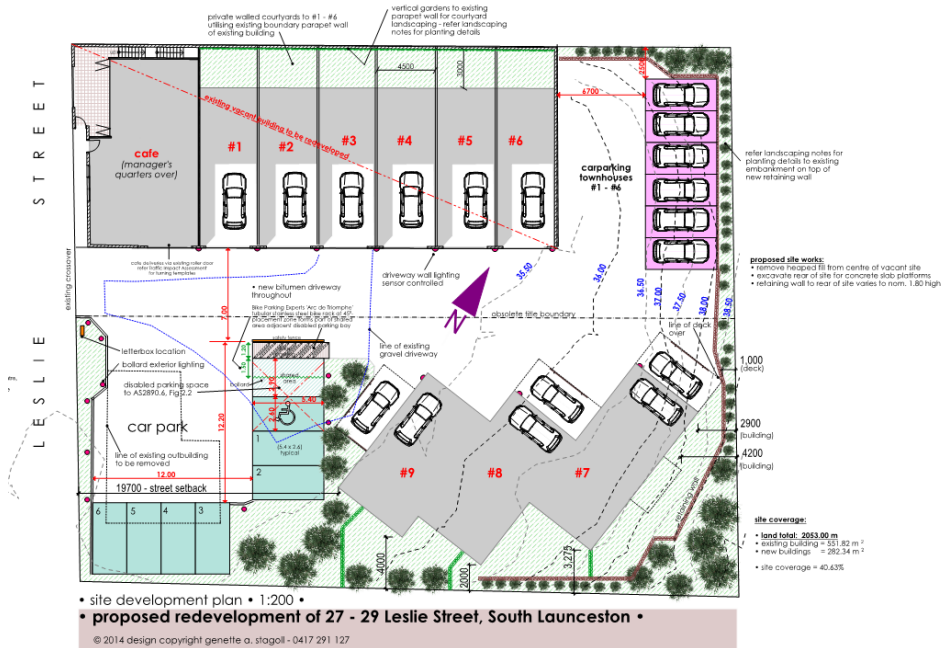


Figure 1 - Approved site plan DA0350/2015

Figure 2 shows the site plan being applied for.

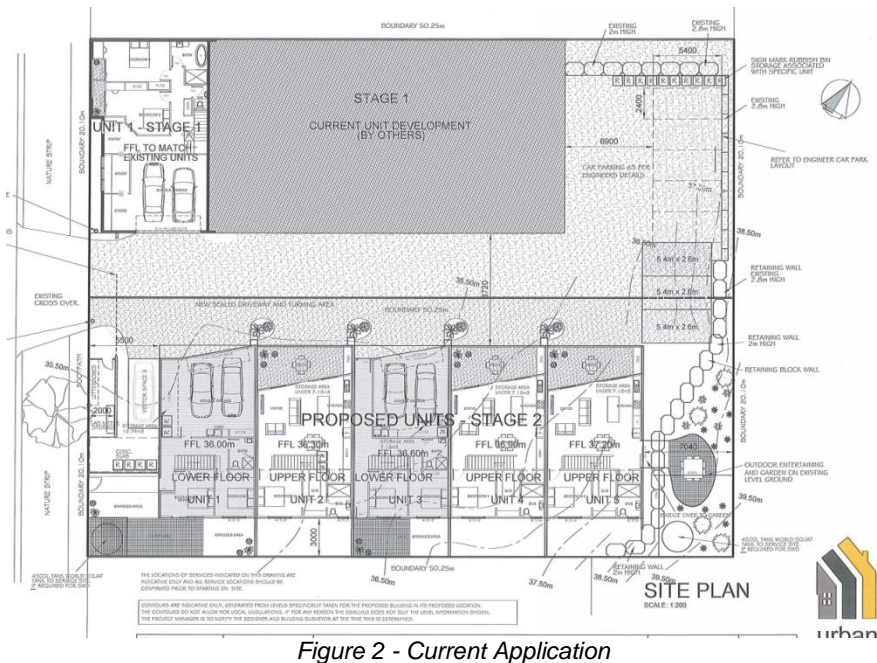


Figure 2 - Current Application

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

The Current Application

The five double storey dwellings along the southern boundary are identical in design, as follows:

- double garage, two bedrooms, bathroom and courtyard on the lower floor; and
- open plan living and dining area, one bedroom, bathroom and a northerly facing deck on the upper level.

Those dwellings have approximate floor areas as follows:

- total floor area of 172m²;
- courtyard of 36m²; and
- a deck of 20m².

Unit 5 has access to a private outdoor entertaining and garden on top of the proposed block retaining walls.

The proposed dwelling within the existing warehouse structure is to have a double garage, two bedrooms, study, bathroom and patio on the lower level. On the upper level is to be another bedroom, living and dining areas, a bathroom and a 'roof deck'. The dwelling has a total floor area of approximately 204m², the roof deck has an area of approximately 37m².

The proposed car parking on site includes one visitor space in between Unit 1 and the frontage, and eight spaces along the eastern boundary, running parallel to the frontage. Two of those spaces are for visitors. Each of the existing six dwellings has only one space in a single garage so relies on those other spaces to satisfy the parking requirements of the parking code.

Significant earthworks are proposed in addition to those already constructed in the north eastern corner of the site. A cut of up to 2m is required which will be retained by block retaining walls that run along much of the rear boundary.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the northern eastern side of Leslie Street between the junctions with Cridge Street and Walter Street. The site is approximately rectangular in shape with a total area of 2,053m², which is currently across two titles that will be adhered. The site is developed with a large warehouse building and a dilapidated shed that will be demolished.

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

The neighbouring properties are primarily used for residential purposes and are developed with a mix of single dwellings and multiple dwellings. There is a child care centre nearby to the south on Leslie Street. The commercial area around Wellington Street is around 200m away to the north east.

The subject site has previously been used for light industrial purposes including a contractor's yard and panel beaters. It has been vacant for some time and remediation has been undertaken to make the site suitable for residential purposes, including the removal of fuel tanks.

Access to the site is directly off Leslie Street via one sealed crossover. This arrangement will be retained under the proposal. Leslie Street is sealed and drained to Council standard and is landscaped with street trees on the eastern side of the road.

The site is relatively flat at the front and then rises quite steeply near the rear (north western) boundary, with a 5m elevation change from the frontage to the rear. The site is not located within an identified landslip area.

The site is mostly cleared of vegetation other than around the boundaries. The site is not within 100m of bushfire prone vegetation.

The site is able to be (or is) connected to reticulated services.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

Not Consistent
 The use is permitted in the zone. However, the proposal has been assessed as not complying with all relevant development standards so is not consistent with the intent of the zone.

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

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

Not Consistent
 The proposal has been assessed as failing to satisfy the standard. The proposed density is a significant divergence from the existing residential density in the surrounding area. It is the officer's view that the proposal does not make efficient use of suburban land but, rather, that it resembles over development of the site.

A1 Multiple dwellings must have a site area per dwelling of not less than:
 (a) 325m² or
 (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.

Relies on Performance Criteria
 The site (including both titles) has an area of approximately 1100m². Six dwellings are proposed and six are existing. The site area per dwelling is, therefore, approximately 171m².

P1 Multiple dwellings must only have a site area per dwelling that is less than 325m², or that specified for the applicable density area in Table 10.4.1, if the development will not exceed the capacity of infrastructure services and:
 (a) is compatible with the density of the surrounding area; or
 (b) provides for a significant social or community housing benefit and is in accordance with at least one of the following:
 (i) the site is wholly or partially within 400m walking distance of a public transport stop;
 (ii) the site is wholly or partially within 400m walking distance of a business, commercial, urban mixed use, village or inner residential zone.

Does Not Comply
 The applicant has provided a detailed response to the performance criteria which is based on the methodology used in a decision by the Resource Management and Planning Appeal Tribunal ('RMPAT') in *Henry Design and Consulting v Clarence City Council & Ors [2017] TASRMPAT 11 ('Henry')*.

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

In *Henry*, the Tribunal found that, the correct approach to determining whether the density of multiple dwellings were compatible with the surrounding area, required that the existing density of dwellings within a 100m radius of the site must be determined and compared to the proposed density. It must be then be determined whether the proposed density is compatible with the existing densities within 100m of the site (RMPAT deemed surrounding area to mean 100m from the site). This approach was also undertaken in *M Flood v George Town Council [2016] TASRMPAT 34* for determining multiple dwelling density compatibility.

Henry also determined that the extent of a variation from an acceptable solution is not relevant in determining a performance criteria. Simply put; near enough is not good enough. The performance criteria exists independently of the provisions of an acceptable solution so cannot be assisted by any quantitative test.

The applicant refers to the Tribunal's interpretation of 'compatible' in its response. They refer to paragraph 50 of *Henry*:

Compatibility requires a finding that the proposal is consistent with the density of the surrounding area. Not necessarily the same density, but at least similar to, or in harmony or broad correspondence with the surrounding area.

The interpretation of 'compatibility' was also discussed by the Tribunal in *M Flood v George Town Council [2016] TASRMPAT 34*, where it said (at para 31) that for a multiple dwelling to be compatible with surround densities it:

requires a finding that the proposal is consistent with the density of the surrounding area. This does not require that every development must be the same density but rather that it is to be similar to or broadly correspond with the densities of the surrounding area. Whilst as a matter of language "compatibility with the density" need not mean consistency with it, consistency will confer the status of compatibility upon a development.

It is implied, then, that the level of convergence between the proposed density and the existing residential densities within 100m of the site is a relevant factor given that 'consistency' will confer 'compatibility'. Indeed, in both *Flood* and *Henry*, the level of divergence between the existing (average) residential densities of surrounding area was a key factor in their determination.

A comparison of the proposed and existing *median* surrounding densities in *Henry*, *Flood* and the current application is provided below:

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

Application	Proposed site area per dwelling (m ²)	Existing median surrounding densities (m ²)	Percentage difference
Henry	322.5	802m ²	- 59%
Flood	285m (and 100m)	1350m ²	- 78%
Leslie	171	451	- 62%

After reviewing the divergence in Flood, The Tribunal concluded (at 32):

is it nevertheless compatible, in the broader sense, in that it is in harmony with the established residential densities? The densities of the surrounding area are in evidence. It is open to the Tribunal on the evidence to conclude that a multiple dwelling which proposes 100 m² for the new dwelling and 285 m² for the existing dwelling is not compatible with the density of the surrounding area. On the basis of that evidence, it so holds. That is because there is such a significant divergence between the result which will ensue if this development is approved from the established densities within the surrounding area. The development proposal cannot be said to be in harmony with its surrounding area. That is so because it produces a wholly different site area standard from that which prevails. In the language of the Scheme there is not a compatibility with the density of the surrounding area.

The applicant has provided a map and table, similar to that produced in Flood and Henry. The map shows all properties within a 100m radius of the site as per Figure 4.



Figure 4 - Density assessment map produced by applicant - 100m of the site

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

The analysis of the surrounding densities in the planning submission concluded that:

The subject site is surrounded by 96 other lots, including 10 groups of multiple dwellings. It is submitted that the density the development proposes of one dwelling per 171m² is consistent with the surrounding density of one dwelling per 451m².

Officers have relied on the submitted table to calculate densities.

As a percentage, the table indicates a divergence of - 62% which is significant and similar to that in *Flood and Henry*.

However, the applicant urges Council to take into account the historic evolution of the area in determining compatibility. It is stated that nine properties on Meredith Crescent should be disregarded due to those properties being "on a very different character due to slope and later development". Furthermore, it is argued that, if the calculation excluded all single dwellings within 100m of the site, then the median density would be 236m² which would confirm compatibility.

It is noted that the performance criteria does not require an assessment of anything other than suburban densities. It is also clear that P1 (a) does not differentiate between single dwelling densities and multiple dwelling densities. Compliance with a standard strictly requires complying with an acceptable solution or the performance criteria for that standard. No other matters are relevant.

In this case, it is considered that a divergence of -62% between the residential density proposed and the existing density within 100m of the site is significant.

Therefore, a site area of 171m² per dwelling is not in harmony with the density of the surrounding area.

The proposal is, therefore, assessed as not meeting (a).

In order for an application to satisfy (b) an application is required to demonstrate the advancement of the general community interest. It requires the production (by way of evidence) of objectively defensible results based upon disclosed methods, producing analysis capable of being understood and tested (see *C J & J E Margetts v Burnie City [2015] TASRMPAT 21*).

The applicant has submitted that (b) is not relevant but is of the view that, given the distance to social infrastructure and transport, the site favourable. Nothing has been submitted to support the application under (b).

The proposal is, therefore, assessed as being unable to meet P1, so must be refused.

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

10.4.2 Setbacks and building envelope for all dwellings

Objective:

To control the siting and scale of dwellings to:

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

Consistent

The proposal is assess as meeting the performance criteria in regard to the side setback of the additions to the previous warehouse. The additions are considered unlikely of causing a loss of amenity to adjoining sites.

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

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

Complies

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and
- (b) only have a setback within 1.5m of a side boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or
 - (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

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Relies on Performance Criteria

Proposed dwellings 1-5 are setback at least 3m from the southern side boundary and at least 5m from the rear boundary. The elevations provided show those dwellings being able to be contained within the required building envelope. Dwellings 1 - 5 comply with (a) and (b).

The proposed dwelling one is unable to satisfy (a)(ii) as it cannot be contained within the building envelope required by Diagram 10.4.2A due to the height of the dwelling and its location close to the side boundary. The performance criteria must be relied upon.

P3 The siting and scale of a dwelling must:

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

Complies

Given the significant bulk of the existing warehouse building currently being converted into dwellings and the fact that the dwelling is to be located on the southern side of the adjoining boundary; impacts on amenity for the adjoining property owner are highly unlikely. There are numerous examples nearby of similar side setbacks.

The performance criteria of P3 is satisfied.

10.4.3 Site coverage and private open space for all dwellings

Objective:

To provide:

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

Not Consistent

The proposal has been assessed as not meeting the performance criteria. The outdoor recreation areas of the dwelling and the space for landscaping on site is inadequate for the three bedroom dwellings such as that proposed.

A1 Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and
- (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and

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(c) a site area of which at least 25% of the site area is free from impervious surfaces.

Relies on Performance Criteria

The proposed site coverage is approximately 54%, so do not meet (a).

Proposed dwellings 2 and 5 can accommodate the 60m² private open space required by (b). All other dwellings provide less than 60m² so do not meet (b).

Approximately 10% of the site is free from impervious surfaces, so does not meet (c).

P1 Dwellings must have:

- (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:
 - (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and
 - (ii) operational needs, such as clothes drying and storage; and
- (b) reasonable space for the planting of gardens and landscaping.

Does Not Comply

The applicant has provided a response to the performance criteria which opines that it is satisfied on the basis of the site's favourable location to nearby public open space. It is also stated that the proposal has demonstrated that all operational needs can be met. The applicant has not discussed the impervious area discretion or the lack of opportunity for landscaping. It is noted that P1 does not permit a discussion of nearby public open space to assist with compliance with the performance criteria. The assessment must be limited to the site only.

In regard to what constitutes a *reasonable space* for the planting of gardens and landscaping, reference is made to *Kasem v Hobart City Council and Ors [2018] TASRMPAT 8* where the Tribunal stated that:

the private open space provided for is appropriate for the size of the dwelling but it must also be able to accommodate reasonable space for the planting of gardens and landscaping (at 70).

