



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 14 MAY 2020
1.00pm**

Notice is hereby given that the Ordinary Meeting of the City of Launceston Council will be held by video conference:

Date: 14 May 2020

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
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

An audio recording of this Council Meeting, except for any part held in Closed Session, will be made in accordance with our Council Meetings - Audio Recording Policy - 14-Plx-008.

This Council Meeting will be streamed live to:
www.launceston.tas.gov.au/Council/Meetings/Listen .

PUBLIC ATTENDANCE AT THE COUNCIL MEETING.

It is important for you to stay at home to slow the spread of COVID-19. For this reason, public attendance at this Council Meeting is not permitted.

Do you wish to speak to an item in the Agenda of the Council Meeting?

- You are invited to speak to an item on the Agenda by e-mailing a statement of no more than 300 words. Your statement will be read aloud at the Meeting.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.

Do you have a question to ask during Public Question Time?

- You are invited to email up to three questions. If accepted, your questions will be read aloud at the Meeting and either answered or Taken on Notice. If your questions are not accepted, reasons will be given.

Questions or statements must be e-mailed to contactus@launceston.tas.gov.au by 11.00am, Thursday, 14 May 2020 and must include your name and a contact telephone number. If you cannot e-mail your questions or statement, please call our Customer Service Centre on 6323 3000 for assistance.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

At the City of Launceston, the positions of General Manager Community and Place, General Manager Organisational Services, General Manager Infrastructure and Assets and General Manager Creative Arts and Cultural Services do not assume the functions and powers of the term *general manager* in a legislative sense: any legislative functions and powers to be delegated to these roles will be made by Council or the Chief Executive Officer. At the City of Launceston, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas). For the avoidance of doubt, *Chief Executive Officer* means *General Manager* for the purposes of the *Local Government Act 1993* (Tas) and all other legislation administered by or concerning Council.

9 April 2020

Mr Michael Stretton
Chief Executive Officer
City of Launceston
PO Box 396
LAUNCESTON TAS 7250

Dear Michael

COUNCIL MEETING

In accordance with regulation 4 of the *Local Government (Meeting Procedures) Regulations 2015* (Tas) 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 2020:

16 April	30 April	14 May	28 May
11 June	25 June	9 July	23 July
6 August	20 August	3 September	17 September
1 October	15 October	29 October	12 November
26 November	10 December		

commencing at 1.00pm and delivered by electronic communication in the same or similar manner to the meeting conducted on 2 April 2020.

These alternate arrangements are required as a result of the COVID-19 pandemic and associated developments.

Yours sincerely



Councillor A M van Zetten
MAYOR

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - ATTENDANCE AND APOLOGIES	1
2	MAYORAL ACKNOWLEDGEMENTS	1
3	DECLARATIONS OF INTEREST	1
4	CONFIRMATION OF MINUTES	1
5	DEPUTATIONS	1
	No Deputations have been identified as part of this Agenda	1
6	PETITIONS	1
	No Petitions have been identified as part of this Agenda	1
7	COMMUNITY REPORTS	2
	No Community Reports have been registered with Council as part of this Agenda	2
8	PUBLIC QUESTION TIME	2
8.1	Public Questions on Notice	2
	No Public Questions on Notice have been identified as part of this Agenda	2
8.2	Public Questions Without Notice	2
9	PLANNING AUTHORITY	3
9.1	116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development	3

City of Launceston

COUNCIL AGENDA

Thursday 14 May 2020

9.2	357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works	101
9.3	17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot	151
9.4	12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair	166
10	ANNOUNCEMENTS BY THE MAYOR	190
11	COUNCILLORS' REPORTS	190
12	QUESTIONS BY COUNCILLORS	190
12.1	Questions on Notice	190
	No Councillor's Questions on Notice have been identified as part of this Agenda	190
12.2	Questions Without Notice	190
13	COMMITTEE REPORTS	190
	No Committee Reports have been identified as part of this Agenda	190
14	COUNCIL WORKSHOPS	191
14.1	Council Workshop Report	191
15	NOTICES OF MOTION	193
	No Notices of Motion have been identified as part of this Agenda	193
16	COMMUNITY AND PLACE NETWORK ITEMS	193
	No Items have been identified as part of this Agenda	193

City of Launceston

COUNCIL AGENDA

Thursday 14 May 2020

17	CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS	193
	No Items have been identified as part of this Agenda	193
18	INFRASTRUCTURE AND ASSETS NETWORK ITEMS	194
18.1	Closure of Part of Charolais Drive, Norwood	194
19	ORGANISATIONAL SERVICES NETWORK ITEMS	197
	No Items have been identified as part of this Agenda	197
20	CHIEF EXECUTIVE OFFICER NETWORK ITEMS	197
	No Items have been identified as part of this Agenda	197
21	CLOSED COUNCIL	197
	No Closed Items have been identified as part of this Agenda	197
22	MEETING CLOSURE	197

1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 MAYORAL ACKNOWLEDGEMENTS

3 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.)

4 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 30 April 2020 be confirmed as a true and correct record.

5 DEPUTATIONS

No Deputations have been identified as part of this Agenda

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

7 COMMUNITY REPORTS

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

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

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 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.)

No Public Questions on Notice have been identified as part of this Agenda

8.2 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 9 - Planning Authority.

9 PLANNING AUTHORITY

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development

FILE NO: DA0506/2019

AUTHOR: Richard Jamieson (Manager City Development)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	GP Hotel Launceston Tas Pty Ltd, by their agent, Ireneinc Planning and Urban Design
Property:	116-128 Cimitiere Street (22 Tamar Street), 136 Cimitiere Street, 132 Cimitiere Street, and 130 Cimitiere Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	27/09/2019
Validity Date:	22/10/2019
Further Information Request:	01/11/2019
Further Information Received:	11/03/2020
Deemed Approval:	14/05/2020
Representations:	60

- 9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)**
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STANDARDS REQUIRING COUNCIL DISCRETION

- 15.3.2 Mechanical plant and equipment
- 15.3.4 Noise level
- 15.4.1 Building height, setback and siting
- 15.4.3 Active ground floors
- E11.6.1 Attenuation distances
- E13.6.1 Demolition
- E13.6.11 Driveways and parking
- E13.6.12 Tree and vegetation removal
- E13.6.13 Signage
- E13.6.2 Maintenance and repair
- E13.6.4 Site coverage
- E13.6.5 Height and bulk of buildings
- E13.6.6 Site of buildings and structure
- E13.6.7 Fences
- E13.6.8 Roof form and materials
- E13.6.9 Wall materials
- E2.5 Use Standards
- E2.6.2 Excavation
- E4.5.1 Existing road accesses and junctions
- E6.5.1 Car parking numbers
- E6.5.2 Bicycle parking numbers
- E6.5.4 Motorcycle parking
- E6.6.2 Design and layout of parking areas
- E6.6.3 Pedestrian access
- E6.6.6 Bicycle parking and storage facilities
- E6.7.1.3 Local area provisions

RECOMMENDATION:

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0506/2019 Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a hotel and mixed use development involving partial demolition of existing buildings and new road access located at 116-128 Cimitiere Street, 136 Cimitiere Street, 132 Cimitiere Street and 130 Cimitiere Street, Launceston subject to the following conditions:

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(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:

1. Planning Submission to Launceston City Council, Prepared by Ireneinc & Smith Street Studio, Revision 3, dated January 2020;
 2. Architectural Drawings, prepared by Scanlan;
 3. Architectural Drawings List, prepared by Scanlan;
 4. Location Plan, Prepared by Scanlan, DA0.01;
 5. Survey Plan, Prepared by Scanlan, DA0.02;
 6. Demolition Plan, Prepared by Scanlan, DA0.03;
 7. Site & Roof Plan, Prepared by Scanlan, DA1.01, Revision 2;
 8. Ground Floor Plan, Prepared by Scanlan, DA2.00, Revision 4;
 9. 1st Floor Plan, Prepared by Scanlan, DA2.01, Revision 3;
 10. 2nd Floor Plan, Prepared by Scanlan, DA2.02, Revision 3;
 11. 3rd Floor Plan, Prepared by Scanlan, DA2.03, Revision 3;
 12. 4th Floor Plan, Prepared by Scanlan, DA2.04, Revision 3;
 13. 5th - 6th Typical Floor Plan, Prepared by Scanlan, DA2.05, Revision 2;
 14. 7th Floor Plan, Prepared by Scanlan, DA2.06, Revision 2;
 15. 8th - 9th Floor Plan, Prepared by Scanlan, DA2.07, Revision 2;
 16. 10th Floor Plan, Prepared by Scanlan, DA2.08, Revision 2;
 17. 11th Floor Plan, Prepared by Scanlan, DA2.09, Revision 2;
 18. Cimitiere St Elevation, Prepared by Scanlan, DA3.01, Revision 1;
 19. Tamar St Elevation, Prepared by Scanlan, DA3.02, Revision 1;
 20. William St Elevation, Prepared by Scanlan, DA3.03, Revision 1;
 21. South Boundary Elevation, Prepared by Scanlan, DA3.04, Revision 1;
 22. Extended Street Elevation, Prepared by Scanlan, DA3.05, Revision 1;
 23. Section A, Prepared by Scanlan, DA4.01, Revision 1;
 24. Section B, Prepared by Scanlan, DA4.02, Revision 1;
 25. Shadow Study, Prepared by Scanlan, DA5.01;
 26. Plan & Elevation - Street Detail - Cimitiere Street, Prepared by Scanlan, DA5.11, Revision 1;
 27. Plan & Elevation - Street Detail - Tamar Street, Prepared by Scanlan, DA5.12, Revision 1;
 28. Plan & Elevation - Street Detail - William Street, Prepared by Scanlan, DA5.13, Revision 1;
 29. Height Study, Prepared by Scanlan, DA5.21;
 30. Landscape Plan - Ground, Prepared by Scanlan, DA5.31, Revision 1;
 31. Landscape Plan - First, Prepared by Scanlan, DA5.32, Revision 1;
 32. Landscape Plan - Fourth, Prepared by Scanlan, DA5.33, Revision 1;
 33. Landscape Plan - Roof, Prepared by Scanlan, DA5.34, Revision 1;
 34. Materials Palette, Prepared by Scanlan, DA5.41, Revision 1;
 35. Materials Palette, Prepared by Scanlan, DA5.44;
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9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

36. Cimitiere & Tamar St View, Prepared by Scanlan, DA6.01;
 37. Cimitiere St View, Prepared by Scanlan, DA6.02;
 38. Heritage Hotel Plaza, Prepared by Scanlan, DA6.03;
 39. Tamar St View, Prepared by Scanlan, DA6.04;
 40. William St View, Prepared by Scanlan, DA6.05;
 41. Warehouse Hotel Plaza, Prepared by Scanlan, DA6.06;
 42. Heritage Plans, Hotel Heritage Buildings - Ground Floor, Prepared by Scanlan, Drawing No. DA2.30, Issue 03, dated 09/01/20;
 43. Heritage Plans, Hotel Heritage Buildings - First Floor, Prepared by Scanlan, Drawing No. DA2.31, Issue 03, dated 09/01/20;
 44. Heritage Plans, Hotel Heritage Buildings - Second Floor, Prepared by Scanlan, Drawing No. DA2.32, Issue 03, dated 09/01/20;
 45. Heritage Plans, Hotel Heritage Buildings - Third Floor, Prepared by Scanlan, Drawing No. DA2.33, Issue 03, dated 09/01/20;
 46. Heritage Plans, Harrap's Store Heritage Buildings - Ground Floor, Prepared by Scanlan, Drawing No. DA2.40, Issue 01, dated 09/01/20;
 47. Heritage Plans, Harrap's Store Heritage Buildings - First Floor, Prepared by Scanlan, Drawing No. DA2.41, Issue 01, dated 09/01/20;
 48. Heritage Plans, Harrap's Store Heritage Buildings - Roof, Prepared by Scanlan, Drawing No. DA2.42, Issue 02, dated 09/01/20;
 49. Heritage Plans, Rankin & Bond Heritage Buildings - Ground Floor, Prepared by Scanlan, Drawing No. DA2.50, Issue 01, dated 09/01/20;
 50. Heritage Plans, Rankin & Bond Heritage Buildings - Roof, Prepared by Scanlan, Drawing No. DA2.51, Issue 01, dated 09/01/20;
 51. Heritage Elevation & Detail, Hotel Heritage Buildings - North East - Tamar Street, Prepared by Scanlan, Drawing No. DA3.30 Issue 02, dated 09/01/20;
 52. Heritage Elevation, Hotel Heritage Buildings - North East - William Street, Prepared by Scanlan, Drawing No. DA3.31 Issue 01, dated 09/01/20;
 53. Heritage Elevation, Hotel Heritage Buildings - South West - Stables Laneway, Prepared by Scanlan, Drawing No. DA3.32 Issue 03, dated 09/01/20;
 54. Heritage Elevation, Hotel Heritage Buildings - North West - Stables Laneway, Prepared by Scanlan, Drawing No. DA3.33 Issue 01, dated 09/01/20;
 55. Heritage Elevation, Harrap's Store Heritage Buildings, North East - Tamar Street, Prepared by Scanlan, Drawing No. DA3.40 Issue 01, dated 09/01/20;
 56. Heritage Elevation, Harrap's Store Heritage Buildings, South East - Cimitiere Street, Prepared by Scanlan, Drawing No. DA3.41 Issue 03, dated 09/01/20;
 57. Heritage Elevation, Rankin & Bond Heritage Buildings - South East - Cimitiere Street, Prepared by Scanlan, Drawing No. DA3.50, Issue 01, dated 09/01/20;
 58. Heritage Sections, Hotel Heritage Buildings - Section A-A, Prepared by Scanlan, Drawing No. DA4.30, Issue 01, dated 09/01/20;
 59. Heritage Sections, Hotel Heritage Buildings - Section B-B, Prepared by Scanlan, Drawing No. DA4.31, Issue 01, dated 09/01/20;
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9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