The proposed dwellings (that rely on the performance criteria) have three bedrooms and a total amount of private open space of approximately 41m². Dwellings 2 - 4 have a northerly facing deck on the upper level and a courtyard/grassed area on the bottom floor. It is noted that the lower level private open space indicated on the landscaping plan will receive little sunlight. Dwelling one has a small patio on the bottom level and a 'roof deck' above with an area of approximately 37m².

In regard to clotheslines and storage, it is considered that there is adequate storage in the garages of all dwellings and that there is sufficient space for each dwelling to provide for a clothesline. It is, therefore, considered that P1 (a) (ii) is met for all dwellings.

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The landscaping plan provided by the applicant indicates grassed areas for each dwelling on the lower level. The plan also shows communal landscaping onsite which is limited to small patches outside each garage, above the 2m high retaining walls and a small communal area with an area of 20m² in between Unit 5 and the most southern parking space. The largest area of private open space on site is for the exclusive use of Unit 5 so is not communal. No landscaping is proposed along the frontage. The submitted landscaping plan is provided below.

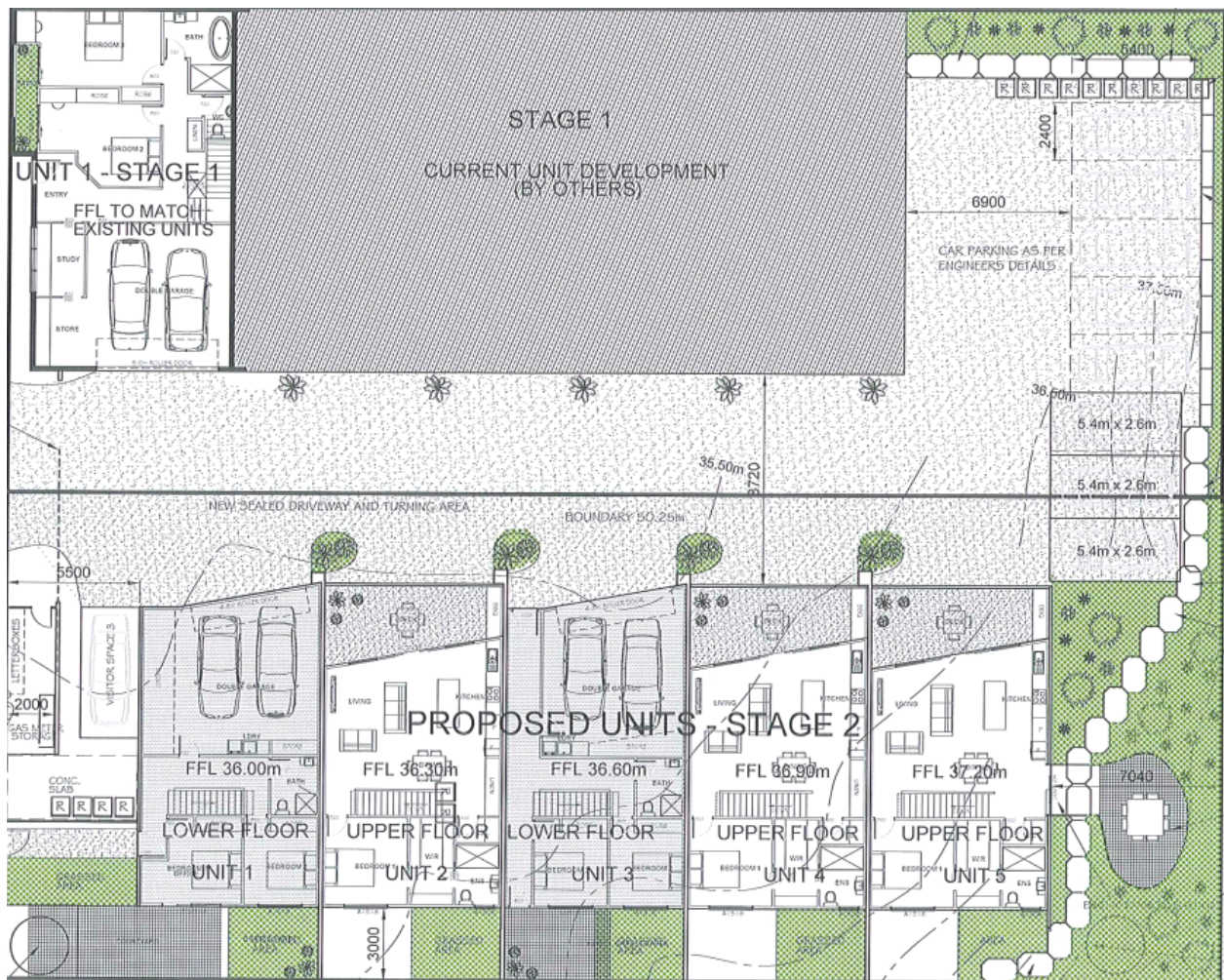


Figure 5 - Landscaping Plan

In the *Kasem* case, it was found that having 49m² of private open space was appropriate for a two bedroom dwelling with a footprint of approximately 47m². In that case, both the private open space of the dwellings and the communal areas for recreation and landscaping on site was taken into account in assessing the performance criteria.

There is little to no accessible communal space provided on site for recreation and/or landscaping. The largest area of communal open space would be mostly inaccessible

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due to being wedged between dwelling five and the southernmost car park.

It is, therefore, considered that the outdoor recreation space provided for dwellings 2 -4 are unreasonable for three bedroom dwellings taking into account the communal space on site and the lack of landscaping. It is the view of the author that the site coverage and amount of impervious surfaces is excessive.

In regard to clothesline and storage, it is considered that there is adequate storage in the garages of all dwellings and that the location of the clothesline is appropriate

It is considered that P1 (a) (i) and (b) are not satisfied by the proposal. The application must be refused. The information provided by the applicant does not demonstrate that the performance criteria can be met.

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

- (a) is in one location and is at least:
 - (i) 24m²; or
 - (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and
- (b) has a minimum horizontal dimension of:
 - (i) 4m; or
 - (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and
- (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and
- (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and
- (f) has a gradient not steeper than 1 in 10; and
- (g) is not used for vehicle access or parking.

Relies on Performance Criteria

Apart from the deck of dwelling one, all other dwellings do not have 24m² of private open space in one location so do not meet (a). None of the dwellings have a horizontal dimension of 4m or more so do not meet (b). The decking areas of all dwellings meet the sunlight standard given they face north.

P2 A dwelling must have private open space that:

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

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Complies
 It is considered that the decking areas are conveniently located in relation to a living area of the dwelling and orientated to take advantage of sunlight.
 The performance criteria is assessed as being met.

10.4.4 Sunlight and overshadowing for all dwellings

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

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

Complies
 The living room of each dwelling faces north.

A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):
 (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):
 (i) at a distance of 3m from the window; and
 (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.
 (b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.
 (c) That part, of a multiple dwelling, consisting of:
 (i) an outbuilding with a building height no more than 2.4m; or
 (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.

Complies
 There is approximately 8m between the dwellings under construction and the proposed dwellings. This is sufficient to satisfy (a) which references Diagram 10.4.4B.

A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):
 (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):
 (i) at a distance of 3m from the northern edge of the private open space; and
 (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.
 (b) The multiple dwelling does not cause 50% of the private open space to receive less

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<p>than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.
<p>Complies</p> <p>There is approximately 8m between the dwellings under construction and the proposed dwellings. This is sufficient to satisfy (a) which references Diagram 10.4.4C.</p>

10.4.5 Width of openings for garages and carports for all dwellings

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

10.4.6 Privacy for all dwellings

<p>Objective: To provide reasonable opportunity for privacy for dwellings.</p>
<p>Consistent</p>
<p>A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.
<p>Relies on Performance Criteria</p>
<p>The decking of Unit 1 has a finished surface or floor level more than 1m above natural ground level and is within 3m of the northern side boundary. All other decks comply.</p>

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<p>The performance criteria is required to satisfy the standard.</p>
<p>P1 A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <ul style="list-style-type: none"> (a) a dwelling on an adjoining lot or its private open space; or (b) another dwelling on the same site or its private open space; or (c) an adjoining vacant residential lot.
<p>Complies The applicant states that: <i>It is submitted that the deck will not overlook the building on the adjoining site as it is built to the boundary, therefore the deck will overlook the roof only.</i></p> <p>It is agreed that it is unlikely that overlooking will occur.</p> <p>The proposal is assessed as meeting the performance criteria.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <ul style="list-style-type: none"> (a) The window or glazed door: <ul style="list-style-type: none"> (i) is to have a setback of at least 3m from a side boundary; and (ii) is to have a setback of at least 4m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site. (b) The window or glazed door: <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.
<p>Complies The two sets of dwellings are separated by 8.72m.</p> <p>Units 1-4 are setback 3m from the side boundary.</p> <p>Unit 4 is setback 8m from the rear boundary.</p> <p>The proposal complies with the acceptable solution.</p>
<p>A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p>

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<p>(a) 2.5m; or (b) 1m if: (i) it is separated by a screen of at least 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>
<p>Complies The windows on the southern elevation of the under constructed dwellings have a sill height greater than 1.7m. The windows of the habitable rooms of dwelling one have sill heights greater than 1.7m above the driveway. Units 1-4 have windows that have a sill height greater than 1.7m above the driveway.</p> <p>The proposal is assessed as meeting the acceptable solution.</p>

10.4.7 Frontage fences for all dwellings

<p>Objective: To control the height and transparency of frontage fences to: (a) provide adequate privacy and security for residents; and (b) allow the potential for mutual passive surveillance between the road and the dwelling; and (c) provide reasonably consistent height and transparency.</p>
<p>Consistent</p>
<p>A1 A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than: (a) 1.2m if the fence is solid; or (b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>
<p>Complies The applicant states that a 1.8m vertical slatted timber fence with a uniform transparency of 30% is proposed.</p> <p>The proposal is assessed as meeting A1 (b).</p>

10.4.8 Waste storage for multiple dwellings

<p>Objective: To provide for the storage of waste and recycling bins for multiple dwellings.</p>
<p>Consistent</p>
<p>A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5m from a frontage; and</p>

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<p>(ii) is at least 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>
<p>Relies on Performance Criteria Ten of the bins are to be on the northern side of the car park and run along that boundary in a linear manner. The bins are not located at least 5.5m from the existing dwellings so do not meet (b)(ii).</p> <p>There are four bins in the frontage setback which are not screened from the frontage so do not meet (b)(iii).</p> <p>The performance criteria must be relied upon to satisfy the standard.</p>
<p>P1 A multiple dwelling development must provide storage, for waste and recycling bins, that is:</p> <p>(a) capable of storing the number of bins required for the site; and (b) screened from the frontage and dwellings; and (c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p>
<p>Complies It is unclear how the proposed bins are able to satisfy (a) - (c). The applicant has provided little in the way of justification as to how the bins can be dealt with in a reasonable manner. The location of the bins in the corner would seemingly make it almost impossible for a car to park in the adjacent spot unless the bins were aligned perfectly. Also, it is unclear how all residents could access their bins if a car was parked in that spot.</p> <p>A condition would require the adjacent parking space be deleted and a new bin design submitted to satisfy the standard if a permit is issued</p>

10.4.9 Site facilities for multiple dwellings

<p>Objective: To provide adequate site and storage facilities for multiple dwellings.</p>
<p>Consistent</p>
<p>A1 Each multiple dwelling must have access to 6m³ of secure storage space not located between the primary frontage and the facade of a dwelling.</p>
<p>Complies Each dwelling provides the storage space required.</p>
<p>A2 Mailboxes must be provided at the frontage.</p>
<p>Complies Compliant by condition.</p>

10.4.10 Common property for multiple dwellings

<p>Objective: To ensure that common areas are easily identified.</p>

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Consistent
A1 Site drawings must clearly delineate private and common areas, including: <ul style="list-style-type: none"> (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.
Complies

10.4.12 Earthworks and retaining walls

Objective: To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.
Consistent Significant cut is required on site which will be retained by 2m - 2.5m high block retaining wall. Given the size of the cut, it is considered that the works will require both engineering and plumbing permits. It is considered the earthworks comply with the performance criteria and the intent of the standard.
A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must: <ul style="list-style-type: none"> (a) be located no less than 900mm from each lot boundary; (b) be no higher than 1m (including the height of any batters) above existing ground level; (c) not require cut or fill more than 1m below or above existing ground level; (d) not concentrate the flow of surface water onto an adjoining lot; and (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.
Relies on Performance Criteria Earthworks up to 2.7m are proposed along the rear boundary. The performance criteria must be relied upon to satisfy the standard.
P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the appearance, scale and extent of the works; (c) overlooking and overshadowing of adjoining lots; (d) the type of construction of the works; (e) the need for the works; (f) any impact on adjoining structures; (g) the management of groundwater and stormwater; and (h) the potential for loss of topsoil or soil erosion.

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Complies

The applicant has provided a response to the performance criteria along with a section elevation.

The crux of the applicant's argument is that the earthworks are required given that the site is significantly lower than the land to the north, east and south east. It is stated that overshadowing, overlooking onto adjoining sites is unlikely.

It is agreed that issues with overshadowing and overlooking are unlikely given the earthworks are to cut into the site rather than filling. It is unlikely the appearance of the earthworks will affect any neighbours given they will be blocked from view by fencing and the existing and proposed dwelling. The proposed landscaping above the retaining walls (although seemingly impossible to maintain) may soften the appearance of the walls. In regard to issues with run off and drainage, the walls will be required to be engineered with building and plumbing permits required.

The proposal is, therefore, assessed as meeting the performance criteria.

10.4.13 Location of car parking

Objective:

To:

- (a) provide convenient car parking for residents and visitors;
- (b) protect residents from vehicular noise within sites; and
- (c) minimise visual impact on the streetscape.

Consistent

A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.

Complies

All windows are located on the first floor (including those under construction) so are separated vertically by at least 2.5m.

The proposal is assessed as meeting the performance criteria.

A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage.

A2.2 Turning areas for vehicles must not be located within the primary front setback.

Complies

A visitor space is located in between a dwelling and the frontage although proposed dwelling one is built up to the frontage, so complies.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

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Consistent
 The applicant has provided a traffic impact assessment (TIA) for the proposal which demonstrates that the proposal is satisfactory from a traffic safety point of view.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

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

Consistent
 The proposal is assessed as meeting the performance criteria. The TIA concludes that the safety and efficiency of Leslie Street and the surrounding road network will not be compromised by the proposal.

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

Complies
 The TIA has found that an increase of more than 20% is likely. However, the current TIA references the previous report by Pitt and Sherry. It was found that, for 10 dwellings (including the 'manager's quarters') that up to 55 daily vehicle trips are expected. It was also found that the cafe would add another 70 daily vehicle trips. Therefore, a total of 125 daily trips was likely for the last approval. This figure was based on 4 -5 daily vehicle trips being expected per dwelling.

For an additional two dwellings an increase of 10 daily vehicle trips would be expected. The total expected trips would, therefore, be approximately 65 daily vehicle trips which is a 10% increase from the residential part of the previous approval but an overall reduction of vehicle movements from the previous approved application.

The proposal, therefore, satisfies the acceptable solution.

E4.6 Development Standards

E4.6.2 Road accesses and junctions

Objective:
 To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

Consistent
 A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.

Complies
 Only one access is proposed.

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

Objective: To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.
Consistent
A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.
Complies The TIA has found that the site distance from the access is appropriate provided changes are made to line marking outside the access to delineate no parking zones as well as trees in the road reserve being trimmed. Conditions apply to a future permit if issued.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to: (a) ensure that an appropriate level of parking facilities are provided to service use and development; (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas; (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; (d) ensure that parking does not adversely impact on the amenity of a locality; (e) ensure that parking spaces and accesses meet appropriate standards; and (f) provide for the implementation of parking precinct plans.
Consistent The proposal has been found to provide the necessary number of parking spaces to service the use. The proposed parking spaces, although tight, have been found to satisfy either the acceptable solution for dimensions, or the relevant Australian Standard. It is noted that the design of the parking has gone through a number of reiterations. It must also be acknowledged that the space adjacent to the proposed bin storage is realistically unlikely of operating efficiently so has been discounted from the assessment.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.
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8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

<p>Consistent The proposal is assessed as meeting the performance criteria by condition. Although the required number of spaces is indicated in the documents as able to service the use, the parking space adjacent to the bins is not considered useable so is discounted. Nonetheless, it is considered that there is opportunity for one parking space to be located on the street in a reasonable manner.</p>
<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or (d) be in accordance with an acceptable solution contained within a parking precinct plan.
<p>Relies on Performance Criteria Twenty four spaces are required for the dwellings as well as three visitor spaces. The existing dwellings each have six spaces provided in their garages and rely on six of the spaces along the eastern boundary. The proposed dwellings each have two spaces in their garages. Two of the three required visitor spaces are to be located along the eastern boundary with the other space being in between proposed dwelling two and the frontage.</p> <p>As has previously been stated, the parking space adjacent to the bins is not considered to be functional due to the location of the bins and the fact that the space is already tight.</p> <p>The proposal must, therefore, be assessed against the performance criteria as one space will be reduced.</p>
<p>P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-road public car parking spaces within reasonable walking distance; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (f) an assessment of the actual car parking demand determined in light of the nature of the use and development; (g) the effect on streetscape; and

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

<p>(h) the recommendations of any traffic impact assessment prepared for the proposal; or P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to: (a) the intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the locality; or P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p>Complies It is considered reasonable that one visitor space is provided on the street given that it is likely not all tenants of the dwellings will have two cars given the nature of the use (being medium density dwellings). This is especially the case for those smaller dwellings under construction. It is reasonable to suggest that Leslie Street could accommodate one parking space.</p> <p>It is, therefore, considered that the performance criteria is met subject to amended plans being provided showing the parking space adjacent to the bins deleted (if a permit is granted).</p>

E6.6 Development Standards

E6.6.1 Construction of parking areas

<p>Objective: To ensure that parking areas are constructed to an appropriate standard.</p>
<p>Consistent</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must: (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.</p>
<p>Complies All parking, access ways, manoeuvring and circulation spaces have a gradient of 10% or less, are to be sealed and are drained to Councils stormwater system. A condition will require that the spaces be line marked should a permit be issued.</p> <p>The proposal is assessed as meeting the acceptable solution subject to conditions.</p>

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
--

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

Consistent

The proposal relies on the performance criteria in relation to five of the parking spaces along the eastern boundary. They have been designed to meet AS2890.1-2004. The remainder of the spaces satisfy the acceptable solution. The proposal is assessed as meeting the performance criteria subject to conditions.

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

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

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

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

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

Relies on Performance Criteria

The submitted parking plan shows that all cars can enter and leave the site in a forward direction, and that the internal access way widths can be met. The combined access and manoeuvring areas are all at least 6.9m so comply. Five of the 24 parking spaces cannot meet the parking space dimensions. Those spaces are located along the eastern boundary.

The proposal must be assessed against the performance criteria.

P1 Car parking, access ways, manoeuvring and circulation spaces must be convenient, safe and efficient to use, having regard to:

- (a) the characteristics of the site;
- (b) the proposed slope, dimensions and layout;
- (c) vehicle and pedestrian traffic safety;
- (d) the nature and use of the development;
- (e) the expected number and type of vehicles;
- (f) the nature of traffic in the surrounding area; and
- (g) the provisions of Australian Standards AS 2890.1 - Parking Facilities, Part 1: Off Road Car Parking and AS2890.2 Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

Complies

The applicant has provided the following response:

Five of the car parking spaces have a width of 2.4m rather than the 2.6m by Table E6.3. I am advised that the car parking spaces meet the Australian Standard, as per the notes on the car parking layout contained in Appendix E. The five car parking spaces with a width of 2.4m are the second car parking spaces of the six dwellings under construction. As such they will be used as resident long-term parking. It is considered that the construction of these car parking spaces will be suitable for resident's familiar with them. It is important to note that the visitor car parking spaces do comply with Table E6.3 and are visible to visitor's entering the site.

It is agreed that the spaces are appropriate (apart from the space adjacent to the bins) given the low intensity nature of the use, the favourable site distances within the property for residents, and the fact that residents will become familiar with the tight spaces along the eastern boundary. The parking spaces satisfy the provisions of Australian Standards AS 2890.1 - Parking Facilities, Part 1: Off Road Car Parking and AS2890.2 Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities so should be approved.

Conditions apply requiring amended plans be provided showing space adjacent to the bins deleted (if a permit is issued).

The parking spaces are assessed as meeting the performance criteria subject to conditions.

E6.6.3 Pedestrian access

Objective:

To ensure pedestrian access is provided in a safe and convenient manner.

Consistent

It was not considered necessary to provide specific pedestrian access measures. The proposal is assessed as meeting the performance criteria.

A1.1 Uses that require 10 or more parking spaces must:

- (a) have a 1m wide footpath that is separated from the access ways or parking aisles, except where crossing access ways or parking aisles, by:
 - (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or
 - (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and
- (b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and

A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a minimum width of 1.5m and a gradient not exceeding 1

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

in 14 is required from those spaces to the main entry point to the building.
Relies on Performance Criteria No specific measures are proposed.
P1 Safe pedestrian access must be provided within car parks, having regard to: (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.
Complies Given the relatively low intensity of use, pedestrian safety measures are not considered necessary. The majority of cars are to be within garages and residents will be familiar with the site. The proposal is assessed as meeting the performance criteria.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Services	Conditional consent provided with recommended conditions in relation to matters including: stormwater, parking layout and construction.
Environmental Health	Conditional consent provided with recommended conditions in relation to matters including amenity and demolition.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2018/01073-LCC.
State Growth	N/A
TasFire	N/A

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

REFERRAL	COMMENTS
EXTERNAL	
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 19 December 2018 to 10 January 2019. No representations were received.

6. CONCLUSION

The proposed multiple dwelling development has failed to demonstrate compliance with the Performance Criteria in relation to residential density and site coverage/ open space provisions. Failure to meet one or more Performance Criteria means the application must be recommended for refusal.

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map (distributed electronically)
 2. Planning Report (distributed electronically)
 3. Density Report (distributed electronically)
 4. Plans (distributed electronically)
 5. Traffic Impact Assessment (distributed electronically)
 6. Parking Plan (distributed electronically)
 7. TasWater Span (distributed electronically)
-

8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings

FILE NO: SF6873/DA0678/2018

AUTHOR: Catherine Mainsbridge (Senior Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

1. To decide whether to reject or exhibit Amendment 50 to the Launceston Interim Planning Scheme 2015, to rezone the site known as 242-254 St Leonards Road, St Leonards from the Community Purpose Zone to the General Residential Zone; and
2. To make a decision on Development Application DA0678/2018 Residential - construction of eight dwellings at 242-254 St Leonards Road, St Leonards.

PLANNING APPLICATION INFORMATION:

Applicant: 6ty^o Degrees
Property: 242-254 St Leonards Road, St Leonards
Zoning: Community Purpose
Receipt Date: 23/11/2018

PREVIOUS COUNCIL CONSIDERATION:

BA0459/2010 - 20 new units and 20 new carports and a Community building (Nation Building Project - DA was not applicable).

DA0469/2018 - Community Meeting and Entertainment - Demolition of disused church.

RECOMMENDATION:

That Council:

1. pursuant to the former section 33 (3) and 34 of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 50 to the Launceston Interim Planning Scheme 2015 to rezone 242-254 St Leonards Road, St Leonards from the Community Purpose Zone to the General Residential Zone.
-

8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)

2. pursuant to the former section 35 (1)(a) of the *Land Use Planning and Approvals Act 1993*, certify the draft amendment (ECM Document Number 4589975).
3. notify Council's decision of the permit with the draft amendment under the former section 43F (3) and section 43F (1)(b) of the *Land Use Planning and Approvals Act 1993*.
4. pursuant to the former section 43A of the *Land Use Planning and Approvals Act 1993*, approve DA0678/2018 Residential - Construction of Eight dwellings at 242-254 St Leonards Road, St Leonards subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Proposed Site Layout, Prepared by 6ty^o Pty Ltd, Project no. 18.286, Drawing No. Ap01 Rev B, Scale 1:300 @ A1, Dated 17/12/2018.
- b. Proposed Plans, Prepared by 6ty^o Pty Ltd, Project no. 18.286, Drawing No. Ap02, Scale 1:100 @ A1, Dated 19/11/2018.
- c. Proposed Elevations, Prepared by 6ty^o Pty Ltd, Project no. 18.286, Drawing No. Ap03, Scale 1:100 @ A1, Dated 19/11/2018.
- d. Planning submission, Section 43a Application, Prepared by 6ty^o Pty Ltd, Project no. 18.286, Issue 02 (Response to Council RFI), Dated 17/12/2018.

2. USE LIMITATION

This permit limits the use of the proposed dwellings to that of supported transitional accommodation for single occupants, as described in the planning submission.

3. LEGAL TITLE

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

4. WASTE DISPOSAL BINS - DOMESTIC

An area on the subject land must be set aside for the purpose of a waste disposal/collection bins and must meet the following:

- a. Common storage areas must have minimum dimensions of 2.4m by 1.8m.
 - b. Exterior individual and common storage areas must be screened so they are not visible from any public road or thoroughfare.
 - c. Be located in a convenient position that allows ease of access from the building and moving the bin to the kerbside on collection days.
 - d. At least 5.5m from the rear windows of the proposed dwellings.
 - e. Be provided prior to the commencement of the use, maintained and used for the duration of the use.
-

8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)

5. HOURS OF CONSTRUCTION

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

7.00am to 6.00pm - Monday to Friday

8.00am to 5.00pm Saturday

No works on Sunday or Public Holidays

6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No.2018/01956-LCC, 29/11/2-018 and attached to the permit.

7. SITE LANDSCAPING PLAN

Prior to the commencement of works, a landscape plan must be submitted for approval by the Manager City Development for the area noted as Existing Public Use Green Space Buffer on the Proposed Site Layout Plan and the area between the front boundary to St Leonards Road and the proposed privacy screening. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- a. Major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
- b. Proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity); and
- c. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and

Once approved the plan will be endorsed and will form part of the permit. 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 the residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

8. FENCING

The fencing along the front boundary must be no higher than 1.8m and be at least 30% transparent.

9. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

- a. mail receptacles must be provided and appropriately numbered for each dwelling unit.
 - b. either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.
-

8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)

10. 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. The car spaces must be reserved exclusively for each proposed unit and clearly identified by a sign having letters and numbers with a minimum height of 200mm.
- e. pathways for pedestrians must be signed and line marked at points where pedestrians cross access ways or parking aisles;

11. AMENDED PLANS REQUIRED - RELOCATED INFRASTRUCTURE

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

- a. The existing and proposed location of all existing infrastructure that is to be relocated to facilitate the construction of the car parking spaces.
- b. The redesigned area for bin storage to ensure no bin is located within 5.5m of any window of any dwelling.

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

12. DAMAGE TO COUNCIL INFRASTRUCTURE

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

13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)

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

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

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

14. 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.

15. AMENITY

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

16. NO BURNING OF WASTE

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

Notes

A. *General*

This permit was issued based on the proposal documents submitted for DA0378/2018. 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.

8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)

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>

D. Permit Commencement

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

8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)

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. Strata Title Approval

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

G. 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.

H. 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.

I. Street addresses for Multiple Dwellings

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

<i>Dwelling No</i>	<i>Street Address</i>
<i>1 (Northern-most Dwelling)</i>	<i>22/242 St Leonards Road, St Leonards</i>
<i>2</i>	<i>23/242 St Leonards Road, St Leonards</i>
<i>3</i>	<i>24/242 St Leonards Road, St Leonards</i>
<i>4</i>	<i>25/242 St Leonards Road, St Leonards</i>
<i>5</i>	<i>26/242 St Leonards Road, St Leonards</i>
<i>6</i>	<i>27/242 St Leonards Road, St Leonards</i>
<i>7</i>	<i>28/242 St Leonards Road, St Leonards</i>
<i>8 (Southern-most Dwelling)</i>	<i>29/242 St Leonards Road, St Leonards</i>

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

REPORT:

Councillors are advised that under Schedule 6 - Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* - Parts 2A and 3 of the *former provisions* remain in force until a Local Planning Schedule comes into effect for the municipal area and this application assessment and recommendation has therefore been made under those transitional provisions.

1. Introduction

An application was made under the former section 43A of the *Land Use Planning and Approvals Act 1993* (the Act), by 6ty^o Pty Ltd on behalf of CatholicCare Tasmania to initiate Amendment 50 to the Launceston Interim Planning Scheme 2015 to rezone the property known as 242-254 St Leonards Road, St Leonards from the Community Purpose Zone to the General Residential Zone and seek approval for construction of eight additional dwellings.

Part A of this report will address the planning scheme amendment and Part B will address the development application.

2. Background

The site was developed with the intent of providing Community Housing under the 2009 Nation Building Project of the Federal Government. Following the recent removal of the a church at the front of the site the owners wish to construct eight additional dwellings to further the service of the owners and work with the State Government under the Better Housing Futures Tasmania program.