60. Heritage Sections, Hotel Heritage Buildings - Section C-C, Prepared by Scanlan, Drawing No. DA4.32, Issue 01, dated 09/01/20;
 61. Heritage Sections, Harrap's Store Heritage Buildings, Section A-A, Prepared by Scanlan, Drawing No. DA4.40 Issue 00, dated 30/7/19;
 62. Heritage Sections, Harrap's Store Heritage Buildings, Section B-B, Prepared by Scanlan, Drawing No. DA4.41 Issue 00, dated 30/7/19;
 63. Heritage Sections, Harrap's Store Heritage Buildings, Section C-C, Prepared by Scanlan, Drawing No. DA4.42 Issue 00, dated 30/7/19;
 64. Heritage Sections, Rankin & Bond Heritage Buildings, Section A-A, Prepared by Scanlan, Drawing No. DA4.50 Issue 00, dated 30/7/19;
 65. Heritage Sections, Rankin & Bond Heritage Buildings, Section B-B, Prepared by Scanlan, Drawing No. DA4.50 Issue 00, dated 30/7/19;
 66. Architectural Statement, Prepared by Scanlan, 5th Issue, dated 06.02.20;
 67. Heritage & Archaeological Impact Assessment, Prepared by Brad Williams, V2, dated January 2020;
 68. Conservation Management Plan, Prepared by Brad Williams, Revised September 2018;
 69. Existing Services and Demolition, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C010, Revision B, dated 15.08.19;
 70. Concept Services: Siteworks, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C020, Revision C, dated 15.08.19;
 71. Concept Access Sight lines, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C030, Revision C, dated 15.08.19;
 72. Concept Turning Templates 1/2, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C031, Revision C, dated 15.08.19;
 73. Concept Turning Templates 2/2, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C032, Revision B, dated 15.08.19;
 74. Concept Services: Stormwater, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C040, Revision B, dated 15.08.19;
 75. Concept Services: Sewer and Water, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C050, Revision B, dated 15.08.19;
 76. Site Servicing Report, Prepared by Gandy and Roberts, Revision B, dated 10th December 2018;
 77. Environmental Wind Speed Measurements on a Wind Tunnel Model of the City Park Development, Launceston - Prepared by J. Tan and M. Eaddy, Report 150-18-WT-ENV-01, dated 4 September 2019;
 78. Noise Impact Assessment, Prepared by NVC Noise Vibration Consulting, Ref: 5784_02, dated 20 November 2019;
 79. Addendum - Attenuation Code Assessment, Prepared by NVC Noise Vibration Consulting, Ref: 5867, dated 16 January 2019;
 80. Traffic Impact Assessment, Prepared by Midson Traffic Pty Ltd, dated January 2019;
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9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

81. 2nd Response to Council RFI, Prepared by Midson Traffic Pty Ltd, dated 7 January 2020;
82. Waste Management Plan, Prepared by lid, dated 12/8/2019;
83. WTC City Park Landscape Review, Prepared by Urbis, date January 2019;
84. Preliminary Environmental Investigation, Prepared by Scherzic Ground Investigations, Report No. 7237A, dated 17/09/2018;
85. Phase 1 Environmental Site Assessment Report, Prepared by em&c, Report Version: R01, dated 5 March 2020;
86. Response to Further Information Request, Prepared by Scanlan, dated 16th October 2019;
87. Response to Further Information Request, Prepared by Ireneinc & Smith Street Studio, dated January 2020;
88. Response to Further Information Request, Prepared by Scanlan, dated 9th January 2020; and
89. Response to Further Information Request, Prepared by Ireneinc & Smith Street Studio, dated February 2020.

2. SITE LANDSCAPING

The landscaping must be:

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

3. CONTAMINATION

In accordance with the approved Phase 1 Environmental Site Assessment Report, prior to the commencement of use, the applicant must submit to the Manager City Development for approval:

- a. a Phase 2 Environmental Site Assessment of the site must be completed under the direction of an Environment Institute of Australia and New Zealand (EIANZ) Certified Environmental Practitioner Site Contamination Specialist (CEnvP-SC), to assess site contamination prior to undertaking any excavations at the site; and
 - b. a Construction Contaminant Management Plan (CCMP) must be developed to manage contaminated soil during excavation and development of the site; and
 - c. if contaminants are confirmed at levels assessed to pose an unacceptable risk to human health or the environment, a Remediation and Protection Plan should be developed including any remediation or protection measures needed, specific to the identified contamination, to ensure protection of both human health and the environment. The Remediation and Protection Plan must include:
 - remediation goal(s).
 - remediation process(s) and methodologies.
 - plan for validating successful remediation of the site; and
-

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

- d. a statement by a suitably qualified professional that the site will be suitable for intended use on the condition that, either:
- the Phase 2 ESA concludes the existing site condition poses no unacceptable risk to either human health or the environment, or;
 - following implemented remediation or protection measures, the site condition is assessed to pose no unacceptable risk to either human health or the environment.
- e. prior to the use commencing, certification from a suitably qualified professional, that all necessary remediation required by this condition has been completed and that the site is capable of being used for its intended purpose.

4. NOISE

In accordance with the approved Noise Impact Assessment, once final design detail for mechanical systems is known, a revised report is required to be provided demonstrating that the acceptable noise emissions are achieved. This report is to be endorsed by a suitably qualified acoustic engineer to the satisfaction of the Manager City Development prior to the use commencing.

During operation the use must not cause unreasonable noise or interference to other uses. Precautions must be taken to avoid nuisance, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors, reversing beepers and the like.

5. EXTERIOR AND SECURITY LIGHTING

Prior to the issuing of any building permit, provide a lighting schedule and plan locating external lighting, and that it be consistent with CPTED principles and complies with external lighting requirements set out in the Urban Mixed Use zone provisions, to the satisfaction of the Manager City Development.

Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.

6. LEGAL TITLE

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

7. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2019/01460-LCC, dated 16/10/2019 and attached to the permit.

- 9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)**
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8. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm.

9. NO RIGHT TURN INTO CIMITIERE STREET

All vehicles exiting the site via Cimitiere Street must turn left to exit. No right turning manoeuvre is permitted.

Signs are to be installed within the site to advise drivers of this restriction.

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 and access lanes.

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

11. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. 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.

12. 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.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The explicit permission of Infrastructure and Engineering 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.

13. 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.

14. OCCUPATION OF ROAD RESERVE (COMPLEX)

Any works in the road reserve, or requiring the occupation of the road reserve, must be undertaken by, or under the supervision of a tradesman/contractor who is registered with the Council as a "Registered Contractor".

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 General Manager Infrastructure and Assets Network is required. Application for the occupation of a road reserve must be made 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 contractors name and registration 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 is unavailable for use due to the delivery of materials such as the precast concrete panels
 - e. any temporary works required to maintain the serviceability of the road or footpath.
-

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

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 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,
- 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.

15. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and Assets Network for approval. Such plans and specifications must:

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. any changes to existing third party infrastructure within, or affecting, the road reserve.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

16. CONSTRUCTION OF WORKS

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

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

- a. Roads
- i. removal of all redundant driveway crossings along the frontage of the site,
 - ii. the installation of the new crossovers and driveway aprons on the endorsed plans and the relocation of all affected services including but not limited to the street light pole in William Street.
 - iii. all necessary line marking, signage and other traffic control devices required by the works described above.

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

- a. construction requirements;
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- c. Construction Audit inspections;
- d. Practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

17. CONSTRUCTION DOCUMENTATION

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

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

18. HERITAGE

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 6074, 23/04/2020 and attached to the permit.

19. MATERIALS AND FINISHES

Prior to the issuing of any building permit, provide a plan that details the final materials and finishes, to the satisfaction of the Manager City Development.

20. REPAIRS AND RESTORATION

Heritage works referred to as repairs and restoration must be undertaken in a 'like for like' manner.

- 9.1 **116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)**
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21. WINDOWS OR FENESTRATION

No windows or fenestration are approved above the third floor level that is within 6m of, and facing, the western boundary. Prior to the issuing of any building permit, amended plans must be provided that show removal of these openings, to the satisfaction of the Manager City Development.

22. SCHEDULE OF MATERIALS

Prior to the issuing of any building permit a revised schedule of materials and colours must be provided. This schedule must specify materials and finishes with low colour saturation and/or low reflective properties designed to complement existing materials on the heritage places to the satisfaction of the Manager City Development and the Tasmanian Heritage Council.

Notes

- A. All building and demolition work is to comply with the Building Act 2016 and the National Construction Code
Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.
- B. Occupancy Permit Required
Occupancy permit required for new or altered habitable buildings - pursuant to section 216 of the Building Act 2016, it is recommended that a licensed building surveyor be consulted to determine if an occupancy permit is required for the building before the building or a part of the building can be, or can continue to be, occupied.
- C. All plumbing work is to comply with the Building Act 2016 and the National Construction Code
Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.
- D. Cimitiere Street Interface
It is recommended that the design be amended to explore and consider the provision of an active use that positively engages with Cimitiere Street. Such a use could potentially be located in the building envelope currently proposed as a security gatehouse, a proposed function that adds little to the street engagement.
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9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

E. General

This permit was issued based on the proposal documents submitted DA0506/2019. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 03 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.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.

F. 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 enquiries 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.

G. Noise Nuisance

Noise Nuisance is regulated under the Environmental Management and Pollution Control Act 1994. Please note that if complaints are received and verified, you will be required to implement measures to eliminate the nuisance.

H. 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.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

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

I. 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.

REPORT:

1. THE PROPOSAL

1.1. Introduction

Prior to consideration under the planning scheme it is useful to consider the strategic context for this development proposal. The proposal is for a 5-star hotel of a scale that is strategically significant for Launceston and Northern Tasmania. It is significant because of its size, in terms of the numbers of rooms and facilities offered, but also because it seeks to provide a form of accommodation not currently available.

It is a demonstration of confidence in the Tasmanian tourism industry and the wider Northern Tasmanian Region. This is consistent with a number of adopted strategies both for the Council and the wider region, particularly the Greater Launceston Plan (GLP) which is the community's vision for the sustainable development of Launceston and its suburbs and localities over the next 15 years.

The GLP seeks to promote investment aligned with Greater Launceston's strategic advantages to underpin a sustainable economy and viable robust community. Tourism is increasingly important to the regional economy. It broadly supports the development and diversification of commercial, community and tourism precincts in the Launceston central area and identifies the development of additional hotel development, including a boutique hotel, as a key change within the planning period.

Consistent with this, the *Horizon 2021: City of Launceston Economic Development Strategy (Horizon 21)* includes an action for the Council to *Collaborate with Tourism Tasmania in exploring opportunities for a boutique/5-star hotel and restaurant development in Launceston.*

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Horizon 21 identifies that Launceston and Tasmania's northern region has a significant tourism economy which accounts for \$350 million of output in Launceston alone. Visitor activity impacts on food and entertainment, retail, creative and cultural industries, transport and logistics, sporting and recreation facilities and events and Launceston's accommodation sector.

Importantly, however, *Horizon 21* also identifies that a limitation of the local tourism offer is the relative lack of conference facilities, and while there is provision of mid-range hotels and B&B facilities, there is a relative shortage of boutique and 5-star accommodation and restaurant options in Launceston.

Developments of the scale proposed have the capacity to change the city, economically, physically and culturally. This development can be seen as one a series of such development across Launceston over past decades particularly within the former industrial river corridor. Specific examples include the creation of the Old Launceston Seaport from an industrial port and dry dock, creation of the Sebel Hotel from a Council carpark, the development of the Silos Hotel and Riverbend Park from a former industrial area and the current development of the Verge Hotel from a public carpark.

Each of these developments required relevant planning scheme factors to be considered and each of these developments had benefits and consequences. All these developments can be seen in the urban fabric of Launceston, and they have changed the character of the city within their immediate vicinities. Collectively, however, it is evident that these developments have significantly benefitted the City and have allowed the City to grow and evolve.

The degree to which the city has the capacity and resilience to accept further change and maintain its essential qualities, is the key element of this assessment.

It is the intention of this report to highlight the key discretions necessary for consideration by the Planning Authority and provide a framework and context for exercising discretion. Ultimately it considers that the when all factors are considered discretion is capable of being assessed in favour of the development to allow a further evolution of the city.

1.2. Proposal

The proposal is for a mixed use development comprising of two separate but interconnected complexes.

The refurbishment and extension of the existing hotel on the corner of William Street and Tamar Street (the Heritage Hotel) and the construction of a new hotel facing and accessed off, Cimitiere Street (the Warehouse Hotel).

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Each of these will have a distinct and separate character physically but will share some facilities.

Warehouse Hotel:

The Warehouse Hotel is an adaptive reuse of the existing building on the site integrating and retaining elements of the existing buildings with new construction.

Some demolition is proposed generally including:

- the rear of the existing building at 136 Cimitiere Street.
- existing Aurora Energy building at 132 Cimitiere Street.
- rear of the existing conference centre at 130 Cimitiere Street.
- elements of the single storey Harrap's and Sons warehouse located behind the façade.

The main new structure on the site is proposed to be 20,771m² GFA in total size and will have a maximum height of 40.3m (44.3m AHD) above ground level. Twelve levels are proposed (including the ground floor).

This built form is broken up into different elements with varying setback and floor areas.

Two hundred and thirty rooms in total are proposed over levels 3 to 12. The rooms have the following arrangement:

- 20 rooms across levels three and four
- 14 rooms to level five (including one accessible room)
- 84 rooms across levels six and seven (including four accessible rooms)
- 40 rooms to level eight (including two accessible rooms)
- 48 rooms across levels nine and ten (including two accessible rooms)
- 24 rooms across levels eleven and twelve.

In addition the hotel proposes:

- a bar and restaurant on the ground level.
 - conference facilities and functions rooms on the first floor (seating 590 people).
 - hotel lobby, porte-cochere and entrance facilities accessed off Cimitiere Street.
 - a gym; day spa and pool on level five.
 - 126 car spaces, 18 bike parking and two motorbike parking spaces over levels one - four.
 - conversion of the existing ex Rankin and Bond Brass Founders' shop (26m² GFA) as a general retail and hire use.
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9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Heritage Hotel:

It is proposed to refurbish and extend the existing hotel into a contemporary standard boutique hotel to complement the proposed Warehouse Hotel.

An additional built form is proposed re-instating a building in the existing gap to the frontage between the hotel and the double storey Harrap's warehouse. This will extend partly to the rear of the existing building to facilitate improved functionality of accommodation. Construction would necessitate partial demolition of the rear of the existing hotel.

The new building would provide an enhanced lobby and reception area facing Tamar Street. The existing restaurant will remain.

The hotel would be increased in size to 55 rooms of which 37 are provided in the refurbished and extended hotel building and 18 in the existing stables accommodation block.

Access to the site would remain off William Street in an upgraded and landscaped courtyard. Twelve car parking spots would be provided within the courtyard in addition to drop off and pick up facilities.

Other features of the consolidated development include:

- landscaping within the public spaces.
- construction of the entire development without staging.
- no consolidation, subdivision, or adherence of the land is proposed.
- only a single sign is proposed as part of this application. The sign will read HOTEL, will not be illuminated and will be located facing Cimitiere Street in the Hotel Plaza entrance. It will measure approximately 7.4m in length and 1m in height.

1.3. The site

The site consists of five titles, being:

Address: 116-128 Cimitiere Street, Launceston
Title: 161986/1
Size: 4,190m²
Owner: GP Hotel Launceston Tas Pty Ltd

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Address: 130 Cimitiere Street, Launceston
Title: 40068/1
Size: 462m²
Owner: GP Hotel Launceston Tas Pty Ltd

Address: 132 Cimitiere Street, Launceston
Title: 50886/1
Size: 498m²
Owner: Tasmanian Networks Pty Ltd

Address: 136 Cimitiere Street, Launceston
Title: 149875/1
Size: 503m²
Owner: GP Hotel Launceston Tas Pty Ltd

Address: N/A (laneway title used for access off Cimitiere)
Title: N/A - No title exists.
Size: 50.26m²
Owner: Not recorded/Unknown

The site is 5,703.26m² in total. The land is essentially flat, and is currently connected to all reticulated services. It is zoned Urban Mixed Use.

The site occupies the north-eastern end of the City block which lies between William, Tamar, Cimitiere and George Streets.

The north of the site has been occupied by hotels under various names since the mid-19th century, the latest of which was known as the Clarion Hotel. The Victorian 'Free Classical' façade is largely unmodified since the 1890s. This building has, however, been adapted internally and extended over the years.