8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)

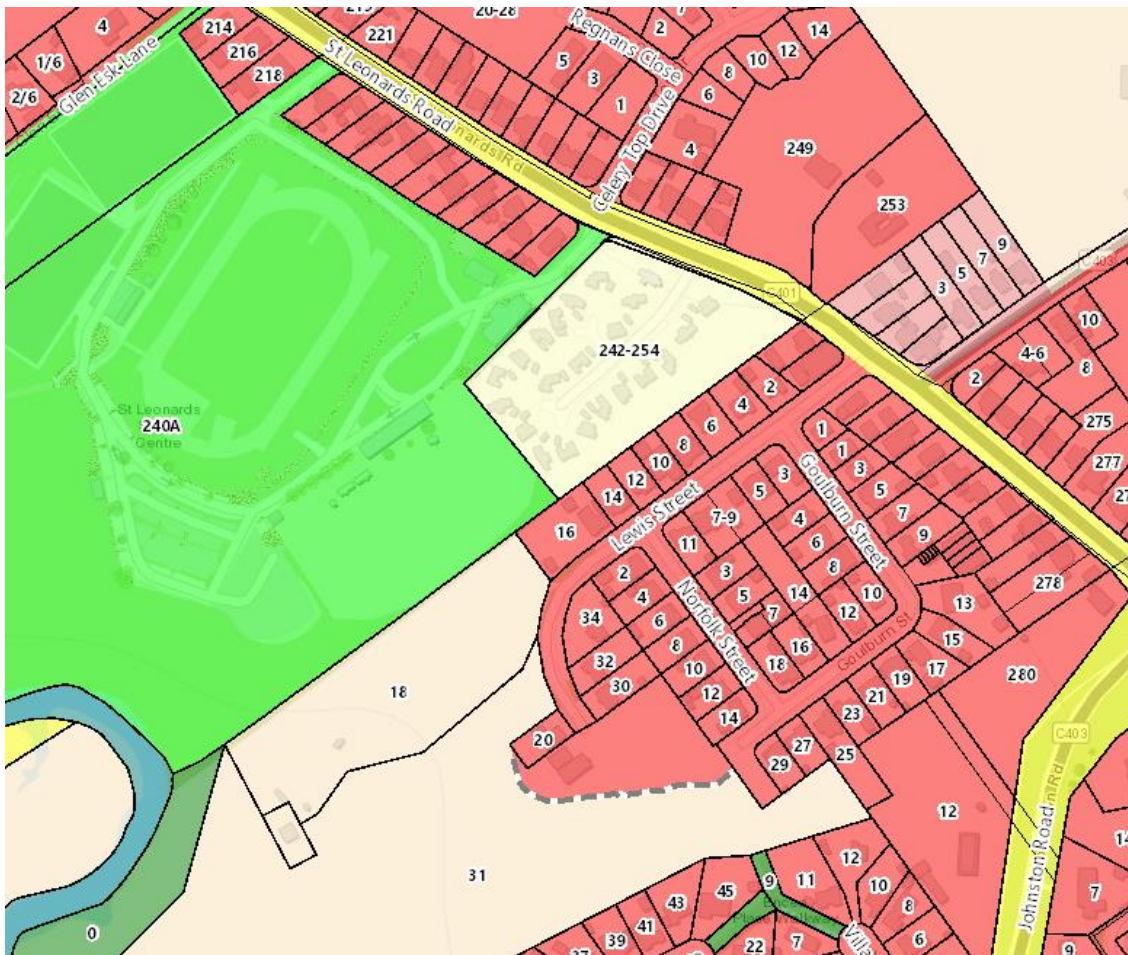


Figure 1 - Current Zoning Map

3. Draft Amendment

The draft amendment to rezone land from Community Purposes to General Residential allows for the current use of Multiple Dwellings, and proposed extension to the use, to have a permitted use status ie. Residential - multiple dwellings has a Permitted use status in Table 10.2 of the General Residential Zone.

4. Requirements of the Act

The Act includes a process to consider an application for a permit to be considered at the same time as an amendment to a planning scheme (former sections 43A to 43M of the Act) -

8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)

43A. Application for a permit when amendment requested

- (1) A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*
- (2) Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit referred to in subsection (1) concurrently with the preparation of the requested amendment to the planning scheme.*
- (3) An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

The amendment must be decided under Section 33(3) and 34 which reads:

33 Request for amendment of planning scheme

- (3) A planning authority must, within 42 days of the receipt of a request or such longer time as the Commission may allow, make a decision as to whether or not to initiate an amendment of the planning scheme and serve on the person who made the request notice of its decision within 7 days of making the decision.*
- (3AA) If the planning authority decides under subsection (3) to initiate an amendment of a planning scheme after receipt of a request from a person under subsection (1), it must –*
 - (a) initiate the amendment under section 34; and*
 - (b) certify the draft amendment under section 35 – within 42 days of receiving the request or such longer time as the Commission allows.*

The matters which Council must consider when making a decision whether to reject or exhibit the application are listed in the former section 32 and 43C of the Act and are set out in detail in a subsequent section of this report.

Section 38 of the Act sets out that after making a decision on an application made under section 43A, it is to be publicly advertised for a period of 28 days:

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38. Public exhibition of draft amendment

- (1) *After giving to the Commission a copy of a draft amendment of a planning scheme and the instrument certifying that the amendment meets the requirements specified in section 32, the planning authority must –*
- (a) *cause a copy of the draft amendment to be placed on public exhibition for a period of 28 days or a longer period agreed to by the planning authority and the Commission; and*
 - (b) *advertise, as prescribed, the exhibition of the draft amendment.*
- (2) *If the period referred to in subsection (1)(a) includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the planning scheme to be amended applies, that period is to be extended by the number of those days.*

PART A: Considerations for the Amendment

5. Assessment

5.1 Strategic Plan 2014-2024

The Strategic Plan 2014-2024 seeks to provide direction to the range of operations Council undertakes in their role as the major provider of services and facilities for the City of Launceston. The Strategic Plan essentially indicates the actions and strategies that the Council will implement to deliver on the Greater Launceston Plan goals. The relevant goals are addressed below:

*Goal 2 - A city where people choose to live;
To enhance livability and amenity.*

The proposal will assist the provision of residential opportunities for a broader range of residential types to meet the various needs of residents.

*Goal 4 - A diverse and welcoming city;
To support social and demographic diversity, and enable diversity in ideas and economic opportunities.
To develop a socially inclusive Launceston where all people feel valued, their differences are respected, and their basic needs are met so they can live with dignity.*

The proposed amendment will allow the continued use and further development of the site to provide residential options for a broader range of needs for people within our community, particularly those who are vulnerable.

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Goal 6 - A city building its future

The proposed amendment seeks to allow for a positive land use planning outcome by allowing for a minor intensification of the existing use which is currently non-conforming.

Goal 8 - A secure, accountable and responsive Organization; city that stimulates economic activity and vibrancy

To communicate and engage consistently and effectively with our community and stakeholders.

To seek and champion collaboration to address major issues for Northern Tasmania.

The proposed amendment will allow for intensification of an existing residential use of the site to benefit all stakeholders and members of the wider community. This directly aligns with the key directions of this goal being to provide an environment that is conducive to business and development.

5.2 Northern Regional Land Use Strategy

Section 300(1) of the Act requires the amendment to be, as far as practicable, consistent with the Strategy. The Northern Regional Land Use Strategy (the NRLUS) was declared by the Minister for Planning on 27 June 2018 pursuant to section 30C(3) of the Act. The NRLUS is a policy framework that guides land use, development and infrastructure decisions across the northern region by State and Local Government and other relevant infrastructure providers. The NRLUS has provided significant guidance for the preparation of the Launceston Interim Planning Scheme 2012 and 2015.

Part D of the NRLUS details the desired regional outcomes that have been determined as priorities for the northern region which include:

- *Regional strategic planning directions and principles necessary to achieve those outcomes;*
- *Specific strategic policies to be applied to guide state and local government planning process and decision-making; and*
- *Specific regional planning projects and programs to be implemented over the life of the plan.*

The Strategy identifies that with Priority Consolidation Areas there should be "support for a broadened range of housing types and provide improved access, services, amenity and livability".

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As nominated in the Planning report of the submission, the proposed change is very minor. It will have a minimal impact on the greater region other than for offering an additional housing within an existing complex of dwellings. The amendment is considered appropriate.

The proposed amendment is not expected to impact the region from an environmental, economic or social perspective. The proposal will provide for much needed housing options within the city to effect the social and community needs of the city and the State.

It is considered that the proposed amendment will have a minimal impact on the region as a whole.

5.3 Consideration of Section 32

32. Requirements for preparation of amendments

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)–

(a-d)

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of section 300; and

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

These requirements are addressed below.

5.3.1 Land Use Conflict

The proposed draft amendment does not modify the use of the site but allows for the principal use of the 1.626ha site to have a permitted use status and, as such, reflects the current use of the site.

As described in the Planning Submission:

During the transition to the interim planning scheme, the former zoning was translated to Community Purpose. The Community Purpose zone limits the use of land for residential purposes to a residential aged care facility and retirement village only and prohibits all other sub-uses within the residential use class. Consequently, the established multiple dwelling use is identified as an existing nonconforming use within the Community Purpose zone and future development of the site for multiple dwellings is prohibited.

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The change allows the use of the site to be permitted and provides surety for the continuing use of the site.

5.3.2 Section 30O

The relevant sub-sections (1) and (2) in section 30O of the Act allow for an amendment to the Scheme to occur for the purposes of inserting or removing a local provision provided that the amendment:

- is, as far as practicable, consistent with the regional land use strategy;
- is not directly or indirectly inconsistent with a common provision in the Scheme;
- does not revoke or amend an overriding local provision;
- does not result in a conflicting local provision.

The draft amendment is consistent with the regional land use strategy, as discussed in section 5.2.

The draft amendment seeks to provide clarity to the continuing residential use of the site being multiple dwellings which are prohibited under the Community Purposes Zone but Permitted in the General Residential zone.

The draft amendment replaces the Community Purposes zone of the land with the General Residential zone and will not be inconsistent or in conflict with any other relevant local or common provision in the Scheme. It will not revoke or amend a current overriding local provision.

5.3.3 Regional Impact

The draft amendment will not impact upon the use and development of the region in environmental, economic and social terms. The current residential development and use of the site is to remain and will not impact on the intents of the planning scheme.

5.4 Objectives of the *Land Use Planning and Approvals Act 1993*

Consideration against section 43C

43C. Applications referred to in section 43A

- (1) *In determining an application referred to in section 43A, a planning authority, in its opinion –*
- (a) *must seek to further the objectives set out in Schedule 1; and*
 - (b) *must take into consideration such of the prescribed matters as are relevant to the use or development subject of the application.*

Section 43C(1) (a) requires the objectives set out in Schedule 1 to be considered.

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5.4.1 Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water.*

The amendment will reflect the current use of the site and limit the opportunity for a broader range of development and uses which are provided for under the current Community Purpose Zone without imposing on the infrastructure that services the site.

- (c) to encourage public involvement in resource management and planning;*

The amendment process allows for members of the public to be involved in the decision as to whether the use should be able to be conducted from this site.

- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

The proposal will allow for minor intensification of the use while still maintaining an appropriate density of development.

- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The amendment is determined by various spheres of government and, if initiated, the amendment will also be advertised and assessed by the Tasmanian Planning Commission consistent with this objective. The amendment seeks to provide for much need affordable housing for the area in line with current State Government initiatives.

TasWater have issued their consent for the proposal.

5.4.2 Schedule 1, Part 2 - Objectives of the planning process established by the Act

The objectives of Part 2 must also be considered -

- (a) to require sound strategic planning and co-ordinated action by State and local government*
-

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The draft amendment is consistent with the objectives of the Launceston Interim Planning Scheme 2015 and the Northern Regional Land Use Strategy. The amendment will have no significant strategic impact.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land

An application made pursuant to the former section 43A of the Act must be considered against the objectives of the Act and the planning system of Tasmania more broadly for compliance. The Council must then decide to initiate, or reject the amendment, on the basis of these considerations.

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land

The draft amendment will allow for a minor intensification of the existing use but within the limitations of the site.

As stated in the Planning Submission:

During the transition to the interim planning scheme, the former zoning was translated to Community Purpose. The Community Purpose zone limits the use of land for residential purposes to a residential aged care facility and retirement village only and prohibits all other sub-uses within the residential use class. Consequently, the established multiple dwelling use is identified as an existing nonconforming use within the Community Purpose zone and future development of the site for multiple dwellings is prohibited.

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels

The draft amendment is limited to one site which is located within an area where properties have the same zone as the zone to be applied to the site and is considered to comply.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals

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The application is made under former section 43A of the Act and includes a change to the zoning of the site to reflect its current use where the use of Residential (multiple dwellings) is currently prohibited.

This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community

The application will not impact on any place of historical value or public infrastructure.

The proposal is considered to meet the requirements of the Objectives of the Resource Management and Planning system.

5.6 State Legislation and Policies

State Policy on the Protection of Agricultural Land 2009

State Policy on Water Quality Management 1997

State Coastal Policy 1996

Gas Pipelines Act 2000

Any future use and development will be subject to complying with development standards that are consistent with the Act.

5. Referral Agencies

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has issued its Submission to Planning Authority Notice TWDA No. 2018/01956-LCC) stating that it does not object to the application for amendment and development application and conditions are imposed.

PART B. DEVELOPMENT APPLICATION

1. THE PROPOSAL

The application is for eight co-joined single bedroom dwellings to be constructed at the front of the site where a church has recently been demolished. Each has a longitudinal format with bedroom to the rear, bathroom in centre, adjoining the kitchen portion of an open planned kitchen living/dining area. The end dwellings are 4.51m wide, the next two

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from the western end are 4.38m wide and the remaining middle dwellings are each slightly larger and are 4.62m wide.

The dwellings will be of light weight construction, clad in fibre cement weatherboards and have a gable roof form clad in colorbond finish custom orb.

Each dwelling is provided with one car space located on either side of the drive that accesses the remainder of the site, which is developed with 20 dwellings.

The portion of the site the development is proposed upon contained only a church. As part of a Federal Government initiative in 2009 the remainder of the site was nominated as a potential development site and subsequently funded for the construction of the 20 dwellings and a community building at that time. These developments were not subject to a standard planning application process.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The 1.626ha site is located on the south western side of St Leonards Road, to the west of the 'village' shopping area and between Lewis Street and the access into the St Leonards Athletic Centre. Development and use of the immediate area is principally residential in the form of single dwellings.

The general area rises up to the east from the path of the North Esk River in the valley below. Land immediately along the parts of the western side of St Leonards Road is relatively level. The main part of the subject site has a gradual fall to the west but a strip along the south eastern side boundary has a crossfall to that boundary.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.
<p>Consistent The proposal offers an alternative type of dwelling type in a fully serviced residential area. Residential uses in the area are served by a small supermarket and a bakery, located 88m to the south east along St Leonards Road.</p>

Local Area Objectives - There are no local area objectives.
Desired Future Character Statements - There are no desired future character statements.

10.3 Use Standards

Clauses 10.3.1 - 10.3.5 do not apply to the permitted use status of Residential - multiple dwellings.

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

Objective: To provide for suburban densities for multiple dwellings that: (a) make efficient use of suburban land for housing; and (b) optimise the use of infrastructure and community services.
<p>Consistent The proposed density utilises a serviced section of vacant land on an existing partly developed residential site.</p>
A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.
<p>Complies The 1.626ha site is developed with 20 dwellings and a community building. 'Site area per dwelling' is defined in the clause 4.1 of the scheme as '<i>the area of the site (excluding any access strip) divided by the number of dwellings</i>'. An addition of eight dwellings will result in a site area per dwelling of 560m² to comply with (a).</p>

10.4.2 Setbacks and building envelope for all dwellings

Objective: To control the siting and scale of dwellings to: (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
--

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- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Consistent

The proposed siting and scale of the dwellings is considered to be reasonable given the intent of the specific proposal being to provide community housing. Although the existing dwellings on site, while still relatively compact, are individual buildings, the proposal for conjoined dwellings is consistent with the objective of this standard.

Reasonable separation between adjoining properties is possible as the site is bordered to the north west and south west by the St Leonards Sports Centre site and the south eastern portion of the subject site is undeveloped due to its topography. In addition, St Leonards Road is approximately 19m wide.

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

- (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or
- (b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or
- (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or
- (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.

Complies

The development will be setback a minimum of 4.6m from the road frontage.