The main buildings to the south of the site were originally built as warehouses associated with the wool industry between 1920 and 1931 and have since been utilised for a number of functions including ice skating, roller skating and furniture outlets. The spaces and the adjoining lots to the west have been largely unoccupied for at least 10 years, with the most recent uses being car parking and conference facilities.

The majority of the site is heritage listed at both state and local level, with the properties described as no. 116-128 Cimitiere Street and 136 Cimitiere Street being included as Local Heritage Places in Table E13.2 of the Launceston Interim Planning Scheme 2015 and also on the Tasmanian Heritage Register (THR).

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The site contains several encumbrances in the way of easements for right of way (access), drainage, and pipeline and servicing.

2. NEIGHBOURHOOD CHARACTER

2.1 How to characterise neighbourhood character

Central to the assessment of this application under the planning scheme is the need to determine whether the proposal is *compatible* with the *streetscape* and the *character* of the surrounding area. To ensure the assessment is framed correctly each of these words needs to be read with a particular meaning.

The methodology to determine the character of the surrounding area is not provided by the scheme. An ordinary definition is that character is:

the aggregate qualities that are distinctive and give an identity to an area.

The surrounding area is taken to be that area of the city that displays similar distinctive qualities, with the subject site. In this case the former riverside industrial area.

The planning scheme also requires an assessment of the proposed buildings against the streetscape and character of the surrounding area. Streetscape is not a defined term under the Launceston Planning Scheme. The Tasmanian Planning Scheme adopts the following definition.

means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the property boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve. For the purposes of determining streetscape for a particular site, the above matters are relevant when viewed from either side of the same street within 100m of each side boundary of the site...

It is considered appropriate to adopt this for the purposes of this assessment

For something to be compatible with the qualities of the surrounding area it needs to be:

Capable of co-existing in harmony or broad correspondence

In this context it does not mean 'the same as' or 'subservient to'. It is important in the assessment to determine the ability of the development to 'fit' into the character of the area, this is related not only to the form of the development itself, but also to the ability of the surrounding area to be resilient to change and maintain its essential qualities.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

2.2 The character of the surrounding area

The site is contained within the former industrial area extending east/ west along the North Esk river to the north of the CBD, extending partly over the North Esk and from Town Point eastwards to beyond the former Gasworks

It is a generally flat area set below the plateau of the city centre. It contains commercial and industrial sites (a number of which have been re-purposed) of a variety of sizes, as well as a range of churches, civic buildings, hotels and vacant lots, a number of which are used for car parking.

The precinct is the historical hub of industry and maritime transport servicing Launceston and the surrounding region. Whilst port activity has ceased and industrial land use has declined, the area retains a strong industrial character and is visually distinctive due to its streetscape composition of major industrial and commercial premises interspersed with grand port buildings, corner hotels and residential properties, dating from the 1880s through to 1950s.

The scale of development in the precinct varies, although generally titles size are significant to accommodate larger industrial forms. The scale of building is also significant with a mix of building heights ranging from single storey to six or more storey. Industrial infrastructure can appear taller again for example the vertical retort on the Gasworks site, the Tasmanian Flour Mills and elements of the Boags Brewery brew house and tanks.

Newer development is generally taller than the underlying forms, the newer hotels being representative, for example the Silos Hotel being nine storey, and the Sebel and Verge Hotels being six storey,

Around half of the buildings in this area are of 19th century origin. The remaining places are predominantly early- to mid-20th century warehouses and shopfronts. Buildings vary widely in quality, with some important buildings interspersed with many functional, plain, utilitarian buildings. A number of buildings are poorly maintained and some are derelict. There are significant areas of vacant land.

There are a number of significant industrial uses still operating within the precinct, notably:

- Boags Brewery, occupying a very large site in the immediate vicinity to the proposed hotel
 - The Tasmanian Flour Mills
 - Glasgow Engineering.
-

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The area, however, has been undergoing urban renewal with both largely vacant sites and underutilised sites being redeveloped in a range of forms. Key examples of converted and repurposed buildings over time include:

- Jackson car yard, previously the Salisbury industrial foundry
- The former Council depot and carpark developed into the Sebel Hotel, Harvey Normal Complex and bus interchange
- Silos Hotel - previously the grain silos
- The Gunns' sawmill and Ogilvie Park replaces by a bulk goods precinct underpinned by Bunnings
- The Wool Sheds at Town Point replaced by Riverbed Park
- The Old Launceston Seaport, previously dry docks and port infrastructure
- The railway yards at Inveresk converted into a mixed use educational and community precinct
- The Launceston gasworks progressively being converted into a mixed use precinct of restaurants and offices, including a new multistorey carpark approved to the west of the vertical retort approximately 70m from this site and a new art gallery approved within the Gasometer structure approximately 75m from the site.
- The Cimitiere Street car park, recently being developed for the Verge Hotel
- The Willis Street car park proposed to be repurposed for a University facility
- Crown Mills on Cameron Street converted to offices
- The Milledge development (corner of Tamar and Cimitiere Streets).

There are also many smaller examples of re-use and adaption within the broader precinct.

Much of the historic industrial use on the northern side of the river was removed as part of the levee construction process so that the remaining focus of former industrial buildings is within the city area.

The redevelopment and long term replacement of underutilised or disused industrial buildings is important to evolution of the character of the area. The area has been slowly evolving for decades as opportunity presents and as industrial uses leave.

Cimitiere and William Streets carry a significant amount of east-west through traffic and Tamar Street is a major north-south route extending across the river however, and while pedestrian amenity generally remains relatively high in this area, the level of traffic impedes its attractiveness for people focussed uses, which generally face the north-south aligned streets.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The City grid is interrupted to the east by City Park, a major recreational and green space with the former industrial precinct continuing in narrower form to the north of the park. The subject site is close to the park and the narrow northern precinct.

The characteristic features of the area include:

- a number of larger block sizes than the more finely grain retail/ civic based streets of the CBD including larger frontages with increased ability for access of vehicles
- larger forms of development with more flexible floor plans and construction methodologies that allow for adaptive re-use
- plainer facades and less intricate, more utilitarian architecture with more decorated elements for non-industrial uses such as hotels interspersed
- use of brick and timber as prominent materials
- buildings of larger scale that provide capacity for larger redevelopment options
- a number of vacant/ derelict or underutilised sites capable of redevelopment
- an irregular block pattern creating sites of varying capacity for larger development.

It is these features, and the relative proximity to the CBD, that make this precinct attractive for new types of development, particularly those of some scale. The extent of redevelopment in this broader area surpasses the development within the CBD over a comparable timeframe.

As the City evolves and grows new uses and new forms of development will be required, and the development pressure is likely to increase in the areas with most capacity to accommodate the new forms.

In addition to the inherent qualities of this precinct that will continue to make it attractive for development, the location of the site as a mid-point between the CBD and the emerging University of Tasmania precinct is providing further impetus for redevelopment. The University has acquired a significant vacant (carpark) site at Willis Street approximately 170m from the proposed hotel. This will have further positive impact on the intensity of development in the area.

The change from an area under pinned by industry to a more intense people focussed mix of uses is clearly positive. It is in line with a number of broader strategies and is one that has been under pinned by considerable government support and funding.

Despite the amount of development undertaken in the broader precinct, the area can still be read as having a coherent character related to its industrial origins, the area has displayed a resilience to new development and high capacity to accept change.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

2.3 The Streetscape

The core elements of the streetscape are essentially similar to the character of the broader industrial precinct. From use perspective there is a precinct characteristic mix in line with the planning scheme zone intents.

Remnant industrial uses are mixed with business and professional service as the key elements, with interspaced retail, car parking, community meeting and entertainment uses. From a residential perspective there are two visitor accommodation uses and two residential uses within 100m of the site.

Almost 10% of buildings in the immediate streetscape are currently vacant.

In terms of physical form buildings within the immediate streetscape are recorded as:

- 21% - single level buildings
- 48% - two storey buildings
- 12% - three storey buildings
- 4% - four storey buildings
- 6% - buildings higher than four storeys

The larger buildings are the Albert Hall at approximately four storeys, the Verge Hotel at six storeys (23.2m), the Gasworks vertical retort structure (20.73m), and Holy Trinity Anglican Church at approximately five storeys.

The average road pavement width is 12.14m, within 18m road reserves, able to accommodate two way traffic as well as on-street parking. Footpaths average a 2.6m width. Buildings are mostly built to the boundary.

In line with the broader precinct there regeneration and transition is occurring. There has been recent development interest and a number of approvals issued including for:

- the Verge hotel immediately opposite, being a significant six storey (23.2m high) hotel building.
 - the Milledge development which is progressively developing an underutilised/poorly maintained site in to high quality three storey commercial, retail and office facilities.
 - a six storey (24m high) art gallery, retail and hospitality venue within the gasometer structure on the gasworks.
 - a seven level multistorey carpark with a footprint of 1,668m² approximately 75m away from the hotel on the gasworks site.
-

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

These developments are all of significant scale and within the immediate vicinity of the development site. They are representative of a trend towards more intense land use within the area.

The Boags Brewery development is also prominent in the immediate vicinity. This presents as a large factory with a high curtain wall covering an entire City block. The building materials vary related to the stage and age of development, but the essential qualities of brick curtain wall construction are evident. Openings are generally functional and interaction with the street other than for vehicles and pedestrian entrances and exits is limited.

The Albert Hall is a significant scale element in the immediate vicinity, although being within the City Park is not directly related to the riverside industrial character area.

There are a number of sites in the immediate vicinity which appear to be examples of industrial inertia. For example, to the immediate west of the subject site there is a single storey panel beating operation with significant ground level yard space. Further down Cimitiere Street are other examples of small business occupying ex warehouse/industrial premises.

In time it is likely that the operational difficulties presented, land value and the pressure for new development may further encourage relocation as particularly smaller operations to move to more appropriate premises and for these sites to be considered for redevelopment.

A noticeable element of the immediate area are derelict buildings, and a major component of the site itself is the derelict Harrap's warehouse. There are also derelict buildings facing west on Tamar Street, facing north on Boland Street and within underdeveloped elements of the gasworks, notably on the corner of Willis and Cimitiere Streets.

In terms of context, the height and bulk of surrounding development varies from large industrial building to finer grained single fronted shops, reflecting the historical periods of development and redevelopment of the precinct. It is important to note that the larger industrial buildings replaced earlier smaller scaled development with significant uplift in scale and form and that this has continued in a number of the more recent larger developments across the area.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

New buildings are visible and noticeable within the streetscape surrounding the site, and they are part of the character of the area alongside the heritage listed buildings and the remnant industrial sites. New buildings also tend to be higher than the surrounding buildings so the character of the area and streetscape is generally leading to a more intense form of development in line with the zone intents. This would be anticipated as the area grows in strategic importance for the city and land values rise with continued regeneration.

Characteristic materials in the streetscape are face brick, stucco or render, painted surfaces and timber elements. Generally, the façade treatments for industrial buildings are plainer and less detailed than may be found in other areas of the City, with some notable exceptions such as the Albert Hall and ex Baptist Tabernacle. The levels of detailing on non-industrial elements is also plainer.

Vehicular access directly off the street is generally accommodated for industrial activity, with laneway or rear access for non-industrial uses.

Within the surrounding area, there are approximately 33 locations which are on both the local heritage register and the State heritage register. This is consistent with the broader character of the area and is an important consideration when determining the character of the area.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

15.0 Urban Mixed Use Zone

15.1.1 Zone Purpose Statements

15.1.1.1 To provide for integration of residential, retail, community services and commercial activities in urban locations.

15.1.1.2 To provide for a diverse range of urban uses and increased intensity of development including residential densities that support the role of activity centres.

15.1.1.3 To encourage residential, visitor accommodation and tourist operation uses as a means of increasing activity outside normal business hours.

15.1.1.4 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.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Consistent
 What is proposed is considered entirely consistent with the zone purpose statements.

Applying this mixed use zone to a former industrial area is a demonstration that the Council wants to see land use change in the area. The zone allows a much broader suite of uses than what is historically situated in the area.

The proposal is a significant commercial activity that will bring increased intensity of development to an area of the city in line with the intent to transition from a historic industrial past into a mixed use precinct. The hotel will add significant intensity to the area and the resultant activity will catalyse further investment.

The visitor accommodation uses is specifically encouraged and the scale of this development will go a long way to increasing activity both within and outside business hours in the surrounding area but also with the broader CBD a short walk away.

The use proposed is a people focussed use and will generate significant foot traffic as people leave the hotel to explore the city, the hotel has numerous entrances and exits.

The key Harrap's warehouse site, and other buildings along the Cimitiere Street frontage has been derelict for some time and contributes poorly to the streetscape. What is proposed will revitalise the area consistent with the zone intent.

15.3 Use Standards

15.3.1 Hours of operation

<p>Objective: To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.</p>
<p>Consistent This clause is only applicable to Food Services, General Retail and Hire, Community Meeting and Entertainment, and Hotel Industry. This clause is not applicable to Visitor Accommodation.</p>
<p>A1 Commercial vehicles must only operate between 6.00am and 10.00pm.</p>
<p>Complies All operating commercial vehicles will only operate between 6.00am and 10.00pm.</p>
<p>P1 Commercial vehicles must not unreasonably impact on the amenity of nearby sensitive uses, having regard to: (a) the extent and timing of traffic generation; (b) the hours of delivery and dispatch of goods and materials; and (c) the existing levels of amenity.</p>
<p>Not Applicable</p>

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

15.3.2 Mechanical plant and equipment

<p>Objective: To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.</p>
<p>Consistent This clause is only applicable to Food Services, General Retail and Hire, Community Meeting and Entertainment, and Hotel Industry. This clause is not applicable to Visitor Accommodation. It has been considered that the proposal complies with the objective as it ensures that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.</p>
<p>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.</p>
<p>Relies on Performance Criteria As the air conditioning, air extraction, heating or refrigeration systems or compressors have not yet undertaken detailed design, reliance on the performance criteria is sought.</p>
<p>P1 Noise, odours, fumes or vibration generated must not cause unreasonable loss of amenity to adjoining or immediately opposite sensitive uses, having regard to: (a) the characteristics and frequency of any emissions generated; (b) the nature of the proposed use; (c) the topography of the site; (d) the landscaping of the site; and (e) any mitigation measures proposed.</p>
<p>Complies The applicant provided a Noise Impact Assessment prepared by NVC Noise Vibration Consulting to help in the assessment of the application. The report found that noise sources associated with the development and relevant to external noise levels are identified as:</p> <ul style="list-style-type: none"> • vehicle arrival and departure off Cimitiere Street at ground level; • back of house deliveries off Cimitiere Street; • plant equipment associated with air conditioning; and • kitchen exhaust fans. <p>The report also identified the closest sensitive uses, being the upstairs flat at 40-42 Tamar Street. The report then identified background noise levels during operating hours, considered the typical noise levels of the noise emitting uses, and assessed the proposal against the provisions.</p>

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The report also noted that the assessment is based on premises of typical equipment and their locations, it was recommended that once design detail for the mechanical system is known, an acoustic engineer should review the system to ensure acceptable noise emissions are achieved in practice. This can be included as a condition of a permit. Further, based on their findings and assessment, it was in the opinion of NVC Noise Vibration Consulting that:

noise emissions at Tamar Street will be below the night time criteria and so meet the planning scheme requirements of clause 15.3.4.

The proposal, therefore, complies with the performance criteria.

15.3.3 Light spill and illumination

<p>Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.</p>
<p>Consistent This clause is only applicable to Food Services, General Retail and Hire, Community Meeting and Entertainment, and Hotel Industry. This clause is not applicable to Visitor Accommodation.</p>
<p>A1 The use must:</p> <ul style="list-style-type: none"> (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential, and Low Density Residential zones; and (b) contain direct light from external light sources within the boundaries of the site.
<p>Complies The use does not adjoining a boundary of a General Residential, Inner Residential, or Low Density Residential zone. The applicant has stated that it is anticipated that light spill from external light sources will be contained within the boundaries of the site. Whilst this statement is acknowledged, a condition requiring a light schedule is recommended to ensure compliance with the acceptable solution is maintained.</p>
<p>P1 Floodlighting or other external lighting used on the site must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the number of light sources and their intensity; (b) the proximity of the proposed light sources to nearby sensitive uses; (c) the topography of the site; (d) the landscaping of the site; (e) the degree of screening between the light source and the sensitive uses; and (f) existing light sources nearby.
<p>Not Applicable</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

15.3.4 Noise level

<p>Objective: To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.</p>
<p>Consistent This clause is only applicable to Food Services, General Retail and Hire, Community Meeting and Entertainment, and Hotel Industry. This clause is not applicable to Visitor Accommodation. It has been considered that the proposal complies with the objective as it ensures that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.</p>
<p>A1 Noise generated by a use on the site must:</p> <ul style="list-style-type: none"> (a) not exceed a time average A-weighted sound pressure level (L_{Aeq}) of 5dB(a) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or (b) be in accordance with any permit conditions required by the Environment Protection Authority or an environmental protection notice issued by the Director of the Environment Protection Authority.
<p>Relies on Performance Criteria As it has not been confirmed that the proposal will not exceed a time average A-weighted sound pressure level (L_{Aeq}) of 5dB(A) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site, reliance on the performance criteria is sought.</p>
<p>P1 Noise levels generated by a use on the site must not unreasonably impact on the amenity of nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use; (b) the characteristics of the noise emitted; (c) background noise levels; (d) any mitigation measures proposed; (e) the topography of the site; and (f) the character of the surrounding area.
<p>Complies The applicant provided a Noise Impact Assessment, prepared by NVC Noise Vibration Consulting to help in the assessment of the application. The report found that noise sources associated with the development and relevant to external noise levels are identified as:</p> <ul style="list-style-type: none"> • vehicle arrival and departure off Cimitiere Street at ground level; • back of house deliveries off Cimitiere Street; • plant equipment associated with air conditioning; and • kitchen exhaust fans.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The report also identified the closest sensitive uses, being 40-42 Tamar Street. The report then identified background noise levels during operating hours, considered the typical noise levels of the noise emitting uses, and assessed the proposal against the provisions.

The report also noted that the assessment is based on premises of typical equipment and their locations, it was recommended that once design detail for the mechanical system is known, an acoustic engineer should review the system to ensure acceptable noise emissions are achieved in practice. This can be included as a condition of a permit. Further, based on their findings and assessment, it was in the opinion of NVC Noise Vibration Consulting that:

noise emissions at Tamar Street will be below the night time criteria and so meet the planning scheme requirements of clause 15.3.4.

The proposal, therefore, complies with the performance criteria.

15.3.5 Retail impact

<p>Objective: To ensure that the economic, social and environmental impact of significant new retail use and development is consistent with the activity centre hierarchy.</p>
<p>Consistent This clause is only applicable to the General Retail and Hire use.</p>
<p>A1 If for no permit required or permitted use class.</p>
<p>Complies It is proposed to utilise the existing Brass Founders shop as a general retail and hire use. The shop is 26m² in size which maintains a permitted use under the use table.</p>
<p>P1 Uses must have acceptable impacts on the viability of the activity centre hierarchy, having regard to the extent that the proposed use:</p> <ul style="list-style-type: none"> (a) improves and broadens the commercial or retail choice within the area; (b) improves the urban design outcome for an activity centre including its amenity; (c) contributes to an attractive environment for pedestrians; (d) contributes to loss of investment, blight or disinvestment for a particular centre; (e) includes environmentally sustainable design principles; and (f) is accessible by public transport.
<p>Not Applicable</p>

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

15.4 Development Standards

15.4.1 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.

Consistent

The proposal is assessed to be consistent with the objective, whilst a significant proposal, it is located in area of the City that is evolving and has a high capacity to accept change. The proposal will significantly improve the pedestrian amenity of the area and bring the site from, particularly on Cimitiere Street, from disuse and disrepair in to a vibrant people focussed use.

A1 Building height must be no greater than:

- (a) 12m; or
- (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.

Relies on Performance Criteria

As the proposed building height is both greater than 12m and greater than 1m than the average building heights on the site and adjoining lots, reliance on the performance criteria is sought.

P1 Building height must be compatible with the streetscape and character of the surrounding area, having regard to:

- (a) the topography of the site;
- (b) the height of buildings on the site, adjoining lots and adjacent lots;
- (c) the bulk and form of existing and proposed buildings;
- (d) the apparent height when viewed from roads and public places; and
- (e) any overshadowing of adjoining lots or public places.

Complies

Building height must be compatible or considered as capable of being in harmony or broad correspondence with the streetscape and character of the surrounding area, having regard to the factors outlined. Consideration of the zone purpose statements is also required to assist in forming a view on any particular proposal.

Importantly, this performance solution should not be taken to mean new development must be the same as, or subservient to existing buildings. It does, however, create an onus on new development to be designed sympathetically and respectfully with the character of the immediate streetscape and the broader surrounding area.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The proposed building and the adaptation of the existing buildings have a number of elements with different heights. It is important to differentiate these elements as the degree to which the building height is compatible is related not only to the simple height but also the form of the buildings and their arrangement. In this regard the following is noted:

- The modifications and refurbishment of the existing hotel building are broadly correspondent to the heights of the existing hotel and the Harrap's warehouse.
- The infill element to Tamar and the rear extension, being one storey or 3m higher than the existing buildings are consistent with the streetscape pattern and form.
- The modification to the existing hotel are modest and, from a height perspective and are at approximately 13m which broadly correspondent to the acceptable solution.
- There is no significant construction of height related to the existing Harrap's warehouse buildings and this they will remain as streetscape element as it they currently appear.
- The taller mass of the new hotel wing adjacent to the Harrap's warehouse building will cantilever slightly (approximately 3m) over the retained form.
- The proposed new forms, sit behind the street front buildings, are separated into a series of elements of differing proportion and scale.

The massing of the new warehouse hotel building has a number of key elements.

- A podium level at 14m or four levels high (including ground level) which occupies almost the entire footprint of hotel site. This includes, lobby, back of house, conference centre, bar, and multi levels car parking. On the 4th level is the pool complex. Levels 3 and 4 are further setback between 2m and 5m from Cimitiere Street.
- A reduced footprint element on top of the podium aligned with, and setback to Cimitiere Street between 8m and 11m for levels 5, 6 and 7, up to a height of 26m. These levels accommodate 84 rooms each.
- A smaller but taller structure for levels 8 and 9 setback to between 21m and 25m to Cimitiere Street up to a height of 33m. These levels accommodate 48 rooms per floor.
- A further smaller footprint element accommodating 12 rooms per floor for levels 11 and 12 on the same alignment of the immediately lower floors. The maximum height being approximately 39m to the roof height and 40.3m to a parapet element screening proposed plant and equipment.

(a) the topography of the site;

The site is located in relative proximity to the river at height between 3m and 4m AHD and slopes down almost 1m on a south to north axis. This places the development site

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

lower than much of the City. This is important to the assessment of height because buildings on a lower contour will have a lower perceived height than similar buildings on a higher contour when viewed from the longer vantage points.

In Launceston's case, the industrial precinct was located along the river and the commercial and retail heart of the City was located on a higher contour. The Mall, for example, being located on the 9.5m AHD contour. Further south up the hill comes lower scale residential development and less commercial uses. St Johns Church, for example, is located at 18m AHD.

While this the proposed building is tall, it will be perceived as several storeys lower when viewed across the City. The topography of Launceston is such that the CBD is overlooked from roads and public places and views of the river corridor are often from higher ground, for example, the surrounding suburbs such as West Launceston and Trevallyn or from Windmill Hill.

More importantly in this instance, however, are the elevated views within relative proximity. An important view into the industrial precinct is from the southern end of Tamar Street from the corner of York Street looking down Tamar Street. While this location is not within the immediate vicinity it is an important location in which to assess the appropriateness of the development. This location is approximately 400m away and located the 30m AHD contour. The ground at this point is approximately 27m higher than the development site.

Views from higher ground also allow broader views and allow building to be better compared within the City context. In longer distance views of Launceston, the variety of building height across the city becomes apparent. These longer views, when multiple taller buildings (with building heights over 25m AHD), are visible have a higher capacity to accept change, as the focus is not solely on the new elements in the view.

A number of buildings, built on higher contours, for example Myer, will have a greater perceived height than what is proposed.

This is a mitigating factor to the way the building will be perceived in the City which is considered further in element (d) relating to apparent height.

(b) The height of buildings on the site, adjoining lots and adjacent lots;

This clause is interpreted as meaning lots immediately adjoining and also those near to the development site. Building Heights in the area are shown below.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Map of Building Heights



The proposed building is higher than the surrounding buildings. This in itself should not be taken simplistically to suggest it is prima facie inappropriate. Assessment must be related to the real impacts of the height on the character on the area and streetscape.

When taken together the assessment under all clauses in this standard demonstrates that the absolute difference in height is mitigated by a number of factors, including the architectural choices made in the form massing and materiality and also in the characteristics and resilience of the area and its ability to successfully accommodate change.

The impact of the height differences is discussed further in the clauses below.

(c) the bulk and form of existing and proposed buildings;

It is assessed that the proposal to develop this site into a hotel is consistent with the long

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

term transition in character of this area from a utilitarian industrial area to a vibrant mixed used precinct.

The proposal essentially maintains all current street facades, with minor modifications and inserts an appropriately scaled infill building to Tamar Street. All significant new development and higher elements are located centrally in the site and set back from the street frontages.

The height and form of these street frontages is such that they will effectively shield views of the development from many vantage points in the close proximity to the site. This assists in mitigating the potential impact of these forms on the immediate precinct.

The form of new development takes many architectural references from the surrounding area particularly in the form of materials and the use of brick for major elements.

When viewed from outside the immediate precinct and streetscape the views are mitigated by distance, although the building will still be recognisable in the broader City views, particularly when viewed from elevated positions.

The comprehensive design philosophy presented with the application shows that the proposal has been carefully considered for potential impacts both on the fabric of the site itself and also on the surrounding properties.

Design choices include:

- Breaking up significant forms to varying heights and use of differing setback planes reduce apparent visual mass and scale. This assists the building in its compatibility with surrounding forms.
- The materiality has also been chosen to be complementary to the surrounding development and to some degree recessive into its impacts (as opposed to a glass tower for example).
- The overall setback of the higher elements and their concentration towards the centre of the site assist in mitigating local view impacts due to the shielding presence of contiguous walls to all frontages particularly in the immediate vicinity of the site.
- The relationship across Cimitiere Street between this proposal and the Verge Hotel provides appropriate scale for the Cimitiere Street frontage.
- The 15m setback of the 10 storey element to Tamar Street preserves the setting of the Harrap's warehouse and allows the existing streetscape form to be maintained (albeit with the infilled element).

(d) the apparent height when viewed from roads and public places; and

The proposed building is a large building and inevitably it would be seen from roads and

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

public places and form part of the built form of the area. It has, however, been designed and sited to mitigate these potential impacts.

The essential character of the streetscape at ground level within the vicinity of the precinct will be unchanged as the existing buildings, and their largely continuous built forms along the frontages will essentially be retained (and strengthened) on all three frontages.

From the immediate vicinity, therefore, the views will be maintained at street level view fields, with the exception of William Street where the entry driveway into the courtyard will reveal a view of the higher elements from street level.

The degree to which the new buildings impact will only become apparent when moving away from the immediate proximity. Some views from the middle distance will be obscured by large buildings in the vicinity, for example views from much of the river levee west of Tamar Street and from Willis Street will be effectively shielded.

The larger buildings in the vicinity reduce the visibility of the hotel from many areas. The submission by the applicant and accompanying photo montages, illustrate this effectively. Most of these views also contain buildings in the foreground with few viewpoints revealing the full height of the development unimpeded.

There are viewpoints, however, in the vicinity for example, west of the site from Cimitiere Street and from parts of William Street, that you would see the full height of the building and from these points the stepped form of the building will be visible. The broken mass and varying setback will assist in mitigating 'apparent height' from these locations. The differing elements of the building will to some degree shield each other.

The building will be most visible from the areas in the vicinity that are vacant or underdeveloped. Views from public places across undeveloped private land allow perspectives of the proposal that would not be available should a building be constructed on those sites built to the street frontages at street level. Noticeable examples of this would be from William Street across the yard to the west of the stables accommodation block and across the low form of development of the body works immediately to the west on Cimitiere Street.

Neither of these sites have any intrinsic urban quality and present as attractive opportunities for development. Should this development occur the views from street level over this private land to the proposal site would be mitigated to some extent. The impact of the acceptable solution building height on mitigating impact would be significant.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

There are a number of development proposals approved in the vicinity that should they progress would further mitigate potential impacts on views. These being:

- The infilling of the Gasworks Gasometer on Cimitiere Street with a 20m+ art gallery will assist blinker views from the East along Cimitiere Street.
- The proposed multistorey carpark to the north gasometer of the gasometer, and to the west of the vertical retort will shield what views may exist of the site between buildings from Willis Street.

At more distant viewpoints the building becomes an element in grand view or cityscape.

There are many buildings across the broader cityscape that sit higher than their immediate surroundings. These buildings tend to be interspersed. The proposed hotel would add an additional element to this pattern. The existence of a number of similar buildings across the city at comparable heights can mitigate the potential visual impact as it becomes one of a collection of buildings rather the focus of the view.

Longer distance views in to the precinct suggest that the hotel will be an element in a wider cityscape view with a number of other larger buildings. The greater the distance the more capacity for the view to accommodate new elements. The cityscape is characterised by a range of building heights 'sprinkled' or interspersed; with taller buildings. Taller buildings are not confined to central areas.

The impact of the proposed building is consistent with this character of widely spaced taller building interspersed between lower built forms.

(e) any overshadowing of adjoining lots or public places.

The scheme does not set out a test for the acceptable level of sunlight that should be provided to adjoining lots. Sunlight is normally regulated to protect the amenity of habitable spaces and the private open space for dwelling. There are no habitable rooms impacted by shadows thrown from the development.

The building will generate a shadow that will move across the adjoining properties to the south and west as the day progresses. In midwinter the shadows will be significant on Cimitiere Street, immediately to the south of the development. This is similar to many east-west orientation Launceston streets particularly those with a commercial character and building of scale built to the front boundaries.