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and

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<p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).
<p>Complies The proposed development is able to be contained within the building envelope.</p>

10.4.3 Site coverage and private open space for all dwellings

<p>Objective: To provide:</p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; and (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is integrated with the living areas of the dwelling; and (d) private open space that has access to sunlight.
<p>Consistent Adequate open space can be provided for residents.</p>
<p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.
<p>Relies on Performance Criteria Site coverage is defined in clause 4.1 of the scheme as <i>'means the portion of the site (excluding any access strip) covered by roofed buildings'</i>.</p> <p>The existing dwellings have an average site coverage of approximately 95m² (x20), with the community building a similar size to total 1995m². The proposed co-joined dwellings have a roofed area of approximately 373m².</p> <p>The total site coverage of 2368m² (14.56%) complies with (a).</p> <p>Private open space areas for each dwelling are all below 60m² and do not meet (b) Assessment must be addressed against the performance criteria.</p> <p>25% of the site remains free from impervious surfaces and meets (c).</p>
<p>P1 Dwellings must have:</p> <ul style="list-style-type: none"> (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the

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<p>occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(b) reasonable space for the planting of gardens and landscaping.</p>
<p>Complies</p> <p>The planning submission states the dwellings are proposed as a housing option for the owners of the land who have "the responsibility of providing affordable and community housing under the terms of the Better Housing Futures program". Further, the proposed dwellings are to provide "supported transitional accommodation for single occupants", who do not require the same area of open space as that of a two-three bedroom dwelling. A condition is to be imposed to limit the use of the dwellings to this purpose. It is stated that communal space is available on site. While there is space in the south eastern section of the site this area does fall away and has limited use options. At the same time such residents would not require as much outdoor area which is reasonable. From discussion with the applicant it was agreed that the communal area could be provided with some additional planting.</p> <p>The space will have both hard and pervious surfaces and could be fitted with a clothes line.</p>
<p>A2 A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24m²; or</p> <p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>

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Relies on Performance Criteria

Only one dwelling, the western most dwelling, has a 24m² area of private open space. The other seven dwellings have areas between 17.08m² and 21.47m² and cannot meet (a).

Dwelling No.	Total Area (m)	Impervious Area (m)
1	17.26	6.91
2	21.47	10.01
3	19.45	9
4	21.15	9.77
5	19.12	8.74
6	19.79	8.90
7	17.08	7.52

The depth of the spaces for dwellings 1, 5 and 7 is approximately 3.8m and do not comply with (b).

As the private open space areas are level, accessed off the dining/living spaces and are located to the north/north east (even though in the front setback), (c), (d) and (e) are met.

Point (f) is also addressed as the areas are free of car parking.

Notwithstanding, assessment against the performance criterion is required for compliance.

P2 A dwelling must have private open space that:

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

Complies

Areas of open space are proposed at the front of each dwelling facing St Leonards Road. These areas adjoin, and are accessed via glass doors off the dining/living area, the door also being the only entrance to the dwellings, and are an extension to the living space. The spaces are orientated to the north/north east and will benefit from sunlight of a morning and early afternoon.

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10.4.4 Sunlight and overshadowing for all dwellings

<p>Objective: To provide:</p> <ul style="list-style-type: none"> (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
<p>Consistent The living areas will receive an appropriate level of sunlight.</p>
<p>A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>
<p>Relies on Performance Criteria The living areas of each dwelling, other than the western end dwelling which is orientated at 61 degrees to the west, are located at 31 degrees to the east.</p>
<p>P1 A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).</p>
<p>Complies While the windows of the western end dwelling will benefit from sunlight of an afternoon with the other dwellings receiving sunlight of a morning.</p>
<p>A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): <ul style="list-style-type: none"> (i) at a distance of 3m from the window; and (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June. (c) That part, of a multiple dwelling, consisting of: <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.
<p>Complies The proposed dwellings are sited approximately 60 degrees to the east of an existing dwelling and the community building. A fence, approximately 2m away from the eastern most corner of the existing dwelling, separates the two dwellings and provides compliance with both (a) and (b).</p>
<p>A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in</p>

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<p>accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal. <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.
<p>Complies</p> <p>The proposed dwellings are angled away from existing dwellings and their existing private open space areas.</p>

10.4.6 Privacy for all dwellings

<p>Objective:</p> <p>To provide reasonable opportunity for privacy for dwellings.</p>
<p>Consistent</p> <p>All dwellings will be provided with reasonable opportunity for privacy.</p>
<p>A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.
<p>Complies</p> <p>The development does not include any areas where the finished surface level is more than one metre above the ground.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <ul style="list-style-type: none"> (a) The window or glazed door:

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- (i) is to have a setback of at least 3m from a side boundary; and
 - (ii) is to have a setback of at least 4m from a rear boundary; and
 - (iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
 - (iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.
- (b) The window or glazed door:
- (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or
 - (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or
 - (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.

Complies
The development does not include any areas where the finished surface level is more than 1m above the ground.

A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:

- (a) 2.5m; or
- (b) 1m if:
 - (i) it is separated by a screen of at least 1.7m in height; or
 - (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.

Complies
The proposed dwellings do not have any openings facing the shared driveway.

10.4.7 Frontage fences for all dwellings

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

- (a) provide adequate privacy and security for residents; and
- (b) allow the potential for mutual passive surveillance between the road and the dwelling; and
- (c) provide reasonably consistent height and transparency.

Consistent
The proposed front fence will allow provide privacy yet allow passive surveillance.

A1 A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:

- (a) 1.2m if the fence is solid; or
- (b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings

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above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).

Complies

The proposed fence, being a timber slatted privacy screen with a setback of 1m from the front boundary and located parallel to the façade of each dwelling, complies with (b). The screen has been conditioned to have a maximum height of 1.8m, will be broken in sections and provide at least 30% uniform transparency.

10.4.8 Waste storage for multiple dwellings

Objective:

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

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:

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

Relies on Performance Criteria

A bin storage area is proposed in the southern corner of the proposed development but is only 2m and must be considered against the performance criteria.

P1 A multiple dwelling development must provide storage, for waste and recycling bins, that is:

- (a) capable of storing the number of bins required for the site; and
- (b) screened from the frontage and dwellings; and
- (c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.

Complies

Complies by condition:

Part of the bin storage area is too close to the rear of two proposed dwellings at the south eastern end of the building. A condition is to be imposed for the area to be consolidated so they are 5.5m from any window within the dwellings.

10.4.9 Site facilities for multiple dwellings

Objective:

To provide adequate site and storage facilities for multiple dwellings.

Consistent

Site and storage facilities will be provided for the multiple dwellings.

A1 Each multiple dwelling must have access to 6m³ of secure storage space not located between the primary frontage and the facade of a dwelling.

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<p>Complies The submission states that due to the communal nature of the proposal, where communal areas are provided and maintained by the owners of the complex, and the minimal size of the open space areas, minimal space for each dwelling will be required.</p> <p>As the dwellings are proposed for 'transitional' accommodation it is unlikely that residents will have a significant quantity of possessions to store.</p> <p>A2 Mailboxes must be provided at the frontage.</p>
<p>Complies Mailboxes are to be provided adjoining the driveway entrance.</p>

10.4.10 Common property for multiple dwellings

<p>Objective: To ensure that common areas are easily identified.</p>
<p>Consistent Common areas are identifiable.</p>
<p>A1 Site drawings must clearly delineate private and common areas, including:</p> <ul style="list-style-type: none"> (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.
<p>Complies Common areas are noted on plan along the band of green space along the south eastern boundary of the site. The development also includes a community building just to the rear of the dwellings.</p>

10.4.11 Outbuildings, swimming pools and fences

<p>Objective: To ensure that:</p> <ul style="list-style-type: none"> (a) outbuildings, swimming pools and fences: <ul style="list-style-type: none"> (i) do not detract from the character of the surrounding area; and (ii) are appropriate to the site and respect the amenity of neighbouring lots; (b) dwellings remain the dominant built form.
<p>Consistent Only fencing is proposed and this is considered to be appropriate.</p>
<p>A1.1 The combined gross floor area of outbuildings must be no greater than 45m²; and A1.2 Outbuildings (other than for single or multiple dwellings) must meet the setback and building envelope acceptable solutions of Clause 10.4.2, as if the development were for a dwelling.</p>

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<p>Complies No outbuildings are proposed.</p>
<p>A2 A swimming pool must be located: (a) no closer to the primary frontage than the main building; or (b) in the rear yard.</p>
<p>Complies The development does not include a swimming pool.</p>
<p>A3 Fences must be no higher than 2.1m on a side or rear boundary adjoining a public reserve.</p>
<p>Not Applicable The site does not adjoin a reserve.</p>

10.4.12 Earthworks and retaining walls

<p>Objective: To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p>A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must: (a) be located no less than 900mm from each lot boundary; (b) be no higher than 1m (including the height of any batters) above existing ground level; (c) not require cut or fill more than 1m below or above existing ground level; (d) not concentrate the flow of surface water onto an adjoining lot; and (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.</p>
<p>Not Applicable</p>

10.4.13 Location of car parking

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

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A2.2 Turning areas for vehicles must not be located within the primary front setback.

Complies
 The proposed car parks are parallel to the street and at 90 degrees to either side of the shared driveway. The side of the front spaces aligns with the front of the dwellings with the closest point setback 5.2m from the frontage.

10.4.14 Development for discretionary uses

Objective:
 To ensure that development for discretionary uses is compatible with the form and scale of residential development and does not unreasonably impact on the amenity of nearby sensitive uses.

Consistent
 Multiple dwellings have a permitted use status in the zone.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:
 (a) protect the safety and efficiency of the road and railway networks; and
 (b) reduce conflicts between sensitive uses and major roads and the rail network.

Consistent
 The safety and efficiency of roads should not be reduced by the proposal.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

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

Consistent
 The safety and efficiency of roads should not be reduced by the proposal.

A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.

Complies
 St Leonards Road is a State road but has a speed limit of 60km/h in the vicinity of the proposal.

A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.

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<p>Complies St Leonards Road has a speed limit of 60km/h in the vicinity of the proposal.</p>
<p>A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>
<p>Complies St Leonards Road has a speed limit of 60km/h in the vicinity of the proposal but the increase in traffic is estimated at four movements per day to total 36 and be less than 40.</p>

E4.5.2 Existing level crossings

<p>Objective: To ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.</p>
<p>A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.</p>
<p>Not Applicable</p>

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

<p>Objective: To ensure that development adjacent to category 1 or category 2 roads or the rail network: (a) ensures the safe and efficient operation of roads and the rail network; (b) allows for future road and rail widening, realignment and upgrading; and (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.</p>
<p>Consistent The proposal should not compromise the road safety or efficiency or its future road status.</p>
<p>A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots. A1.2 Buildings must be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than:</p>

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(i) the existing building; or (ii) an immediately adjacent building.
Complies The development has a similar alignment to other dwellings along St Leonards Road.

E4.6.2 Road accesses and junctions

Objective: To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.
Consistent The safety and efficiency of roads will not be reduced.
A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.
Not Applicable
A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.
Complies The development has only one access providing entry and exit.

E4.6.3 New level crossings

Objective: To ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.
Not Applicable
A1 No acceptable solution.
Not Applicable

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

Objective: To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.
A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.
Not Applicable

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E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

A suitable quantity of parking can be provided for the site. St Leonards Road is also level to allow walking and cycling as a transport mode along with being serviced by public transport.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

An appropriate level of parking can be provided.

A1 The number of car parking spaces must:

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

Relies on Performance Criteria

Table E6.1 requires that in addition to the existing parking on site each single bedroom dwelling in the General Residential is to have one on-site car park plus a visitor space for every four dwellings. An additional 10 spaces should, therefore, be provided on site. As only eight spaces are proposed the application must be considered against the performance criteria.

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

- (a) the intensity of the use and car parking required;
- (b) the size of the dwelling and the number of bedrooms; and

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<p>(c) the pattern of parking in the locality; or P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p>Complies The variation to the parking requirements able to meet the performance criteria:</p> <p><i>(a) the intensity of the use and car parking required;</i> In respect of P1.2, the proposed development is short of two spaces. Given that the some of the tenants are likely to be dependent on others to assist with their needs it is unlikely that they will each have a vehicle.</p> <p>There is a bank of visitor spaces provided off the drive just to the rear of the dwellings. The building they are forward of is noted as being a community building. As the site is relatively large, visitors are likely to park as close to the targeted dwelling as possible especially as the 'drive' is of a high standard and appears as a street. Therefore, the five visitor spaces are likely to be available for the proposed dwellings. Parking numbers are considered to meet this clause.</p> <p><i>(b) the size of the dwelling and the number of bedrooms; and</i> The single bedroom dwellings are most likely to be occupied by a single person who may or may not have a car.</p> <p><i>(c) the pattern of parking in the locality; or</i> As noted the majority of existing dwellings have parking options adjacent and the existing five spaces are likely to be free for use as needed.</p>
<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require six or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p>
<p>Not Applicable</p>

E6.5.2 Bicycle parking numbers

<p>Objective: To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p>Not Applicable Not required for single and multiple dwellings.</p>

E6.5.3 Taxi spaces

<p>Objective: To ensure that access for taxis is provided to meet the needs of the use.</p>
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Not Applicable
Not required for single and multiple dwellings.

E6.5.4 Motorcycle parking

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

Consistent

E6.5.5 Loading bays

Objective:
To ensure adequate access for goods delivery and collection, and to prevent loss of amenity and adverse impacts on traffic flows.

Not Applicable
Not required for single and multiple dwellings.

E6.6 Development Standards

E6.6.1 Construction of parking areas

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

Consistent
Parking will be constructed to a suitable level.

A1 All parking, access ways, manoeuvring and circulation spaces must:
(a) have a gradient of 10% or less;
(b) be formed and paved;
(c) be drained to the public stormwater system, or contain stormwater on the site;
(d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and
(e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.

Complies
The parking spaces have a grade less than 10%, will be formed, drained, paved and line marked.

E6.6.2 Design and layout of parking areas

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

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

E6.6.3 Pedestrian access

<p>Objective: To ensure pedestrian access is provided in a safe and convenient manner.</p>
<p>Consistent The existing development has a pedestrian access.</p>
<p>A1.1 Uses that require 10 or more parking spaces must:</p> <ul style="list-style-type: none"> (a) have a 1m wide footpath that is separated from the access ways or parking aisles, except where crossing access ways or parking aisles, by: <ul style="list-style-type: none"> (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the main entry point to the building.</p>

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Complies
 A path exists with the minimum width dimension as well as the required protective devices. Signage as set out in (b) is to be imposed as a recommended condition.

E6.7 Parking Precinct Plans

E6.7.1 Precinct 1 - Launceston Central Business District Parking Exemption Area

E6.7.1.3 Local area provisions

Objective:
 To limit on-site car parking within the Launceston Central Business District Parking Exemption Area.

Not Applicable

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Conditional consent provided with recommended conditions in relation to: <ul style="list-style-type: none"> • Basic - soil and water management plan • Works within/occupation of the road reserve • Damage to Council's Infrastructure • Car Parking Construction • Amended plans required
Environmental Health	Conditional consent provided with recommended conditions in relation to: <ul style="list-style-type: none"> • Amenity - residential • No burning of waste
Heritage/Urban Design	The proposal was referred as it is within the area covered by the proposed St Leonard's Strategy Plan. It is not considered to meet the future character intent of the area in regard to limited areas of community space; 'village' versus suburban character for the area, local traffic concerns and is considered to be too far from the 'town' centre to justify consolidation of the Activity Centre as identified in the strategy.
Building and Plumbing	Standard notes recommended for the permit.