Immediately to the south west of the podium and tower element is an Industrial yard that will, on 21 June (the shortest day) be in shadow from sunrise until the sun passes midday and the yard will progressively move out of shadow being free from shadow by 3.00pm.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>The hotel immediately to the south opposite across Cimitiere Street will have its northern elevation shadowed progressively from mid-morning. The main eastern and western elevations which house the majority of the hotel room windows will not be shadowed significantly by the proposed building. The closest residential property at 40-42 Tamar Street would receive more than three hours of direct sunlight on 21 June and so the impacts on that property are assessed as reasonable.</p>
<p>A2 Setback from a frontage: (a) must be built to the frontage at ground level; or (b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.</p>
<p>Complies The proposal will be built to the front boundary at ground level along all frontages.</p>
<p>P2 Buildings must be sited to be compatible with the streetscape and character of the surrounding area, having regard to: (a) the level of public interaction and amenity, and pedestrian activity; (b) the topography of the site; (c) the setbacks of surrounding building; (d) the height bulk and form of existing and proposed buildings; (e) the appearance when viewed from roads and public places; (f) the retention of vegetation; (g) the existing or proposed landscaping; and (h) the safety of road users.</p>
<p>Not Applicable</p>
<p>A3 Setback from a side boundary: (a) must be built to the side boundaries at ground level; or (b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.</p>
<p>Complies The proposal will be built to ground level along all side boundaries.</p>
<p>P3 Buildings must be sited such that there is no unreasonable loss of amenity to the occupiers of adjoining lots, having regard to: (a) the topography of the site; (b) the size, shape, and orientation of the site; (c) the setbacks of surrounding building; (d) the height bulk and form of existing and proposed buildings; (e) the existing buildings and private open space areas on the site; (f) the privacy to private open space and windows of habitable rooms on adjoining lots; (g) sunlight to private open space and windows of habitable rooms on adjoining lots; (h) any existing screening or the ability to implement screening; and (i) the character of the surrounding area.</p>
<p>Not Applicable</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

15.4.2 Location of car parking

Objective: To ensure that car parking: (a) does not detract from the streetscape; and (b) provides for vehicle and pedestrian safety.
Consistent
A1 Car parking must be located: (a) within the building structure; or (b) behind the building.
Complies All parking on site will either be located within a building, or behind a building.
P1 Car parking must be located to minimise its visibility from a road, mall, laneway or arcade, having regard to: (a) the existing streetscape; (b) the location of the car parking; (c) vehicle and pedestrian traffic safety; (d) measures to screen parking; and (e) any landscaping proposed.
Not Applicable

15.4.3 Active ground floors

Objective: To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.
Consistent Consistency with the objective has been achieved as the proposal ensures that building facades promote and maintain high levels of pedestrian interaction and amenity.
A1 New buildings with non residential uses on ground floors must: (a) have clear glazing, display windows or glass doorways for a minimum of 80% of all ground floor facades to, roads, malls, laneways or arcades; (b) not have security grilles or screens that obscure the ground floor facades to roads, malls, laneways or arcades; (c) not have mechanical plant or equipment, such as air conditioning units or heat pumps located on the facade; and (d) not have blank walls, signage panels or blocked out windows, wider than 2m on ground floor facades to roads, malls, laneways or arcades.
Relies on Performance Criteria
The only new works occurring on the William Street frontage will be the removal of an old fence and replacement with a new laneway entry, including new fencing and gate. This change has been considered to meet the acceptable solution.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>Changes along Tamar Street include the infill development between the Clarion Hotel and Warehouse. At ground level the new addition is approximately 51m², with approximately 86% having clear glazing, no security grills or screens, no mechanical plant or equipment, and no blank walls wider than 2m. The Tamar Street ground floor is therefore compliant with the acceptable solution.</p>
<p>The Cimitiere Street ground floor redevelopment does not, however, meet the acceptable solution and is reliant on the performance criteria.</p>
<p>P1 New buildings must be designed to maximise interaction between the use of the building and pedestrians, having regard to:</p> <ul style="list-style-type: none"> (a) an adequate level of glazing, openness and transparency on the ground floor facades to roads, malls, laneways or arcades; (b) the potential for security grills or screens to reduce the amenity of the building or reduce levels of interaction with the public; (c) screening or obscuring all mechanical plant or equipment such as air conditioning units or heat pumps so they are not recognisable or visible from ground level public view points; and (d) minimising the area of all blank walls, signage panels or blocked out windows on ground floor facades to roads, malls, laneways or arcades
<p>Complies</p> <p>The redevelopment of the Cimitiere Street frontage is a 60m long mix of open access, vegetation, clear frontage that maintains a high level of pedestrian interaction. The development leaves intact the frontages of the Brass Founders, Rankin & Bond, the existing hotel, and the double storey Harrap's warehouse building. It is proposed to 'open' the single storey warehouse building to allow for pedestrian access into the lobby, plaza, bar, restaurant, and function centre. There are also two relocated accesses that will allow entry and egress vehicular traffic into and out of the site.</p> <p>The design does not include any security grills or screens, mechanical plant or equipment, and has minimised blank walls significantly. It is an open design that allows transparency and promotes and invites a high level of pedestrian interaction.</p> <p>The proposal is therefore considered compliant with the performance criteria.</p>
<p>A2 Alterations to ground floor facades of non residential buildings must not:</p> <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.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Complies

Alterations to ground floor facades include:

Brass Founders

General maintenance and repair from a dilapidated building.

Rankin & Bond

General maintenance and repair from a dilapidated building, including replacing a roller door with glazing.

Aurora Building

Removal of building for vehicular access.

City Park Grand

General maintenance and repair from a dilapidated building.

Single Storey Alfred Harrap's and Sons

A redesign including a large opening for vehicular access, pedestrian plaza access, and signage.

Three Storey Alfred Harrap's and Sons

General maintenance and repair from a dilapidated building.

Clarion Hotel

General maintenance and repair.

Clarion stables

General maintenance and repair.

None of the above alterations will reduce the level of glazing on a façade to a road, nor will it include security grilles or screens, no placement of mechanical plant or equipment, nor will the proposal increase blank walls, signage panels, or blocked out windows.

P2 Alterations to ground floor facades of non-residential buildings must be designed to maximise interaction between the use of the building and pedestrians, having regard to:

- (a) the level of glazing, openness and transparency on the ground floor facades to roads, malls, laneways or arcades;
- (b) the potential for security grills or screens to reduce the amenity of the building or reduce levels of interaction with the public;
- (c) screening or obscuring all mechanical plant or equipment such as air conditioning units or heat pumps so they are not recognisable or visible from ground level public view points; and
- (d) minimise the area of all blank walls, signage panels or blocked out windows on ground floor facades to roads, malls, laneways or arcades.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Not Applicable
A3 The building must: (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 Each frontage will be orientated and provide a direct access for pedestrians from each respective road.
P3 Buildings must be clearly visible from the road or publicly accessible areas, having regard to: (a) the safety and convenience of pedestrians; and (b) the existing streetscape.
Not Applicable
A4 The total width of the door or doors on a garage facing a frontage must be no wider than 6m.
Not Applicable
P4 Garage doors should not be a visually dominant element in the streetscape and must be designed, having regard to: (a) the location of existing buildings on the site; (b) the existing streetscape; and (c) the design and locations of garages in the surrounding area.
Not Applicable

15.4.4 Pedestrian access to dwellings

Objective: To ensure pedestrian access to residential development is safe and convenient.
Not Applicable
A1.1 New dwellings or residential developments must be provided with a pedestrian access independent of the access to any ground floor use in the building, or tenancies on the same site or within the same building; and A1.2 Pedestrian access directly onto a road frontage must be no wider than 4m.
Not Applicable
P1 New dwellings or residential developments must be provided with appropriate pedestrian access for the future residents, having regard to: (a) the use of the ground floor frontage; (b) accessibility arrangements; (c) the size and visibility of the proposed entrance; and (d) the opportunities for access onto roads and other publicly accessible areas.
Not Applicable

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

15.4.5 Daylight to windows

Objective: To allow adequate daylight into habitable room windows.
Not Applicable
A1 Where the minimum distance between: (a) a new window in a habitable room and an existing building; or (b) a new building constructed directly opposite an existing habitable room window, is less than 3m, a light court with an area of no less than 3m ² and dimension of no less than 1m clear to the sky must be provided.
Not Applicable
P1 Buildings must provide for adequate levels of daylight to habitable rooms and existing windows within adjoining buildings, having regard to: (a) the level of daylight available to the habitable rooms; (b) any existing vegetation; and (c) the topography of the site.
Not Applicable

15.4.6 Private open space

Objective: To provide adequate and useable private open space for the needs of residents.
Not Applicable
A1 Dwellings must have an area of private open space with direct access from a habitable room other than a bedroom, comprising: (a) on the ground floor, 24m ² with a horizontal dimension of no less than 3m; or (b) wholly above ground floor, 8m ² with a minimum horizontal dimension of 2m; or (c) a roof-top area, 10m ² with a minimum horizontal dimension of 2m.
Not Applicable
P1 Dwellings must be provided with sufficient private open space to meet the reasonable needs of the residents having regard to: (a) the size and useability of the private open spaces; (b) the accessibility of the private open space; (c) the availability of common open space; (d) the availability of and access to public open space; (e) the orientation of the lot to the road; and (f) the ability of the private open space to receive adequate solar access.
Not Applicable
A2 Private open space must receive a minimum of four hours of direct sunlight on 21 June to 50% of the designated private open space area.
Not Applicable

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>P2 Private open space must receive adequate sunlight having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) site constraints, including any vegetation; (c) the orientation and shape of the site; and (d) the location and size of buildings on the site and adjoining lots.
<p>Not Applicable</p>

15.4.7 Overshadowing private open space

<p>Objective: To ensure new buildings do not unreasonably overshadow existing private open space.</p>
<p>Not Applicable</p>
<p>A1.1 Where new buildings reduce sunlight to the private open space of an existing dwelling, at least 75% of the private open space must receive no less than four hours of sunlight on 21 June; and A1.2 Where less than 75% of the existing private open space receives four hours of sunlight on 21 June, new buildings must not further reduce the amount of sunlight.</p>
<p>Not Applicable</p>
<p>P1 New buildings must not unreasonably overshadow existing private open spaces, having regard to:</p> <ul style="list-style-type: none"> (a) the impact on the amenity of existing dwellings; (b) sunlight penetration to the private open space of the existing dwelling; (c) the time of day and the duration that sunlight is available to the private open space of the existing dwelling; and (d) the effect of a reduction in sunlight on the existing use of the private open space.
<p>Not Applicable</p>

15.4.8 Storage

<p>Objective: To provide adequate storage facilities for each dwelling.</p>
<p>Not Applicable</p>
<p>A1 Each dwelling must have access to 6m³ of dedicated, secure storage space not located between the primary frontage and the facade of a dwelling.</p>
<p>Not Applicable</p>
<p>P1 Each dwelling must provide adequate storage for the reasonable needs of residents, having regard to:</p> <ul style="list-style-type: none"> (a) size and type of dwelling proposed; (b) the location, type, and size of storage proposed; (c) the availability, accessibility and convenience of the storage proposed; (d) any common or other types of storage on the site; and (e) the existing streetscape.
<p>Not Applicable</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

15.4.9 Common property

Objective: To ensure that common areas are easily identified.
Not Applicable
A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.
Not Applicable
P1 No performance criteria.
Not Applicable

15.4.10 Lot size and dimensions

Objective: To ensure: (a) the area and dimensions of lots are appropriate for the zone; and (b) adjoining land, especially residential zones, is protected from adverse impacts on amenity.
Not Applicable
A1.1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have a minimum area of no less than 100m ² ; and (b) be able to contain 5m diameter circle with the centre of the circle no more than 5m from the frontage; or A1.2 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (b) be required for the provision of public utilities; or (c) for the consolidation of a lot with another lot, provided each lot is within the same zone; and A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.
Not Applicable
P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use having regard to: (a) the relevant acceptable solutions for development of buildings on the lots; (b) the likely location of buildings on the lots; (c) the accessibility for vehicles providing for supplies, waste removal, emergency services and public transport; (d) the topography of the site; (e) the presence of any natural hazards; and

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

(f) the existing pattern of development in the area.
Not Applicable
A2 Subdivision must not be located on the boundary of the General Residential or Inner Residential zones.
Not Applicable
P2 Each lot, or a lot proposed in a plan of subdivision, must be designed to minimise the potential for nuisance or loss of amenity for adjacent lots, having regard to: <ul style="list-style-type: none"> (a) lot layout and design; (b) the existing pattern of development in the area; (c) the ability for buildings to be erected in accordance with the development standards; (d) the proposed use of the lot; (e) the future use of the subject or adjoining land; (f) the topography of the site; (g) the physical separation to surrounding sensitive land uses; (h) compatibility with the existing pattern of development in an area; (i) the orientation of the lot; (j) access considerations; and (k) the accessibility for vehicles providing for supplies, waste removal, emergency services and public transport.
Not Applicable

15.4.11 Frontage and access

Objective: To ensure that lots: <ul style="list-style-type: none"> (a) provide appropriate frontage to a road; and (b) maintain laneway and rear access patterns; and (c) provide safe and appropriate access suitable for the intended use.
Not Applicable
A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 5m.
Not Applicable
P1 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right-of-carriageway, of no less than 3.6m width, having regard to: <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) whether any other land has a right-of-carriageway as its sole or principal means access over the frontage; (c) the number of immediately adjacent rights-of-carriageway; (d) the topography of the site; (e) the proposed use of the lot; (f) the construction and maintenance of the road; (g) the existing pattern of development in the surrounding area;

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

(h) the functionality and usability of the frontage;
(i) the anticipated nature of the vehicles likely to access the site;
(j) the ability to manoeuvre vehicles on the site;
(k) the existing pattern of laneways and rear accesses; and
(l) the advice of the road authority.
Not Applicable
A2 No acceptable solution.
Not Applicable
P2 Each lot, or a lot proposed in a plan of subdivision, must be capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:
(a) the topography of the site;
(b) the distance between the lot or building area and the carriageway;
(c) the nature of the road and the traffic;
(d) the character of the area; and
(e) the advice of the road authority.
Not Applicable

15.4.12 Discharge of stormwater

Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
Not Applicable
A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
Not Applicable
P1 No performance criteria.
Not Applicable
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.
Not Applicable
P2 No performance criteria.
Not Applicable

15.4.13 Water and sewerage services

Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.
Not Applicable
A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Not Applicable
P1 No performance criteria.
Not Applicable
A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.
Not Applicable
P2 No performance criteria.
Not Applicable

E2.0 Potentially Contaminated Land Code

E2.1 The purpose of this provision is to: (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.
Consistent Consistency with the code purpose has been achieved as the proposal ensures that any use and development of potentially contaminated land will not adversely impact on human health or the environment.

E2.5 Use Standards

Objective: To ensure that potentially contaminated land is suitable for the intended use.
Consistent Consistency with the objective has been achieved as the proposal ensures that potentially contaminated land is suitable for the intended use.
A1 The Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.
Relies on Performance Criteria As the Director, or a person approved by the Director, has not provided any certification or approval for the management of contamination, reliance on the performance criteria is sought.
P1 Land is suitable for the intended use, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health or the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use commences; and

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

(iii) a statement that the land is suitable for the intended use.

Complies

The applicant provided the following reports as supporting information for the assessment against the code:

- Preliminary Environmental Investigation, prepared by Scherzic Ground Investigations, dated September 2018.
- Environmental Site Assessment Report, prepared by em&c Greening Grey Environments, dated 5 March 2020.

The proposal is reliant on Performance Criteria P1(c). To ensure the land is suitable for its intended use, and to comply with the clause, a plan to manage contamination and associated risk to human health or the environment must be provided, which includes:

- An environmental site assessment
- Any specific remediation and protection measures required to be implemented before any use commences; and
- A statement that the land is suitable for the intended use.

An environmental site assessment has been provided as stated above. The report is known as a Phase 1 report. The preliminary environmental investigation has identified potentially contaminating activities that occur over the site. The environmental site assessment has then provided remediation and protection measures against these known contaminants. It continues that a Phase 2 environmental site assessment should also be completed and a construction management plan be developed. This will assess the site in further detail and allow further assessment of any unknown contaminants, and allow further remediation and protection measures to be implemented.

The report concludes that the land will be suitable for its intended use on the condition that:

- The Phase 2 ESA concludes the existing site condition poses no unacceptable risk to either human health or the environment; or
- Following implemented remediation or protection measures, the site condition is assessed to pose no unacceptable risk to either human health or the environment.

A condition has been recommended requiring either the Phase 2 ESA is provided, or a statement that further assessment has resulted in no unacceptable risk. Accordingly, the proposal has complied with the Performance Criteria.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

E2.6 Development Standards

E2.6.1 Subdivision

Objective: To ensure that subdivision of potentially contaminated land does not adversely impact on human health or the environment and is suitable for its intended use.
Not Applicable
A1 For subdivision of land, the Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment, that will ensure the subdivision does not adversely impact on health or the environment and is suitable for its intended use.
Not Applicable
P1 Subdivision does not adversely impact on health and the environment and is suitable for its intended use, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use or development commences; and (iii) a statement that the land is suitable for the intended use or development.
Not Applicable

E2.6.2 Excavation

Objective: To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.
Consistent Consistency with the objective has been achieved as the proposal ensures that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.
A1 No acceptable solution.
Relies on Performance Criteria
P1 Excavation does not adversely impact on health and the environment, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>does not present a risk to human health or the environment; or</p> <p>(c) a plan to manage contamination and associated risk to human health and the environment that includes:</p> <ul style="list-style-type: none"> (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before excavation commences; and (iii) a statement that the excavation does not adversely impact on human health or the environment.
<p>Complies</p> <p>The applicants provided the following reports as supporting information for the assessment against the code:</p> <ul style="list-style-type: none"> • Preliminary Environmental Investigation, prepared by Scherzic Ground Investigations, dated September 2018. • Environmental Site Assessment Report, prepared by em&c Greening Grey Environments, dated 5 March 2020. <p>The proposal is reliant on Performance Criteria P1(c). To ensure the land is suitable for its intended use, and to comply with the clause, a plan to manage contamination and associated risk to human health or the environment must be provided, which includes:</p> <ul style="list-style-type: none"> • An environmental site assessment; • Any specific remediation and protection measures required to be implemented before excavation commences; and • A statement that the excavation does not adversely impact on the health or the environment. <p>An environmental site assessment has been provided as stated above. The report is known as a Phase 1 report. The preliminary environmental investigation has identified potentially contaminating activities that occur over the site. The environmental site assessment has then provided remediation and protection measures against these known contaminants. It continues that a Phase 2 environmental site assessment should also be completed and a construction management plan be developed. This will assess the site in detail and allow further assessment of any unknown contaminants and allow further remediation and protection measures to be implemented.</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The report concludes that the land will be suitable for its intended use on the condition that:

- The Phase 2 ESA concludes the existing site condition poses no unacceptable risk to either human health or the environment; or
- Following implemented remediation or protection measures, the site condition is assessed to pose no unacceptable risk to either human health or the environment.

A condition has been recommended requiring either the Phase 2 ESA is provided, or a statement that further assessment has resulted in no unacceptable risk. Accordingly, the proposal has complied 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 protects the safety and efficiency of the road network.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

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

Consistent
Consistency with the objective has been achieved as the proposal ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

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

Not Applicable

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

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature of the road;
- (d) the speed limit and traffic flow of the road;
- (e) any alternative access to a road;

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>(f) the need for the use; (g) any traffic impact assessment; and (h) any written advice received from the road authority.</p>
<p>Not Applicable</p>
<p>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.</p>
<p>Not Applicable</p>
<p>P2 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(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>
<p>Not Applicable</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 As the annual vehicle movements to and from the site will increase by more than 20%, reliance on the performance criteria is required.</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> <p>(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>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>Complies</p> <p>The proposal will result in three vehicular accesses into and out of the site. There will be two new accesses along Cimitiere Street, allowing for one-way access and one way egress. Both accesses will be able to accommodate two vehicles. From the entry access, vehicles will be able to access the car parking area as well as temporary parking for the lobby and check in. The third vehicle access is along William Street and is an existing access that is proposed to be widened.</p> <p>A Traffic Impact Assessment, prepared by Midson Traffic was lodged as part of the application. The clause requires that where there is an increase in traffic, it must not unreasonably impact on the efficiency of the road having regard to the following criteria.</p> <p>The report concludes that the impacts are not unreasonable and this assessment is consistent with the findings of that report. In this regard the following assessment has been made:</p> <p>(a) the increase in traffic caused by the use: The submitted traffic report has stated that the net traffic generation of the development is likely to be 1,079 vehicles per day. Due to the nature of the traffic generated by the use, the actual traffic generation at the site's access will be much lower than the total traffic generation for the site.</p> <p>(b) the nature of the traffic generated by the use: Predominantly, traffic generated will be light vehicle traffic, which will include hotel guests, restaurant customers, and commercial vehicles. Whilst the development provides on-site car parking, not all the traffic generation will be associated with the site's accesses. Vehicle trips associated with the development will also comprise of nearby on-street car parking, as well as nearby public off-street car parking. Shared vehicles movements will also be likely to occur, in particular between proposed uses such as the restaurant, bar and function centre.</p> <p>(c) the nature and efficiency of the access or the junction: The Cimitiere Street accesses to the site will be reduced from three accesses to two. The access is expected to continue to operate in an efficient manner, with breaks in the Cimitiere traffic flow created by the traffic signals at the Tamar Street intersection.</p> <p>(d) the nature and category of the road: Cimitiere Street is classified as an arterial road in the Council's road hierarchy. It provides an important east-west link for the City. The traffic along the road differs from pedestrians to heavy vehicles passing through the City or servicing Boags Brewery.</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

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

The speed limit of Cimitiere Street is 50 km/h. This provides suitable access conditions for the overall safety of the road network in this particular area.

(f) any alternative access to a road:

Due to the design of the development, no alternative access is possible for the site.

(g) the need for the use:

The proposal is for an intensification of an existing use being a hotel, which will incorporate public uses such as a restaurant, bar and shop. The site currently contains several large, historic buildings that are in disrepair. The development and indeed the use will ensure that these buildings are upgraded and maintained. The proposal is for a 285 room hotel, with an application cost of \$50 million. It would be unlikely that such a large investment would not have undertaken its own analysis and due diligence for the use. It can, therefore, safely be assumed that there is a need for the use.

(h) any traffic impact assessment, and

As stated, the applicant provided a Traffic Impact Assessment to help in the assessment of the proposal. The report has helped form part of this assessment.

(i) any written advice received from the road authority.

The Council provided road authority consent for the application on 22 October 2019. Further advice was received from a transport network perspective. It was stated:

This development is expected to have a significant impact on the traffic network, which will be particularly noticeable in the immediate vicinity of the site. The expected traffic generation for the site will be almost a 10% increase to traffic on Cimitiere Street, the main arterial east-west road through the city. Cimitiere Street is also likely to see an increase in traffic movements due to the University of Tasmania relocation to Inveresk.

However, there is currently sufficient capacity on Cimitiere Street to absorb the additional traffic from the proposed development, and only limited consideration should be given to future changes to the city. It is also likely that the net traffic generation for the site will be less than proposed in the Traffic Impact Assessment, because it does not appear to include the existing undercover parking use in the calculations.

The proposed development and its impact on the traffic network appears to be acceptable, but there should be thought put into the operation of the proposed hotel in order to minimise unnecessary vehicle trips and improve safety.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Upon final assessment of the proposal, the Council's traffic engineers have concluded that access changes should include the exit onto Cimitiere Street being made left-turn-only. A condition has been required to secure this objective.

Considering the traffic report provided by the applicant, as well as the Council's transport network assessment, and subject to the conditions imposed it is considered that the increase in vehicle traffic as a result of the proposal will not unreasonably impact on the efficiency of the road. The proposal therefore complies with the performance criteria.

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>
Not Applicable
<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>
Not Applicable
<p>P1 Any increase in vehicle traffic at an existing access across part of a rail network, must be safe and not unreasonably impact on the efficiency of the rail network, 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 use and frequency of the rail network; (d) any alternative access; (e) the need for the use; (f) any traffic impact assessment; and (g) any written advice received from the rail authority.
Not Applicable

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:</p> <ul style="list-style-type: none"> (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.
Not Applicable

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<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:</p> <ul style="list-style-type: none"> (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots. <p>A1.2 Buildings must be:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) the existing building; or (ii) an immediately adjacent building.
<p>Not Applicable</p>
<p>P1 The location of development, 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, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the proposed setback; (b) the existing setback of buildings on the site; (c) the frequency of use of the rail network; (d) the speed limit and traffic volume of the road; (e) any noise, vibration, light and air emissions from the rail network or road; (f) the nature of the road; (g) the nature of the development; (h) the need for the development; (i) any traffic impact assessment; (j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and (k) any written advice received from the rail or road authority.
<p>Not Applicable</p>

E4.6.2 Road accesses and junctions

<p>Objective: To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>
<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>A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Not Applicable
P1 For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (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; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.
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 proposal will include the relocation of two existing accesses, resulting in two new accesses along Cimitiere Street. As these accesses will allow for separate entry and exit, they comply with the acceptable solution. The William Street access will remain as is, and is proposed to be widened. Therefore, no further accesses are proposed than what already exist on site.
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: (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.
Not Applicable

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

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>P1 Level crossings must be safe and not unreasonably impact on the efficiency of the rail network, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the rail network; (c) the location of the level crossing; (d) any alternative access; (e) the need for the level crossing; (f) any traffic impact assessment; (g) any measures to prevent access to the rail network; and (h) any written advice received from the rail authority.
<p>Not Applicable</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</p>
<p>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 All sight distances for the new access locations comply with the requirements of the Safe Intersection Sight Distance shown in Table E4.6.4.</p>
<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the road or rail network; (c) any alternative access; (d) the need for the access, junction or level crossing; (e) any traffic impact assessment; (f) any measures to improve or maintain sight distance; and (g) any written advice received from the road or rail authority.
<p>Not Applicable</p>

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

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

Consistency with the code purpose has been achieved as the proposal ensures appropriate and safe car parking and access has been provided.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

Consistency with the objective has been achieved as the proposal ensures that an appropriate level of car parking is provided to meet the needs of the use.

A1 The number of car parking spaces must:

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

Relies on Performance Criteria

The site is located within the CBD Parking Exemption Area. Assessment against this parking precinct plan is undertaken under Clause E6.7.1.3, which requires no parking to be provided. However, as parking is being proposed, the development is unable to meet the acceptable solution contained within the parking precinct plan and as such unable to meet acceptable solution A1(d). Reliance on the performance criteria is sought.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<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 (h) the recommendations of any traffic impact assessment prepared for the proposal; or <p>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:</p> <ul style="list-style-type: none"> (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 <p>P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p>Complies</p> <p>The applicant provided a Traffic Impact Assessment to help in the assessment of the proposal. A more detailed assessment of car parking is provided under Clause E6.7.1.3</p> <p>Considering the criteria, there are three large public off-street car parking areas within walking distance of the site. Users of on-site car parking will have the ability to multi-share. The site is located within the Launceston central business district, which means frequent and available public transport. Sufficient car parking has been calculated for the use, and this has been reflected in four levels of parking. By maintaining parking on site, it will reduce the requirement for users of the site to park on the street.</p> <p>It is considered the proposal complies with the performance criteria.</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>Complies</p> <p>A total of three accessible car parking spaces have been provided in accordance with Part D3 of the National Construction Code 2014.</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

P2 No performance criteria.
Not Applicable

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>Consistent Consistency with the objective has been achieved as the proposal ensures that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p>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.</p>
<p>Relies on Performance Criteria</p>
<p>Table E6.1 requires the following amount of bicycle spaces for each use class.</p> <p><u>Visitor Accommodation:</u> No requirement</p> <p><u>Food Services:</u> Required: One space per 75m² gross floor area 524m² GFA/75m² = seven spaces</p> <p><u>General Retail and Hire:</u> Required: One space per 100m² of gross floor area 26m² GFA/100m² = No spaces required</p> <p><u>Community Meeting and Entertainment:</u> Required: One space per 50m² gross floor area or one space per 340 seats whichever is greater 590m²/50m² = 12 spaces 590 seats/40 = 15 spaces</p> <p>As the seating capacity requires a greater number of spaces, 15 bicycle spaces is the applicable standard.</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>Hotel Industry: Required: One space per 100m² of floor area available to the public</p> <p>250m² GFA/100m² = three spaces</p> <p>A total of 25 bicycle spaces are required to be provided. As only 12 bicycle spaces have been provided reliance on the performance criteria is required.</p>
<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the likely number and characteristics of users of the site and their opportunities and likely need to travel by bicycle; (b) the location of the site and the likely distance a cyclist needs to travel to reach the site; and (c) the availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
<p>Complies Again, the applicant provided a Traffic Impact Assessment that provided information relevant to the assessment of this clause. With regard to the criteria, facilities and uses such as the restaurant, function centre, and bar would be unlikely to attract many visitors who would arrive and depart by bicycle. It is, therefore, considered adequate that 12 bicycle spaces are provided, resulting in the proposals compliance against the performance criteria.</p>

E6.5.3 Taxi spaces

<p>Objective: To ensure that access for taxis is provided to meet the needs of the use.</p>
<p>Consistent</p> <p>A1 Except for dwellings in the General Residential zone, uses that require greater than 50 car spaces by Table E6.1 must provide one parking space for a taxi on site, with one additional taxi parking space provided for each additional 50 car parking spaces required.</p>
<p>Complies This clause relates to community meeting and entertainment, food services, general retail and hire, and hotel industry uses only (clause E6.2.3.3.). The total of these uses require 197 car parking spaces under Table E6.1. This results in four taxi spaces being required. These spaces are able to be accommodated within the porte-cochere.</p>

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>P1 Taxi parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the proposed use and development; (b) the availability and accessibility of taxi spaces on the road or in the vicinity; and (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.
<p>Not Applicable</p>