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REFERRAL	COMMENTS
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2018/01956-LCC.
DIER	No response received.

5. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015
Land Use Planning and Approvals Act 1993
 Council's Strategic Plan 2014-2024
 Northern Regional Land Use Strategy

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BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map (distributed electronically)
 2. Plans to be Endorsed (distributed electronically)
 3. Draft Instrument (ECM Document Number 4589975) (distributed electronically).
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8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan**FILE NO:** SF6895**AUTHOR:** Richard Jamieson (Manager City Development)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To decide whether the Planning Authority will determine to:

1. initiate and certify Amendment 52 to provide an option for flexibility in the timing of infrastructure contribution payments in the Raglan Street, Kings Meadows Specific Area Plan by inserting an alternative Acceptable Solution; and
2. make a submission to the Tasmanian Planning Commission that, in the opinion of the Planning Authority, the Commission has the power to dispense with the requirements relating to the public exhibition of Amendment 52 in accordance with section 37 (1) of the *Land Use Planning and Approvals Act 1993*.

RECOMMENDATION:

That Council:

1. pursuant to the former section 34(1)(b) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 52 to the Launceston Interim Planning Scheme 2015 to insert an additional Acceptable Solution option into Clause F3.3.2 of the Raglan Street, Kings Meadows Specific Area Plan to provide for Council and applicant to agree an alternative timing and mechanism for infrastructure contribution payments.
 2. pursuant to the former section 35(1) of the *Land Use Planning and Approvals Act 1993*, certifies the draft amendment (ECM Document Reference Number 4590819).
 3. directs the Director Development Services to arrange for a submission to be made to the Tasmanian Planning Commission to the effect that, in the opinion of the Planning Authority, the Commission has the power to dispense with the requirements relating to the public exhibition of Amendment 52 in accordance with former section 37(1) of the *Land Use Planning and Approvals Act 1993*.
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-

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

Note

Councillors are advised that under Schedule 6 - Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* - Parts 2A and 3 of the *former provisions* remain in force until a Local Planning Schedule comes into effect for the municipal area and this application assessment and recommendation has therefore been made under those transitional provisions.

REPORT:**1. Introduction**

The proposed amendment seeks to modify the Raglan Street, Kings Meadows Specific Area Plan to provide flexibility in the timing of infrastructure contribution payments.

2. Background

The Raglan Street, Kings Meadows Specific Area plan was inserted into the planning scheme in December 2009 (Amendment 150 the Launceston Scheme 1996). It was developed to do two things:

1. To guide the orderly development of the Raglan Street Area by outlining a preferred subdivision pattern; and
2. To provide an equitable mechanism to recoup the cost of infrastructure work undertaken by Council to facilitate the development of the area, principally the roundabout at the corner of Connector Park Drive, Raglan Street and the Kings Meadow Connector.

At the time of the amendment the cost of the roundabout was estimated to be approximately \$1.28m. The amendment proposed a splitting of the costs equitably across all land within the 31.3ha of the specific area plan, indexed over time (approximately \$40,000 per hectare).

Post construction, the final cost was slightly less at \$961,000 so the figures were revised down during the translation to the Launceston Interim Planning Scheme 2011.

The specific area plan as currently written requires the payment of this contribution prior to approval of subdivision or multiple dwellings on land within the plan. It is this element of the plan that is now problematic and is the subject of this amendment.

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

The timing of infrastructure payments can have a very significant impact on the viability of a development. Payments prior to approval place a significantly higher financial burden on development than payments made later in the process, for example when titles have been created.

Currently, given the indexation of the amounts payable, the feedback being provided to Council officers is that the timing of the infrastructure contributions prior to approval is likely to prevent the area developing as anticipated.

To overcome this, this amendment proposes to provide an option for applicants and Council to agree an alternative timing for payments. Importantly, it does not seek to change the amount of the contributions or their indexing, and it also maintains the current option of payment prior to approval which is in place.

In addition, due to the technical and procedural nature of the proposed amendment, it is the view of Council officers that the proposed amendment satisfies the relevant requirements in section 37(1) of the *Land Use Planning and Approvals Act 1993* (the Act), which affords the Tasmanian Planning Commission (the Commission) the power to dispense with the requirements of sections 38, 39, 40 and 41 of the Act relating to the public exhibition process for draft amendments.

Dispensing with these requirements will reduce delays to the development timeline.

This report provides an assessment of the requirements of the Act relevant to the proposed amendment and the proposal to make a request to the Commission that it dispenses with the requirements relating to the public exhibition of the draft amendment.

3. Draft Amendment

The draft amendment seeks to add a second option for payment of infrastructure contributions (A1.2) into *Clause F3.3.2 - Contributions*. All other elements of the standard remain unchanged, bar consequential formatting.

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

The proposed amended standard will read as follows:

F3.3.2 Contributions

Objective:		
To ensure the owners of property in the Raglan Street Specific Area Plan contribute to infrastructure costs in constructing roadworks along the Raglan Street road reserve and a roundabout at the intersection of Raglan Street and the Kings Meadows Connector.		
Acceptable Solutions		Performance Criteria
A1.1		P1
Development for subdivision or multiple dwellings must not be approved until the infrastructure contribution for land shown in the table to this clause is paid as specified.		No performance criteria.
The contribution must be increased by the Launceston City Council Average Interest of Secure Loans Rate, as published in the Annual Report of the Council and applicable calculated from 1 January 2012.		
Property (Title reference)	Area (ha)	Road Asset Contribution (As of 1 July 2009)
24388/1	8.292	\$254,019.00
39931/1	1.101	\$33,728.00
24356/3	4.963	\$152,038.00
112401/1	5.358	\$164,139.00
131894/3	7.171	\$219,678.00
64608/1	0.224	\$6,863.00
CNV 22/263	4.280	\$131,114.00
TOTAL	31.389	\$961,579.00
or;		
A1.2		
Development for subdivision or multiple dwellings must not be approved until the Council's General Manager has provided written advice that satisfactory payment arrangements have been entered into with Council for the infrastructure contribution as		

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

<p>shown in the table to this clause. The contribution must be increased by the Launceston City Council Average Interest of Secure Loans Rate, as published in the Annual Report of the Council and applicable calculated from 1 January 2012.</p>	
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3.2 Scheme Operation

The standard being modified only relates to the repayment of money spent by Council to facilitate the development. The amendment does not change the structure or objective of the Specific Area Plan. It only adds a further option to meet the acceptable solution, as an alternative way of meeting the standard objective. This improves the functionality and operations of the scheme and increases the likelihood that development will occur in line with the scheme intents.

The mechanism proposed by the new acceptable solution, that of advice being provided by the General Manager, is found in multiple places, particularly for confirming that available capacity is present in Councils' stormwater system. This standard appears in most zones eg. clause 10.4.17 Discharge of Stormwater in the General Residential Zone reads: '*A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision*'.

4. Requirements of the Act

The application is required to be determined in accordance with sections 34(1) and 35(1) of the Act.

34. Amendment of planning scheme

- (1) A planning authority may –*
 - (a) in response to a request under section 33; or*
 - (b) of its own motion –*
initiate an amendment of a planning scheme administered by it.

35. Certification of draft amendments by planning authorities

- (1) After preparing a draft amendment of a planning scheme, the planning authority must determine whether the draft amendment meets the requirements specified in section 32 and –*
 - (a) if satisfied that it does, certify the draft amendment as so meeting those requirements; or*
 - (b) if not so satisfied, proceed to modify the draft amendment until it does meet those requirements and then certify the modified draft amendment as so meeting those requirements.*

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ... (Cont'd)

(2) *For the purposes of subsection (1), the planning authority must certify the draft amendment by instrument in writing affixed with the common seal of the planning authority.*

(3)

(4) *Within 7 days after certifying under subsection (1) that the draft amendment of a planning scheme meets the requirements specified in section 32, the planning authority must give a copy of the draft amendment and the instrument containing that certification to the Commission.*

The matters which the Planning Authority must consider when making a decision whether to initiate and certify the draft amendment are listed in section 32 of the Act and are set out in the subsequent sections of this report.

In addition to the recommendation to initiate, a second recommendation is made, that Council makes a submission to the Commission that the draft amendment satisfies the relevant requirements of section 37(1) of the Act to dispense with the requirements of section 38 and also sections 39, 40 and 41 relating to the making of representations, consideration by the Commission and modification or rejection of the draft amendment before approval.

Section 37(1) of the Act states the following:

37. Power of Commission to dispense with certain requirements

- (1) *Where, on the submission to the Commission of a draft amendment of a planning scheme, the Commission is satisfied that –*
 - (a) *the draft amendment is for the purpose of –*
 - (i) *the correction of any error in the planning scheme; or*
 - (ii) *the removal of any anomaly in the planning scheme; or*
 - (iii) *clarifying or simplifying the planning scheme; or*
 - (iv) *removing any inconsistency between the planning scheme and any Act;*
 - or*
 - (v) *making procedural changes to the planning scheme; or*
 - (vi) *amending the planning scheme to bring it into conformity with the model planning scheme framework; or*
 - (via) *the removal or amendment of any local provision of the scheme that is, under section 30EA, inconsistent with another provision; or*
 - (vib) *ensuring the effective operation of a planning purposes notice; or*
 - (vic) *ensuring that the local provisions of the scheme are consistent with one another and any planning directive, to the extent that the directive applies in relation to the scheme; or*
 - (vid) *enabling an alteration of the zoning of land to which an interim planning scheme applies, or has applied, so that the zoning that applied to the land before the interim planning scheme applied (the former zoning) may*

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

- become the zoning that most closely corresponds to the former zoning;*
or
(vie) implementing an agreed amendment; or
(vii) for any other prescribed reason; and
(b) the public interest will not be prejudiced – the Commission may, by notice in writing given to the planning authority, dispense with the requirements of sections 38, 39, 40 and 41 in relation to the draft amendment and give its approval to the draft amendment in accordance with section 42.

The relevant requirements of section 37(1) are addressed in a subsequent section of this report.

PART A: Considerations for the Amendment**5. Assessment****5.1 Strategic Plan 2014-2024**

The Strategic Plan 2014-2024 seeks to provide direction to the range of operations Council undertakes in their role as the major provider of services and facilities for the City of Launceston. The Strategic Plan essentially indicates the actions and strategies that the Council will implement to deliver on the Greater Launceston Plan goals. The relevant goals are addressed below.

Goal 2 – A city where people choose to live

The draft amendment will facilitate the development of a significant portion of residentially zoned land within Launceston. The viability of development is currently being hindered by the requirements to pay significant amounts of money prior to approval or development commencing.

Goal 6 – A city building its future

The draft amendment is intended to facilitate development in accordance with the planning scheme. The current payment options appear to be preventing the viable development of land with the specific area plan. The alternative mechanism proposed by this amendment seeks to overcome this impediment without impacting on the planning outcomes envisaged by the specific area plan.

Goal 7 – A city that stimulates economic activity and vibrancy

The draft amendment is directly aligned to stimulating development and removing a regulatory impediment.

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

5.2 Northern Regional Land Use Strategy

Section 30O(1) of the Act requires the amendment to be, as far as practicable, consistent with the Strategy. The Northern Regional Land Use Strategy was amended and declared by the Minister for Planning on 27 June 2018 pursuant to section 30C(3) of the Act. The regional land use strategy is a policy framework that guides land use, development and infrastructure decisions across the northern region by State and Local Government and other relevant infrastructure providers. The regional land use strategy provided significant guidance for the preparation of the Scheme.

The amendment does not seek to alter the intended outcomes of the scheme nor the degree to which it aligns with this strategy.

5.3 Section 32 of the Act

When making a decision whether to initiate and certify an amendment to a planning scheme, sections 33(2B) and 35(1) of the Act requires the Planning Authority to consider and determine whether it meets the following requirements listed in section 32:

32. Requirements for preparation of amendments

- (1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)–*
 - (a-d)*
 - (e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
 - (ea) must not conflict with the requirements of section 30O; and*
 - (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

These requirements are addressed below.

5.3.1 Land Use Conflict

The proposed amendment does not seek to modify the underlying zone provisions, which seek to avoid the potential for land use conflict. This amendment is solely about the timing of infrastructure contribution payments.

5.3.2 Section 30O

The relevant sub-sections (1) and (2) in section 30O of the Act allow for an amendment to the Scheme to occur for the purposes of inserting or removing a local provision provided that the amendment:

- is, as far as practicable, consistent with the regional land use strategy;
- is not directly or indirectly inconsistent with a common provision in the Scheme;

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

- does not revoke or amend an overriding local provision;
- does not result in a conflicting local provision.

The proposed amendment is consistent with the regional land use strategy, as discussed in section 5.2.

The proposed amendment seeks only to provide flexibility to the timing of infrastructure payments it does not impact on any other provisions of the scheme or the planning outcomes of the Raglan Street Specific Area Plan.

The proposed amendment therefore will not be inconsistent or in conflict with any other relevant local or common provision in the Scheme. It will not revoke or amend an overriding local provision.

5.3.3 Regional Impact

The proposed amendment will not adversely impact the use and development of the region in environmental, economic and social terms. In reality any impact will be to facilitate development in accordance with the intents of the planning scheme. The current provisions requiring significant upfront contributions to infrastructure are limiting viability and potentially preventing the beneficial development of the land. It is clearly desirable to ensure that land available for residential development is not prevented from doing so by an administrative mechanism in the scheme itself.

5.4 Objectives of the Resource Management and Planning System

5.4.2 Schedule 1 – Part 1

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

The amendment has no impact on the planning outcomes.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

The amendment will facilitate the orderly development of the area, and increase fairness in the repayment of infrastructure contributions.

(c) to encourage public involvement in resource management and planning; and

The matter subject to the amendment is solely to do with repayment to Council of funds expended to construct a roundabout to facilitate development of the Raglan Street area. There is no public involvement in this matter. The amendment is not proposing to vary the amount of funds repaid, only the timing of those funds.

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ... (Cont'd)

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

The draft amendment is designed to remove an administrative problem that is preventing the beneficial redevelopment of an area of residential land, the amendment proposed is to facilitate economic development in a manner that is consistent with Objectives (a), (b) and (c).

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The purpose of the Raglan Street contributions scheme is to co-ordinate and share responsibility for infrastructure necessary to support development. What is proposed modifies the existing provision to make them more functional and further enhance co-ordination.

Schedule 1 – Part 2

(a) to require sound strategic planning and co-ordinated action by State and local government; and

The proposed amendment has been assessed as consistent with Council's Strategic Plan, the Northern Regional Land Use Strategy, the Scheme and Objectives in Schedule 1 of the Act.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and

The Act sets out an established process which enables planning scheme amendments to be lawfully considered. The proposed amendment will not substantially alter the functionality of the Scheme.

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and

The proposed amendment modifies a procedural matter only and will not have any adverse social and economic impacts on the surrounding area over and above the existing Raglan Street Specific Area Plan.

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

All relevant regional and state policies have been considered in this report.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and

This objective is not relevant to the draft amendment.