E6.5.4 Motorcycle parking

<p>Objective: To ensure that motorcycle parking is provided to meet the needs of the use.</p>
<p>Consistent Consistency with the objective has been achieved as the proposal ensures that motorcycle parking is provided to meet the needs of the use.</p>
<p>A1 Except for dwellings in the General Residential Zone, uses that require greater than 20 car parking spaces by Table E6.1 must provide one motorcycle parking space on site with one additional motorcycle parking space on site for each additional 20 car parking spaces required.</p>
<p>Relies on Performance Criteria This clause relates to food services, community meeting and entertainment, general retail and hire, and hotel industry uses only (Clause E6.2.3.4). The total of these uses require 197 car parking spaces under Table E6.1. This results in 10 motorcycle spaces being required. As only two spaces have been provided, reliance on the performance criteria is sought.</p>
<p>P1 Motorcycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the proposed use and development; (b) the availability and accessibility of motorcycle parking spaces on the road or in the vicinity; and (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.
<p>Complies Two motorcycle spaces have been provided. Whilst noting that there is a significant shortfall of motorcycle spaces, the development allows for 139 car parking spaces in total, in which can be multi-shared with motorcycles. As a significant amount of car parking has been provided, in order to provide for motorcycle spaces, some of these car spaces would have needed to be converted, resulting in a shortfall of car parking spaces. Considering the main use of the site is for visitor accommodation, a use that does not attract as many motorcycles are light vehicles and the fact motorcycles have the ability to share car spaces, it is considered there is sufficient parking to meet the needs of the use. The proposal complies with the performance criteria.</p>

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

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
A1 A loading bay must be provided for uses with a gross floor area greater than 1,000m ² in a single occupancy.
Not Applicable
P1 Adequate space for loading and unloading must be provided, having regard to: (a) the types of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the location of the site; (e) the nature of traffic in the surrounding area; (f) the area and dimensions of the site; and (g) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.
Not Applicable

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.
Complies All parking, access ways, manoeuvring and circulation spaces will have a gradient of less than 10%, will be formed and paved, able to drain to a reticulated stormwater service, and be line marked.
P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions, having regard to: (a) the nature of the use; (b) the topography of the land;

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<ul style="list-style-type: none"> (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.
<p>Not Applicable</p>

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>Consistent Consistency with the objective has been achieved as the proposal ensures that parking areas are 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>Relies on Performance Criteria</p>
<p>Car parking, access ways, manoeuvring and circulation spaces allow for vehicles to enter and exit the site in a forward direction, have combined access and manoeuvring widths not less than the requirements of Table E6.3, and have a virtual clearance of at least 2.1m. Further, accessible parking spaces are located closest to a main entry point as possible, and have been designed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>However, the width of vehicular access is 7m, which exceeds the minimum width of 5.5m by more than 10%, and parking spaces do not comply with the parking space requirements under table E6.2.</p> <p>As such, reliance on the performance criteria is sought.</p>
<p>P1 Car parking, access ways, manoeuvring and circulation spaces must be convenient, safe and efficient to use, having regard to:</p> <ul style="list-style-type: none"> (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.
<p>Complies</p> <p>Discretion is sought on vehicular access width and parking space dimensions. In particular, the parking spaces do not comply with the dimensions in Table E6.3. Notably, the width is below the minimum requirement for 90-degree parking.</p> <p>The car parking proposed for the development complies with the requirements of AS2890.1, for User Class 2, which is applicable for long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, and airport visitors. The submitted Traffic Impact Assessment has assessed the car parking area to meet the requirements of the performance criteria, in that the parking areas are convenient, safe, and efficient.</p> <p>The proposal complies with the performance criteria.</p>

E6.6.3 Pedestrian access

<p>Objective:</p> <p>To ensure pedestrian access is provided in a safe and convenient manner.</p>
<p>Consistent</p> <p>Consistency with the objective has been achieved as the proposal ensures pedestrian access is provided in a safe and convenient manner.</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

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>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.</p>
<p>Relies on Performance Criteria As a continuous footpath separated from access ways and parking aisles has not been provided, reliance on the performance criteria is sought.</p>
<p>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.</p>
<p>Complies The proposal is for a mixed-use development, predominantly being visitor accommodation. Included in this is a moderate car park located wholly within the site. The car park is consistent with hotel parking design, and allows for 139 spaces. Increasing the car park footprint for dedicated pedestrian pathways would increase the overall footprint unnecessarily, especially considering the low flow traffic. Disability parking has been provided in accordance with the standard and as close as possible to main entrances. Access is via a driveway off Cimitiere Street, which are well placed and clear for all road users. Therefore, safe pedestrian access has been provided and complies with the performance criteria.</p>

E6.6.4 Loading bays

<p>Objective: To ensure adequate access for goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</p>
<p>Not Applicable</p>
<p>A1 The area and dimensions of loading bays and access way areas must be designed in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.</p>
<p>Not Applicable</p>

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>P1 Loading bays must have area and dimensions suitable for the use, having regard to:</p> <ul style="list-style-type: none"> (a) the types of vehicles likely to use the site; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; and (e) the location of the site and nature of traffic.
<p>Not Applicable</p>
<p>A2 It must be demonstrated that the type of vehicles likely to use the site can enter, park and exit the site in a forward direction, without impact or conflicting with areas set aside for parking or landscaping, in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</p>
<p>Not Applicable</p>
<p>P2 Access for vehicles commercial vehicles to and from the site must be safe, having regard to:</p> <ul style="list-style-type: none"> (a) the types of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; (e) the location of the site and nature of traffic; (f) the effectiveness or efficiency of the surrounding road network; and (g) site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping.
<p>Not Applicable</p>

E6.6.5 Bicycle facilities

<p>Objective: To ensure that cyclists are provided with adequate facilities.</p>
<p>Consistent</p>
<p>A1 Uses that require five or more bicycle spaces by Table E6.1 must provide one shower and change room facility on site, with one additional shower and change room on site for each 10 additional bicycles spaces required.</p>
<p>Complies The development requires 18 bicycle spaces, requiring three shower and change rooms on site. These have been provided between the bicycle bay and staff lounge.</p>
<p>P1 Shower and change room facilities must be provided at adequate level to cater for the reasonable needs of cyclists, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the proposed use; (b) the existing network of cycle paths and bicycle lanes and other means of access to the site for cyclists; (c) the nature of the proposed use; (d) the number of employees; (e) the users of the site and the likelihood of travel by bicycle;

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

(f) whether there are facilities on the site for other reasons that could be used by cyclists; and
(g) the opportunity for sharing bicycle facilities on nearby sites.
Not Applicable

E6.6.6 Bicycle parking and storage facilities

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.
Consistent Consistency with the objective has been achieved as the proposal ensures that parking and storage facilities for bicycles are safe, secure and convenient.
A1 Bicycle parking and storage facilities for uses that require five or more bicycle spaces by Table E6.1 must: (a) be accessible from a road, cycle path, bicycle lane, shared path or access way; (b) be located within 50m from the main entrance; (c) be visible from the main entrance or otherwise signed; and (d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.
Relies on Performance Criteria As bicycle and storage facilities are not visible from the main entrance, reliance on the performance criteria is required.
P1 Bicycle parking and storage facilities must be provided in a safe, secure and convenient location, having regard to: (a) the accessibility to the site; (b) the characteristics of the site; (c) the nature of the proposed use; (d) the number of employees; (e) the users of the site and the likelihood of travel by bicycle; (f) the location and visibility of proposed parking storage facilities for bicycles; (g) the nature of the bicycle parking and storage facilities; (h) whether there are other parking and storage facilities on the site; and (i) the opportunity for sharing bicycle parking and storage facilities on nearby sites.
Complies Bicycle parking is accessible via a service access, and will primarily be used by employees of the site. Whilst the number of employees will vary, the provision of bicycle parking spaces is consistent with the scale and nature of the development. As the site is located in the CBD, there is opportunity for sharing bicycle parking within the surrounding area. The proposal therefore complies with the performance criteria.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>A2 Bicycle parking spaces must:</p> <ul style="list-style-type: none"> (a) have minimum dimensions of: <ul style="list-style-type: none"> (i) 1.7m in length; and (ii) 1.2m in height; and (iii) 0.7m in width at the handlebars; (b) have unobstructed access with a width of at least 2m and a gradient of no more 5% from a road, cycle path, bicycle lane, shared path or access way; and (c) include a rail or hoop to lock a bicycle to that meets AS 2890.3 1993 Parking facilities - Bicycle parking facilities.
<p>Complies Bicycle spaces will comply with all minimum dimensions and allow unobstructed access with a width of at least 2m and a gradient of no more 5% from a road, cycle path, bicycle lane, shared path or access way. The parking will be in accordance with 2890.3 1993 Parking facilities - Bicycle parking facilities.</p>
<p>P2 Bicycle parking spaces and access must be convenient, safe and efficient to use, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the space available; (c) the safety of cyclists; (d) the proposed measures to secure bicycles; and (e) the provisions of AS 2890.3 1993 Parking facilities - Bicycle parking facilities.
<p>Not Applicable E6.7.1.3 Local area provisions</p>
<p>Objective: To limit on-site car parking within the Launceston Central Business District Parking Exemption Area.</p>
<p>Consistent The proposal complies with the objective as the parking provided on site is necessary for the use to operate.</p>
<p>A1 On-site car parking is:</p> <ul style="list-style-type: none"> (a) not provided; or (b) not increased above existing parking numbers.
<p>Relies on Performance Criteria As on-site parking is provided, reliance on the performance criteria is required.</p>
<p>P1 On-site car parking must demonstrate:</p> <ul style="list-style-type: none"> (a) that it is necessary for the operation of the use; and (b) parking must not exceed the minimum provision required by Table E6.1.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>Complies</p> <p>The proposal has provided sufficient parking to meet the demands of the use. This has been supported by the Traffic Impact Statement which has determined that the parking has been provided as the number of spaces needed for the development would not be readily absorbed within the surrounding on-street and paid parking areas. In particular and as it was noted in the report, due to the predominant use of the site being a hotel for visitor accommodation, it could likely be expected that those guests who travel by vehicle will have luggage and need to be as close as practicable to the hotel, rather than parking off site. The proposal therefore meets P1(a).</p> <p>Table E6.1 requires the following amount of car parking spaces for each use class.</p> <p><u>Visitor Accommodation:</u> Required: One space per self-contained accommodation unit, allocated tent or caravan space, or one space per four beds, whichever is the greater.</p> <p>346 beds/4 = 87 spaces</p> <p><u>Food Services:</u> Required: One space per 15m² of gross floor area plus six queuing spaces for drive-through</p> <p>524m² GFA/15m² = 35 spaces</p> <p><u>General Retail and Hire:</u> Required: One space per 30m² of gross floor area</p> <p>26m² GFA/30m² = one space</p> <p><u>Community Meeting and Entertainment:</u> Required: One space per 20m² of floor area available to the public or one space per four seats, whichever is greater</p> <p>590m²/20m² = 30 spaces 590 seats/4 = 148 spaces</p> <p>As the seating capacity requires a greater number of spaces, 148 spaces is the applicable standard.</p>
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9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Hotel Industry:
 Required:
 One space per 20m² of floor area available to the public plus one space per bedroom plus six spaces for drive-in bottle shop.

250m² GFA/20m² = 13 spaces

Accordingly, 284 spaces are required in accordance with Table E6.1. The development is proposing 138 car parking spaces, which does not exceed the minimum provision under Table E6.1 and is, therefore, compliant with P1(b).

The proposal therefore complies with the performance criteria.

E11.0 Environmental Impacts and Attenuation Code

E11.1 The purpose of this provision is to:

- (a) ensure appropriate consideration of the potential for environmental harm or environmental nuisance in the location of sensitive uses; and
- (b) ensure the environmental impacts of new uses are eliminated, reduced or mitigated to avoid environmental harm or environmental nuisance.

Consistent
 Consistency with the code purpose has been achieved as the proposal ensures appropriate consideration of the potential for environmental harm or environmental nuisance in the location of sensitive uses is mitigated.

E11.6 Use Standards

E11.6.1 Attenuation distances

Objective:
 To ensure that potentially incompatible uses are separated by a distance sufficient to mitigate any adverse effects.

Consistent
 Consistency with the objective has been achieved as the proposal ensures that potentially incompatible uses are separated by a distance sufficient to mitigate any adverse effects.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Sensitive use or subdivision for sensitive uses within an attenuation area to an existing activity listed in Tables E11.1 and E11.2 or a buffer area shown on the planning scheme overlay maps, must demonstrate that there will be no environmental nuisance or environmental harm, having regard to:

- (a) a site-specific study that considers:
 - (i) the degree of encroachment;
 - (ii) the location of the boundaries of the site of the sensitive use or subdivision;

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<ul style="list-style-type: none"> (iii) the location of the sensitive use; (iv) the location of the boundaries of the site on which the activity is located; (v) the location of the area on which the activity is undertaken; (vi) the nature of the activity being protected by the attenuation area or buffer area; (vii) the degree of hazard or pollution that may emanate from the activity; and (viii) the measures within the use to mitigate impacts of the activity on the sensitive use; and <ul style="list-style-type: none"> (b) any advice provided in writing from the owner or operator of the activity; and (c) any advice provided in writing by the Director of the Environment Protection Authority.
<p>Complies</p>
<p>Visitor Accommodation is considered to be a sensitive use. To assist in the assessment of this code the applicant provided an Attenuation Code Assessment prepared by NVC Noise Vibration Consulting.</p> <p>The report identified two activities listed in Table E11.1, being the Tasmanian Flour Mills (Flour Mills use) and Glasgow Engineering (Metal Fabrication use). The flour mill requires a 300m setback however is 193m from the site, whilst the metal fabrication requires a 500m setback, however, is only 371m from the site. The submitted report provides a site-specific study that considers the performance criteria. In particular it looked at how each use operates and their degrees of encroachment, distance from the proposal, the surrounding area, nature hazard or pollution, and mitigating measures. In particular and due to the fairly large separation distances, the report focused on noise concerns. It summarised:</p> <ul style="list-style-type: none"> • The engineering workshop activities were generally inaudible at its boundaries. The dominant noise was traffic on adjacent streets, some construction noise from Jacksons Motors and occasional workshop noise from Jackson Motors. • The flour mill was audible around its boundaries due to two fans. Based on the boundary measurements the combined sound power of the fans is 98dBA, the fans taken as point sources radiating spherically into the environment. Assessing the fan noise according to the Tasmanian Noise Measurements Procedure Manual, the flour mill noise is not tonal. • Using the determined sound power level, the fans noise at the boundary of 136 Cimitiere Street is 38dBA. This is 14dB below the daytime background and 4dB above the night time background. For other zones the Launceston Interim Planning schemes typically applies a use standard for noise of L90+5 at a sensitive use. In this instance a night time criteria of 39dBA is indicated. The fan noise is below this level. • At the development neither the flour mill nor metal fabrication works were audible. Traffic noise was dominant with some construction noise from an adjacent site on Cimitiere Street.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

- At the development, the sensitive uses are internal to the building. Neither the flour mill nor metal fabrication works will be audible internally.