(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and

This objective is not relevant to the draft amendment.

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and

This objective is not relevant to the draft amendment. The amendment does not impact on any planning outcomes, it only modifies the timing of infrastructure contributions.

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and

The purpose of the Raglan Street Specific Area Plan is to guide the orderly development of the area and co-ordinate the provision of infrastructure. This amendment improves the functionality of the specific area plan as written and makes it more workable. The amendment will increase the likelihood that the land will develop.

(i) to provide a planning framework which fully considers land capability.

This objective is not relevant to the draft amendment.

State Legislation and Policies**State Policy on the Protection of Agricultural Land 2009**

The amendment has no impact on this policy.

State Policy on Water Quality Management 1997

The amendment has no impact on this policy.

5.5.3 State Coastal Policy 1996

The amendment has no impact on this policy.

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

5.5.4 National Environmental Protection Measures

National Environmental Protection Measures (NEPMs) are automatically adopted as State Policies. They outline common environmental objectives for managing the environment.

Current NEPMs include:

- National Environmental Protection (Used Packaging Materials) Measure
- National Environmental Protection (Ambient Air Quality) Measure
- National Environmental Protection (Movement of Controlled Waste Between States and Territories) Measure
- National Environmental Protection (National Pollutant Inventory) Measure
- National Environmental Protection (Assessment of Site Contamination) Measure
- National Environmental Protection (Diesel Vehicle Emissions) Measure
- National Environmental Protection (Air Toxics) Measure

The NEPMs are either not applicable or will not be impacted upon by the draft amendment.

5.5.5 Gas Pipelines Act 2000

The amendment has no impact on this Act.

PART B: Requirements relating to Public Exhibition of the Amendment

5.6 Section 37(1) of the Act

In order to satisfy section 37(1) of the Act, a draft amendment is required to be for one of the purposes listed under sub-section (a)(i)-(vie) and is required to comply with sub-section (b) requiring that the public interest is not to be prejudiced. These matters are addressed separately below.

5.6.1 Purpose of the Amendment

The relevant provisions in section 37 (1)(a) of the Act include:

- (a) *the draft amendment is for the purpose of –*
 - ...
 - (iii) *clarifying or simplifying the planning scheme;*
 - (v) *making procedural changes to the scheme*

Clarifying or Simplifying the Scheme

The draft amendment will simplify a procedural matter in the scheme by introducing a second option to introduce flexibility into the operation of Development Standard F3.3.2. Currently the standard is very prescriptive and mandates only one option to comply with the standard. There is no corresponding performance criteria.

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

The amendment allows the option for Council to agree to an alternative payment mechanism to be entered into prior to the permit being issued, rather than the entire contribution being paid up front. This change does not alter the planning outcome of the clause and can therefore be seen as a procedural matter.

Council requires certainty that the contributions will be paid so maintaining the mechanism as an acceptable solution is preferred. Council does not want to provide flexibility to the amount of contribution payable just the process and timing by which it is paid.

Compliance with the current acceptable solution is practically difficult as it imposes a considerable financial burden on development proposals, potentially impacting viability and the ability to proceed. The amendment makes it simpler to comply with the standard by allowing flexibility.

5.6.2 Public Interest

The public interest will not be prejudiced because the matter solely relates to the timing and mechanism to repay money to the Council spent on infrastructure to facilitate development of the land. It does not impact in any way the purpose of the Raglan Street Specific Area Plan or its proposed planning outcomes.

Further, it does not remove any approval pathway currently open to land owners within the plan area, it just provides an alternative mechanism to achieve the plan objective with the intention of allowing greater flexibility. No-one is impacted by the draft amendment other than the land owner and the Council.

6. Conclusion

It is recommended that the Planning Authority initiates and certifies an amendment to the Launceston Interim Planning Scheme 2015 to provide additional flexibility for the timing of payments of infrastructure contributions within the Raglan Street Specific Area Plan.

The amendment is considered to meet all the relevant objective of the Act. It is also recommended that because the proposed amendment satisfies the relevant requirements in section 37(1) of the Act, the Planning Authority makes a submission to the Tasmanian Planning Commission dispensing with the need for public advertising of the amendment.

ECONOMIC IMPACT:

No significant economic impacts have been identified.

ENVIRONMENTAL IMPACT:

No significant environmental impacts have been identified.

8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)

SOCIAL IMPACT:

No significant social impacts have been identified.

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015
Land Use Planning and Approvals Act 1993
Council's Strategic Plan 2014-2024
Northern Regional Land Use Strategy

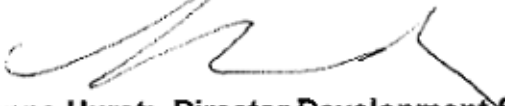
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Draft Amendment (ECM Document Reference Number 4590819) (distributed electronically)
-

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

Thursday 24 January, 2019

- Attended Creative Class of 2018 Graduation, Foundry

Friday, 25 January, 2019

- Officiated at Chilli Skyfire @ Royal Park and participated in two radio interviews during the event

Saturday, 26 January, 2019

- Officiated at Australia Day Citizenship Ceremony, Albert Hall
- Attended the Hot Summer 2019 Tour - VIP event, Country Club Casino

Wednesday 30 January, 2019

- Officiated at Holman Clinic and Cancer Ward Auxiliary 40th Anniversary Reception, Town Hall Reception Room
- Attended Newstead College Awards Evening, College Auditorium

Thursday 31 January, 2019

- Attended Festivale 2019 launch party, City Park
- Attended UTAS Big Bash Cricket, UTAS Stadium
- Officiated at the 10 Days on the Island program launch by Hon. Peter Gutwein, Civic Square

Friday 1 February, 2019

- Conducted Thank you Morning Tea for Alderman Robin McKendrick, Town Hall Reception Room

Sunday, 3 February, 2019

- Attended Launceston International VIP hosting followed by officiating start of Tennis Finals
-

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

Wednesday, 6 February, 2019

- Officiated at the Tasmanian Community Fund 20 Year Anniversary Reception, Town Hall Reception Room
 - Attended TasWater quarterly briefing North - West Tamar Meeting Room, 36-42 Charles Street
-

10 COUNCILLOR'S REPORTS

(This item provides an opportunity for Councillors to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is

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

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

11.1.1 Councillor's Questions on Notice - Councillor N D Daking - Mobile Food Van Permits - 24 January 2019**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTION and RESPONSE:

The following question was asked by Councillor N D Daking at the Council Meeting of 24 January 2019 and has been answered by Mr Michael Stretton (General Manager).

Question:

1. *There appears to be some confusion regarding the mobile food vendors operating in High Street regarding their permits, criteria and conditions versus the mobile food vendors (undergoing the current trial) trading from the Mall. Could Councillors be provided with the different permits and conditions and be informed as to why they are different?*

Response:

At its meeting on 30 October 2017, Council approved a Mobile Food Vendors Interim Policy Framework that provided a set of criteria for the assessment of suitable trading locations throughout the Municipal Area (such as High Street). Whilst this framework applies to the entire Municipal Area, it works in conjunction with the CBD Exclusion Zone which is established under the Council's existing *Mobile Food Vendors Operating on Public Roads Policy*. This Policy prohibits mobile food vendors from operating on public roads within the CBD. The current CBD exclusion area effectively prohibits food vendors from operating on any public street, but does not apply to food vans operating on private land and equally, does not apply to food vans operating from a public road as part of a Council supported or endorsed event. It was determined that the operation of a food van trial constitutes a Council supported event and accordingly compliance with the Council's policy is achieved. It is also arguable that the Policy was not intended to apply to public realm spaces such as the Brisbane Street Mall and Quadrant Mall as they are not operated as Public Streets.

11.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

12 COMMITTEE REPORTS**12.1 Tender Review Committee Meeting - 24 January 2019****FILE NO:** SF0100/CD047/2018/CD052/2018**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To receive a report from the Tender Review Committee (a delegated Authority Committee).

RECOMMENDATION:

That Council:

1. accepts the tender submitted by the Baker Group Pty Ltd for the Churchill Park Carpark Upgrade, Contract No CD.CD047/2018 be accepted for a cost to Council of \$840,874.20 (exclusive of GST).
 2. accepts the submissions provided by Will Dig, The Baker Group Pty Ltd., Remount Landscaping, Hazell Bros, Gradco, Boral and Bis Industries for the Supply of Gravel, Sand and Aggregates, Contract No CD052/2018.
-

REPORT:

The Tender Review Committee Meeting, held on 24 January 2019, determined the following:

Churchill Park Upgrade

That the sum submitted by the Baker Group Pty Ltd for the Churchill Park Carpark Upgrade, Contract No CD.CD047/2018 be accepted for a cost to Council of \$840,874.20 (exclusive of GST).

Supply of Gravel, Sand and Aggregates

That the tender submissions submitted by Will Dig, The Baker Group Pty Ltd., Remount Landscaping, Hazell Bros, Gradco, Boral and Bis Industries for the Supply of Gravel, Sand and Aggregates, Contract No CD052/2018 be accepted.

12.1 Tender Review Committee Meeting - 24 January 2019 ...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goals: To ensure decisions are made in a transparent and accountable way
Key Direction -
3. To ensure decisions are made on the basis of accurate and relevant information

BUDGET & FINANCIAL ASPECTS:

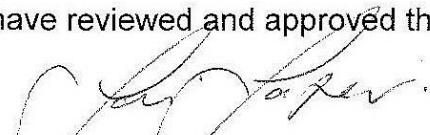
Not considered relevant to this report.

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

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster: Director Corporate Services

13 COUNCIL WORKSHOPS

Council Workshops conducted on 31 January and 7 February 2019 were:

- North East Recreation Trail (NERT)
 - Information session for Councillors regarding the shared use of the North East Rail corridor.
- Carr Villa Memorial Park - Ruddick Review of Business Costs 2012 - 2018
 - Presentation to Councillors regarding the financial performance of Carr Villa Memorial Park over the past term of Council, current challenges and proposed pricing structure.
- Recommended Name for Seaport Pedestrian Bridge
 - A discussion with Councillors as to the name to be recommended to the Nomenclature Board of Tasmania for the pedestrian bridge crossing the North Esk River at Seaport.
- Hydraulic Modelling Flood Study
 - A presentation to Councillors regarding urban flood risk and the urban flood modelling project.
- New Year's Eve Event
 - Councillors will be briefed on possible organisational arrangements for future New Year's Eve Events.
- MyPlace My Future (Northern Suburbs Revitalisation Plan)
 - A briefing session for Councillors regarding the Northern Suburbs Revitalisation discussion paper prior to public release on 4 February 2019.
- Report on Ravenswood Asset Based Community Driven Effort (ABCDE) Learning Site
 - A report will be provided to Councillors on the Ravenswood ABCDE Learning Site.
- 2019 Workshop Planning Session
 - A discussion regarding proposed Workshops for 2019.
- Review of the *Local Government Legislative Framework*
 - An opportunity for Councillors to comment on the review of the Local Government Legislative Framework.
- Community Engagement Project - Update
 - A discussion with Councillors regarding the overarching approach and strategy development to date.

14 NOTICES OF MOTION

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

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

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 Community Grants Assessment Panel Terms of Reference Update****FILE NO:** SF0488**AUTHOR:** Cherie Holmes (Grants and Sponsorship Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider the update of the Community Grant Assessment Panel Terms of Reference (05-Plx-019).

PREVIOUS COUNCIL CONSIDERATION:

Council - 27 February 2017 - Agenda Item 15.2 - Community Grants Assessment Panel Terms of Reference (05-Plx-019)

Council - 22 October 2018 - Agenda Item 15.2 - Community Grants (Organisations) Policy (05-PI-018)

RECOMMENDATION:

That Council approves the update of the Community Grants Assessment Panel Terms of Reference (05-Plx-019) as set out below:

Community Grants Assessment Panel - Terms of Reference

The Community Grants Assessment Panel is a Special Committee of Council as defined under section 24 of the *Local Government Act 1993* (Tas).

PURPOSE:

The primary purpose of the City of Launceston (CoL) Community Grants Assessment Panel is to review and assess grant applications in accordance with the Community Grants (Organisations) Policy and Guidelines.

The Assessment Panel recommendations will allow for informed decision making by Council when approving funding allocation for projects.

15.1 Community Grants Assessment Panel Terms Of Reference Update ...(Cont'd)

ROLE:

The primary role of the Community Grants Assessment Panel is to:

- Consider, review and assess grant applications against the Community Grants (Organisations) assessment criteria.
- Provide recommendations to Council on grants to be approved for funding.

The Councillors nominated to the Assessment Panel will have a secondary role to provide input into the annual recommendation to Council for Community Organisations seeking assistance via the Concessional Entry to the Council's Waste Disposal Facilities.

MEMBERSHIP:

The Assessment Panel will comprise of representatives from the City of Launceston (Councillors) and external stakeholders.

- City of Launceston Councillors (three), nominated and endorsed by Council
- One of the endorsed City of Launceston Councillors to chair the panel
- External stakeholder representatives (three) appointed by a decision of Council.

Council officers will provide advice to the Assessment Panel.

MEETING ARRANGEMENTS:

The Panel will meet at least twice a year to coincide with the grant rounds and at other times as necessary. All grant applications will be assessed in the first instance via an online assessment process. Panel meetings will provide an opportunity for discussion and review of assessments and to confirm recommendations to Council.

MEETING QUORUM:

An absolute majority is considered a quorum for meetings of the Community Grant Assessment Panel.

HOW THE PANEL WILL OPERATE:

- The Grants and Sponsorship Officer will coordinate the Community Grants assessment process;
 - The Panel will assess all Grant applications through an online assessment process prior to a Panel meeting;
 - Panel members will independently review and assess each grant application in accordance with the Community Grant assessment criteria;
 - Once applications have been pre-scored, the Panel will meet to finalise assessment scoring which will determine the applicant's eligibility for funding, and form the Panel's recommendation to Council; and
 - All final decisions on Community Grant funding will be made by Council and are subject to the available budget for that round.
-

15.1 Community Grants Assessment Panel Terms Of Reference Update ...(Cont'd)

CODE OF CONDUCT:

All Panel members must adhere to the Code of Conduct for Committees. Councillors and Council Officers must also adhere to their own relevant Code of Conduct.

CONFLICT OF INTEREST:

If a panel member has a declared interest in a project they must declare prior to assessment of the application. A declared interest will result in the inability to assess the application. The panel member must withdraw from the meeting during the discussions of the application, finalisation of scoring and subsequent recommendation to Council.

The declaration of interest will be noted in the report outlining the Panel's recommendation to Council.

RESOURCES:

The Grants and Sponsorship Officer will coordinate the assessment process; ensuring panel members have all the necessary support to undertake the assessment process.

HONORARIUMS:

Council will not pay any honorariums or expenses to any member on the panel.

RELATED POLICIES & PROCEDURES

05-PI-018 Community Grants (Organisations) Policy

REVIEW:

The Terms of Reference including membership will be reviewed in conjunction with the review of the City of Launceston Community Grants (Organisations) Policy.

REPORT:

The Community Grants Assessment Panel Terms of Reference (05-Plx-19) was adopted by Council on 22 February 2017. It is necessary to update the Community Grants Assessment Panel Terms of Reference to ensure it aligns with the recently reviewed Community Grants Policy (05-Plx-018).

15.1 Community Grants Assessment Panel Terms Of Reference Update ...(Cont'd)

1. Membership***Current Terms of Reference Wording***

The Assessment Panel will consist of representatives from the City of Launceston (Aldermen) and external stakeholders.

- *City of Launceston Aldermen (three), nominated and endorsed by Council*
- *External stakeholder representatives (three)*

The external stakeholder representatives will be appointed by a decision of Council.

Recommended Terms of Reference Change

Add the clause "one of the endorsed City of Launceston Councillors to chair the panel." This practice is currently occurring and also aligns with the Event Sponsorship Assessment Panel Terms of Reference ensuring consistency of practice.

Recommended Terms of Reference Wording

The Assessment Panel will consist of representatives from the City of Launceston (Councillors) and external stakeholders.

- *City of Launceston Councillors (three), nominated and endorsed by Council*
- *One of the endorsed City of Launceston Councillors to chair the panel*
- *External stakeholder representatives (three) appointed by a decision of Council.*

2. Meeting Arrangements***Current Terms of Reference Wording***

The Panel will meet at least three times a year to coincide with the grant rounds and at other times as necessary. All grant applications will be assessed in the first instance via an online assessment process. Panel meetings will provide an opportunity for discussion and review of assessments and to confirm recommendations to Council.

Recommended Terms of Reference Change

As per the updated Community Grants (Organisations) Policy, there are now only two rounds for Community Grant applications for organisations per year. The Community Grant Assessment Panel now only needs to meet twice a year not three times a year as previously.

15.1 Community Grants Assessment Panel Terms Of Reference Update ...(Cont'd)

Recommended Terms of Reference Wording

The Panel will meet at least twice a year to coincide with the grant rounds and at other times as necessary. All grant applications will be assessed in the first instance via an online assessment process. Panel meetings will provide an opportunity for discussion and review of assessments and to confirm recommendations to Council.

3. Conflict of Interest***Current Terms of Reference Wording***

If a panel member has a declared interest in an event in a project they must declare prior to assessment of the application.

Recommended Terms of Reference Change

Add the clause "A declared interest will result in the inability to assess the application. The panel member must withdraw from the meeting during the discussions of the application, finalisation of scoring and subsequent recommendation to Council".

This practice is currently occurring and also aligns with the Event Sponsorship Assessment Panel Terms of Reference ensuring consistency of practice.

Recommended Terms of Reference Wording

If a panel member has a declared interest in a project they must declare prior to assessment of the application. A declared interest will result in the inability to assess the application. The panel member must withdraw from the meeting during the discussions of the application, finalisation of scoring and subsequent recommendation to Council.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

15.1 Community Grants Assessment Panel Terms Of Reference Update ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014 - 2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders; to seek and champion collaboration to address major issues for Northern Tasmania; to ensure decisions are made in a transparent and accountable way; to continue to meet our statutory obligations and deliver quality services and to continue to ensure the long-term sustainability of our Organisation

Key Directions -

3. To ensure decisions are made on the basis of accurate and relevant information
4. To continually improve our service delivery and supporting processes

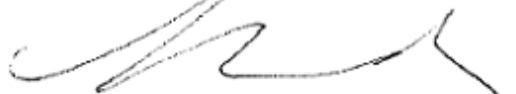
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Current Community Grant Assessment Panel Terms of Reference
-

Attachment 1 - Current Community Grant Assessment Panel Terms of Reference

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Community Grants Assessment Panel - Terms of Reference

The Community Grants Assessment Panel is a Special Committee of Council as defined under section 24 of the *Local Government Act (TAS) 1993*.

PURPOSE:

The primary purpose of the City of Launceston (CoL) Community Grants Assessment Panel is to review and assess grant applications in accordance with the Community Grants Policy and Guidelines.

The Assessment Panel recommendations will allow for informed decision making by Council when approving funding allocation for projects.

ROLE:

The primary role of the Community Grants Assessment Panel is to:

- Consider, review and assess grant applications against the Community Grants (Organisations) assessment criteria.
- Provide recommendations to Council on grants to be approved for funding.

The Aldermen nominated to the Assessment Panel will have a secondary role by providing input into the annual recommendation to Council for Community Organisations seeking assistance via the Concessional Entry to the Council's Waste Disposal Facilities.

MEMBERSHIP:

The Assessment Panel will consist of representatives from the City of Launceston (Aldermen) and external stakeholders.

- City of Launceston Aldermen (three), nominated and endorsed by Council
- External stakeholder representatives (three)

The external stakeholder representatives will be appointed by a decision of Council.

Council officers will provide advice to the Assessment Panel.

MEETING ARRANGEMENTS:

The Panel will meet at least three times a year to coincide with the grant rounds and at other times as necessary. All grant applications will be assessed in the first instance via an online assessment process. Panel meetings will provide an opportunity for discussion and review of assessments and to confirm recommendations to Council.

MEETING QUORUM:

An absolute majority is considered a quorum for meetings of the Community Grant Assessment Panel.

HOW THE PANEL WILL OPERATE:

- The Grants and Sponsorship Officer will coordinate the Community Grants assessment process;
- The Panel will assess all Grant applications through an online assessment process prior to a Panel meeting;
- Panel members will independently review and assess each grant application in accordance with the Community Grant assessment criteria;
- Once applications have been pre-scored, the Panel will meet to finalise assessment scoring which will determine the applicant's eligibility for funding, and form the Panel's recommendation to Council; and
- All final decisions on Community Grant funding will be made by Council and are subject to the available budget for that round.

CODE OF CONDUCT:

All Panel members must adhere to the Code of Conduct for Committees. Aldermen and Council Officers must also adhere to their own relevant Code of Conduct.

CONFLICT OF INTEREST:

If a Panel member has a declared interest in an event in a project they must declare prior to assessment of the application.

The declaration of interest will be noted in the report outlining the Panel's recommendation to Council.

RESOURCES:

Grants and Sponsorship Officer will coordinate the assessment process; ensuring panel members have all the necessary support to undertake the assessment process.

HONORARIUMS:

Council will not pay any honorariums or expenses to any member on the panel.

REVIEW:

The Terms of Reference including membership will be reviewed in conjunction with the review of the City of Launceston Community Grants Policy.

15.2 Community Grants Assessment Panel: Appointment of External Stakeholder Representative**FILE NO:** SF0488**AUTHOR:** Cherie Holmes (Grants and Sponsorship Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider the appointment of external stakeholder representatives to the Community Grant Assessment Panel.

PREVIOUS COUNCIL CONSIDERATION:

Council - 5 June 2017 - Agenda Item 15.5 - Community Grants Assessment Panel: Appointment of External Stakeholder Representative

Council - 22 May 2017 - Agenda Item 15.1 - Community Grants Assessment Panel: Appointment of External Stakeholder Representatives

RECOMMENDATION:

That the following external stakeholder representatives be appointed to the Community Grant Assessment Panel, for a term expiring at the next Council General Election: Ms Ella Dixon, Dr Malcom Bywaters and Ms Lou Clark.

REPORT:

Under the Community Grants Assessment Panel Terms of Reference (adopted in 2017), the Assessment Panel comprises of City of Launceston Councillors (three), nominated and endorsed by Council and three external stakeholder representatives appointed by a decision of Council.

The three external stakeholder representatives being recommended were appointed by Council to the Community Grant Assessment Panel in 2017 for the term expiring with the 2018 Council Election (just one assessment year). These appointments were made using the procedures outlined in the Community Appointments to Advisory Committees Policy 14-Plx-029.

These existing external stakeholder representatives have provided valuable expertise and experience to the assessment process and the resulting funding recommendations.

15.2 Community Grants Assessment Panel: Appointment of External Stakeholder Representative ...(Cont'd)

In order to fill the current vacancies, and as these representatives were only members of the panel for a short period, their expressions of interest were sought by direct contact. All three expressed interest in continuing in their roles on the panel for the term of the current Council. The term of the appointment of these external representatives will now align directly with the term of the current Council.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 4 - A diverse and welcoming city
Ten-year goal - To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities
Key Direction -
6. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

15.3 Delegation from Council to General Manager and Council Officers - *Local Government (Highways) Act 1982 (Tas)***FILE NO:** SF0113**AUTHOR:** Duncan Campbell (Governance and Paralegal Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider the delegation from Council to the General Manager and Council Officers of particular powers and functions under the *Local Government (Highways) Act 1982 (Tas)*.

PREVIOUS COUNCIL CONSIDERATION:

Not applicable.

RECOMMENDATION:

That Council:

1. pursuant to section 124 of the *Local Government (Highways) Act 1982 (Tas)* (the Act), delegates the functions and powers under section 45 of the Act to the holder(s) of the following positions:
General Manager
Director Development Services
Manager Health and Compliance
Team Leader Regulation Services
Team Leader Environmental Health
Regulations Officer
Senior Administration Officer
Administration and Technical Officer
 2. pursuant to section 23AA(2)(b) of the *Acts Interpretation Act 1931 (Tas)*, authorises the Mayor to evidence the delegations at point 1. above by signing an instrument of delegation replicating the terms of the delegations.
 3. notes that the delegations at point 1. above are made in addition to, and do not revoke or otherwise vary, any previous delegation(s) made under the Act.
-

15.3 Delegation from Council to General Manager and Council Officers - *Local Government (Highways) Act 1982 (Tas) ... (Cont'd)*

REPORT:

Section 45 of the Act relates to the removal and disposal of abandoned articles on a highway under local management, and is included as Attachment 1 for convenience. Specifically, where it appears to Council that an article has, without lawful authority, been abandoned on a highway under local management, Council may remove the article from the highway.

The section also specifies the circumstances in which the article can be disposed of and how any proceeds of sale are to be dealt with. In essence, the article must be held for one month unless it is of a perishable nature or Council is satisfied that its value would be insufficient to cover the cost of removal and storage for one month.

The proceeds of sale of the article are used toward the costs incurred in removing, storing and disposal of the item. The remainder of the funds can be provided to the lawful owner on application within six months. The section also gives Council the power to recover any costs of removal, storage and disposal from the owner, less any sums received from the sale of the item.

To date, Council officers have on an implied authority to perform the tasks under the section. A formal decision to delegate the powers contained within section 45 of the Act ensure that the powers that can be performed by Council officers are clear to the public.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

15.3 Delegation from Council to General Manager and Council Officers - *Local Government (Highways) Act 1982 (Tas) ... (Cont'd)*

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goal - To ensure decisions are made in a transparent and accountable way and to continue to meet our statutory obligations and deliver quality services
Key Direction -
3. To ensure decisions are made on the basis of accurate and relevant information
4. To continually improve our service delivery and supporting processes

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Acting General Manager

ATTACHMENTS:

1. Section 45 - *Local Government (Highways) Act 1982 (Tas)*
-

Attachment 1 - Section 45 - Local Government (Highways) Act (Tas) 1982

Local Government (Highways) Act 1982

Version current from 10 December 2018 to date (accessed 29 January 2019 at 12:56)

45. Removal and disposal of abandoned articles

(1) This section does not apply to a carcass that, pursuant to Division 3 of Part 5 of the Local Government (Building and Miscellaneous Provisions) Act 1993, it is the duty of the corporation to remove from the highway.

(2) In this section –

article includes a vehicle or trailer, a part or component of a vehicle or trailer, and the carcass of an animal;

owner, when used in relation to an article removed from a highway under this section, means a person who, at the time the article was so removed, had any property in the article and the legal personal representative of a person who was the owner of that article.

(3) Without prejudice to the provisions of subsection (2), where an article removed from a highway under this section is a motor vehicle or trailer within the meaning of the Vehicle and Traffic Act 1999 or is a part or component of such a vehicle or trailer, the person who, within the meaning of that Act, was the registered operator of that motor vehicle or trailer at the time it was so removed, or, if the motor vehicle or trailer of which the article was a part or component had remained in existence, would then have been its registered operator, shall for the purposes of this section be deemed to be an owner of that article.

(4) Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway.

(5) Where an article has been removed from a highway under this section, the corporation may, subject to this section, dispose of it in such manner as it thinks fit –

(a) if, within one month of its removal from the highway, possession has not been taken of the article under subsection (7); or

(b) if the corporation is satisfied that the article is of no value or the amount that might be received from its sale would not be sufficient to defray the cost of its removal from the highway and its storage for the period of one month.

(6) Notwithstanding anything in subsection (5), if the article is the carcass of an animal or of a perishable nature, the corporation may at any time dispose of it in such manner as it thinks fit.

(7) Unless the article has otherwise been disposed of in accordance with this section, the corporation, on a claim made to it by a person who satisfies it that he is an owner of the article, shall allow that person to take possession of the article on the payment by him of the expenses reasonably incurred in the removal of the article from the highway and in its storage until possession of the article is taken by that person.

(8) If under subsection (5) or (6) an article is sold and the amount recovered from its sale exceeds the cost of its removal from the highway and of its storage until the time it is sold, the corporation shall, on a claim made to it within 6 months of its being so removed, by a person who satisfies the corporation that he is an owner of the article, pay to that person the amount of the excess.

(9) Where, before payment is made under subsection (8) in respect of any article, two or more separate claims are made under that subsection by persons each of whom the corporation is satisfied is an owner of that article, it shall pay the sum otherwise required to be paid under that subsection to such one of them, or divide that sum between all or some of them in such manner, as is agreed between them or, in default of agreement, as is determined by a justice on the application of any of them.

(10) Where a claim is made under subsection (8) in respect of an article by a person and it appears to the corporation that there is or may be some other person who is an owner of that article, nothing in that subsection requires the corporation to make a payment in pursuance of that claim until the expiration of the period of 6 months referred to in that subsection unless, before the expiration of that period, a claim is made under that subsection in respect of that article by that other person or he notifies the corporation in writing that he does not intend to make such a claim.

(11) The rights of a person in an article to which this section applies, or in the proceeds of its sale, have effect subject to the powers and duties conferred or imposed on the corporation under this section, and it incurs no liability to that person by reason of the exercise of those powers or the carrying out of those duties or by reason of the loss of, or damage to, an article arising in connection therewith.

(12) The corporation may recover from a person who is an owner of an article removed from a highway under this section, or from a person who abandoned the article, the cost incurred in its removal, storage, and disposal, less any sums received by the corporation on the sale of the article.

(13) The expenses incurred by the corporation under this section in respect of an article shall be regarded as expenses incurred by it in the exercise of its duty to maintain the highway from which the article was removed.

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

17 CREATIVE ARTS AND CULTURAL SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

19 CORPORATE SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

21 URGENT BUSINESS

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

22 CLOSED COUNCIL

Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(1); Regulation 32(1)(c) and Regulation 34(1)(b)

22.1 Confirmation of the Minutes**22.2 Kerbside Collection Contract (Waste, Recycling and FOGO) Extension****RECOMMENDATION:**

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

22.1 Confirmation of the Minutes

Local Government (Meeting Procedures) Regulations 2015 Regulation 34(6)

22.2 Kerbside Collection Contract (Waste, Recycling and FOGO) Extension

Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(c) commercial information of a confidential nature that, if disclosed, is likely to:

- (i) prejudice the commercial position of the person who supplied it; or
- (ii) confer a commercial advantage on a competitor of the council; or
- (iii) reveal a trade secret;

23 MEETING CLOSURE