It concluded that these uses will not cause environmental nuisance or harm to the proposed development, meeting the requirements of the performance criteria.

A2 Activities listed in Tables E11.1 and E11.2 must be set back the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity from:

- any existing sensitive use; or
- a boundary to the General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living, Urban Mixed Use, Village, Local Business, General Business, Central Business, Commercial and Major Tourism zones.

Not Applicable

P2 Activities listed in Tables E11.1 and E11.2 must demonstrate that there will be no environmental nuisance or environmental harm, having regard to a site-specific study that has regard to:

- the degree of encroachment;
- the nature of the activity being protected by the attenuation area;
- the degree of hazard or pollution that may emanate from the activity;
- the location of the boundaries of the site on which the activity is proposed to be undertaken;
- the location of the activity with the potential to create environmental harm or nuisance;
- the location of any existing sensitive uses;
- the location of a boundary to the General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living, Urban Mixed Use, Village, Local Business, General Business, Central Business, Commercial and Major Tourism zones; and
- whether any land is to be irrigated by effluent.

Not Applicable

E11.7 Development Standards

Not used in this Scheme.

E13.0 Local Historic Cultural Heritage Code

E13.1 The purpose of this provision is to:

- protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts;
- encourage and facilitate the continued use of these places;
- encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and
- ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the historic cultural heritage significance of the places and their settings.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Consistent

Heritage listings cover the following properties:

- 136 Cimitiere Street being the Rankin and Bond Factory
- 116-128 Cimitiere Street being the former Harrap's warehouse and the hotel on the corner of William and Tamar Streets.

The application contains an extensive and comprehensive conservation management plan for the site, prepared by a qualified and experienced heritage practitioner. This document has been prepared to support both assessment under the planning scheme and the *Historic Cultural Heritage Act*.

The document reviews the history of development on the site and establish the significance of the elements. The local listings within the scheme are not supported by statement of significance. For the purposes of assessment of this code the significance identified in the report has been adopted. In addition a series of conservation policy objectives have been developed to guide assessment of the proposal against the identified significance.

The report concludes that the proposed development can proceed without unreasonable impact on the significance of the buildings.

This assessment has been used as a primary guide to the planning scheme assessment.

These properties are also listed at a State level and has been subject to assessment under the *Historic Cultural Heritage Act*. The Tasmanian Heritage Council has determined that the impact of the proposal on the heritage significance of the place as generally acceptable and has issued a permit allowing the works subject to a number of conditions (see Notice of Decision in Attachment 5).

E13.6 Development Standards

E13.6.1 Demolition

Objective:

To ensure that the demolition or removal of buildings and structures does not impact on the historic cultural heritage significance of local heritage places and their setting.

Consistent

The proposed demolition on heritage listed sites is in the following areas:

- the rear of the conference centre
- the single storey Harrap's warehouse element with the exception of the façade
- the rear elements of the Rankin and Bond factory
- elements of rear of the existing hotel building.

The conservation management plan concludes the impact is acceptable.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

A1 No acceptable solution.
Relies on Performance Criteria
<p>P1 Buildings or parts of buildings and structures may be demolished, provided there is no unreasonable impact on the historic cultural heritage significance of the local heritage place and setting, having regard to:</p> <ul style="list-style-type: none"> (a) the physical condition of the local heritage place; (b) the extent and rate of deterioration of the building or structure; (c) the safety of the building or structure; (d) the streetscape or setting in which the building or structure is located; (e) the cultural heritage values of the local heritage place; (f) the need for the development; (g) any options to reduce or mitigate deterioration; (h) whether demolition is the most reasonable option to secure the long-term future of a building or structure; and (i) any overriding economic considerations.
<p>Complies</p> <ul style="list-style-type: none"> (a) the physical condition of the local heritage place; (b) the extent and rate of deterioration of the building or structure; (c) the safety of the building or structure; <p>It is assessed that none of the fabric to be demolished is in a very poor physical condition, significantly deteriorating, or unsafe. The Harrap's building and the Rankin & Bond building are showing signs of dilapidation and could deteriorate should a productive future not be identified.</p> <ul style="list-style-type: none"> (d) the streetscape or setting in which the building or structure is located; <p>The proposal retains all street facing elements of the buildings and the impact of the demolition on the setting and streetscape will be minimal</p> <ul style="list-style-type: none"> (e) the cultural heritage values of the local heritage place; <p>All elements to be demolished, with exception of the rear of the hotel, have been assessed as low significance and capable of removal without unacceptable impact on significance.</p> <p>The hotel has some significance which may be impacted on by the need for removal. It is ultimately however concluded that in order for the hotel to provide a contemporary standard of accommodation and secure a long term use alterations need to be made and some loss of fabric is necessary. It is assessed that this has been minimised to the extent necessary and as such detriment to the heritage values of the place have been minimised.</p>

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

(f) the need for the development;

In order to facilitate the development of the proposed hotel on this currently occupied site some interventions into the existing fabric are necessary. Largely these are contained to low significance elements. The demolition related to the hotel allows the existing building modified to facilitate a modern form of hotel facility. Ultimately this will bring the premises up to a modern standards and secure its future.

(g) any options to reduce or mitigate deterioration;

The elements to be demolished have been reduced to the minimum necessary to facilitate the development.

(h) whether demolition is the most reasonable option to secure the long-term future of a building or structure; and

Two of the heritage listed buildings are vacant and showing early signs of dilapidation, including graffiti, smashed glass and peeling paint. The double storey Harrap's warehouse building and Rankin & Bond have been vacant for some time. The proposal will secure their future and essentially reverse deterioration. There may be other feasible or reasonable options but these have not emerged over the past 10 years, leaving this proposal the most reasonable option.

(i) any overriding economic considerations.

There are no overriding economic considerations identified.

E13.6.2 Maintenance and repair

Objective:

To ensure that maintenance and repair of heritage buildings are constructed and undertaken to be sympathetic to and not detract from the historic cultural heritage significance of local heritage places.

Consistent

The detail of all works on heritage fabric will be managed by Heritage Tasmania under the terms of the permit they have issued.

A1 New materials and finishes match or are similar to the materials and finishes that are being replaced.

Complies

The information provided with the application suggest that the material selected are appropriate for the site. The Tasmanian Heritage Council works permit contains detailed conditions relating to materials and compliance with works guidelines.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

P1 No performance criteria.
Not applicable

E13.6.3 Lot size and dimensions and frontage

Objective: To ensure that subdivision does not impact on the historic cultural heritage significance of local heritage places and their settings.
Not Applicable
A1 No acceptable solution.
Not Applicable
P1 Subdivision must not unreasonably impact on the historic cultural heritage significance of local heritage places or their settings, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the historic development pattern of the area; (c) the separation of buildings or structures from their original setting; (d) the lot sizes, dimensions, frontage, access and orientation; (e) the suitability of the proposed lots for their intended uses; and (f) the removal of vegetation, significant trees or garden settings.
Not Applicable

E13.6.4 Site coverage

Objective: To ensure that site coverage is compatible with the historic cultural heritage significance of local heritage places.
Consistent
A1 No acceptable solution.
Relies on Performance Criteria
P1 The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to: (a) the topography of the site; (b) the cultural heritage values of the local heritage place and setting; (c) the site coverage of buildings on sites in the surrounding area; and (d) the pattern of development in the surrounding area.
Complies
The site coverage of the hotel largely replicates that existing. The infill portion of development to the Tamar Street frontage replaces a building demolished in the 1970s and re-instates a historical form.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The historical pattern of site coverage within the immediate area is high, in line with its urban location. Generally buildings cover the full site area with the exception of land used for access or outdoor storage. Where sites have low site coverage this often where buildings have been demolished and not replaced.

The retention of the courtyard to the rear of the hotel is appropriate as it allow the original form of development to be understood and preserves the relationship between stables and hotel reducing impact on significance.

E13.6.5 Height and bulk of buildings

Objective: To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.
Consistent The design has been carefully developed to enable the new forms and the existing buildings to co-exist across the site.
A1 No acceptable solution.
Relies on Performance Criteria
P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the character and appearance of the existing building or place; (c) the height and bulk of other buildings in the surrounding area; (d) the historic cultural heritage significance of adjacent places; and (e) the streetscape.
Complies
The proposal has been granted a permit by the Tasmanian Heritage Council and has been assessed as being capable of proceeding without having a significant impact on the cultural heritage significance of the place.
The proposal retains all significant street facing fabric allowing the original buildings and heritage elements to maintain their dominant position in the streetscape, particularly when viewed from street level in the vicinity of the site.
The larger elements are set back from the key historic elements of the existing hotel and double storey Harrap's warehouse preserving their position in the streetscape.
The apparent height of the taller elements is mitigated by the design choices and arrangement of bulk and form, particularly is massing toward the centre of the site.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

There are no immediately adjoining heritage places to the subject site. The Albert Hall and the Boags Brewery complex are the closest listed properties, these are both significantly large and bulky buildings with footprints considerably larger than that proposed by the hotel.

As discussed in previous sections it is considered that the character of the area is such that it has a high capacity to accept change and still retain its essential qualities, particularly where significant street scape elements are left in situ.

E13.6.6 Site of buildings and structure

Objective: To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.
Consistent
A1 No acceptable solution.
Relies on Performance Criteria
P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the topography of the site; (c) the size, shape, and orientation of the lot; (d) the setbacks of other buildings in the surrounding area; (e) the historic cultural heritage significance of adjacent places; and (f) the streetscape.
Complies The siting of buildings relates to relative location of new works and their relationship to the heritage listed elements. The majority of the existing buildings on the site are built to their relative street frontages. This is the traditional orientation of buildings and accords with the heritage significance of the site and the broader riverside industrial area. This is being maintained and strengthened in the proposed development. The courtyard between the existing hotel and stables is being maintained allowing the historic relationship to continue to be read. The key bulk proposed for the site is set back from the Tamar Street frontage by a distance of 15m which allow the double storey Harrap's warehouse to retain its prominence on the corner, particularly when viewed along Tamar Street.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

E13.6.7 Fences

Objective: To ensure that fences are compatible with the historic cultural heritage significance of local heritage places and their setting.
Consistent It is considered the proposal complies with the objective as the development ensure that fences are compatible with the historic cultural heritage significance of local heritage places and their setting.
A1 New fences must be designed and constructed to match existing original fences on the site.
Relies on Performance Criteria
P1 New fences must be compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the architectural style of the dominant building on the site; (c) the dominant fencing style in the setting; and (d) the original or previous fences on the site.
Complies The proposed new fencing is of a black posted style, measuring 2.3m high, with a same style gate measuring 3m, located along the William Street entrance. The fencing is not considered detrimental to the heritage values of the place and is similar to what is existing, which has not historical significance. The proposal therefore complies with the performance criteria.

E13.6.8 Roof form and materials

Objective: To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.
Consistent
A1 No acceptable solution.
Relies on Performance Criteria
P1 Roof form and materials are compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the design, period of construction and materials of the dominant building on the site; (c) the dominant roofing style and materials in the setting; and (d) the streetscape.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Complies
 Where buildings are proposed to be retained, their original roof forms are also largely proposed to remain, outside of that new roofs take a variety of forms and are largely not visible and hidden behind parapets. Typically low pitched and metal clad roofs are proposed.

The roof forms proposed for new buildings and their design to be located behind parapets raises no concerns from a heritage significance perspective. It is not considered desirable/necessary to mimic historic roof forms in new elements on the site.

The retention of existing roofs for retained structures maintains the heritage fabric and significance, particularly where they can be seen from public viewpoints such as the roof of the former billiard room when viewed from William Street.

E13.6.9 Wall materials

Objective:
 To ensure that wall materials are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent

A1 No acceptable solution.

Relies on Performance Criteria

P1 Wall material for buildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:
 (a) the cultural heritage values of the local heritage place and setting;
 (b) the design, period of construction and materials of the dominant building on the site;
 (c) the dominant wall materials in the setting; and
 (d) the streetscape.

Complies
 The conservation management plan indicates that the impact of new wall materials on heritage significance will be minimal. The proposal has chosen a pallet of materials that reference the surrounding industrial character.

These are assessed as being broadly complementary to the area and the exciting site structure.

A variety of materials have been chosen to assist in breaking up the visual bulk of the building and to assist elements (of different heights and setbacks) to be read differently.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

E13.6.10 Outbuildings and structures

<p>Objective: To ensure that the siting of outbuildings and structures are compatible with the historic heritage significance of local heritage places and their settings.</p>
<p>Not Applicable</p>
<p>A1 Outbuildings and structures must:</p> <ul style="list-style-type: none"> (a) not be located in the front setback; (b) not visible from any road, or public park or reserve; (c) have no side longer than 3m; (d) have a gross floor area less than 9m² and a combined total area not exceeding 20m²; (e) have a maximum height less than 2.4m above natural ground level; (f) not have a maximum change of level as a result of cut or fill of greater than 1m; and (g) not encroach on any service easement or be located within 1m of any underground service.
<p>Not Applicable</p>
<p>P1 Outbuildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the location of existing infrastructure services; (c) the bulk, form and size of buildings on the site; (d) the bulk, form and size of the outbuilding or structure; (e) the external materials, finishes and decoration of the outbuilding or structure; and (f) the visibility of the outbuilding or structure from any road, public park or reserve.
<p>Not Applicable</p>

E13.6.11 Driveways and parking

<p>Objective: To ensure that driveways and parking are compatible with the historic heritage significance of local heritage places and their settings.</p>
<p>Consistent</p>
<p>A1 Car parking areas for non-residential purposes must be located behind the primary buildings on the site.</p>
<p>Complies The main new hotel building accessed off Cimitiere Street will have all parking elements within the structure as such this is assessed as meeting the acceptable solution. This is the most appropriate location for parking and best respects the character and setting of the area.</p> <p>The refurbished hotel will have some parking in the courtyard behind the hotel in-between the hotel and the stables. This is a traditional location for vehicles to access the site and is the limited provision in this area is not considered to detract from the significance of the site or setting.</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>P1 Driveways and car parking areas for non-residential purposes must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the loss of any building fabric; (c) the removal of gardens or vegetated areas; (d) parking availability in the surrounding area; (e) vehicle and pedestrian traffic safety; and (f) the streetscape.
<p>Not applicable</p>

E13.6.12 Tree and vegetation removal

<p>Objective: To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not impact on the historic heritage significance of local heritage places and their settings.</p>
<p>Not applicable</p>
<p>A1 No acceptable solution.</p>
<p>Not applicable</p>
<p>P1 The removal, destruction or lopping of trees or the removal of vegetation must not unreasonably impact on the historic cultural heritage significance of a local heritage place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the age and condition of the tree or vegetation; (c) the size and form of the tree or vegetation; (d) the importance of the tree or vegetation to the historic cultural heritage significance of a local heritage place or its setting; and (e) whether the tree or vegetation is located within a garden that is listed as a local heritage place.
<p>Not applicable</p>

E13.6.13 Signage

<p>Objective: To ensure that signage is compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent Consistency with the objective has been achieved as the proposal ensures that signage is compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>A1 No more than one sign, not greater than 0.2m², identifying the use, heritage significance, and the name and occupation of the owners of the property.</p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>Relies on Performance Criteria As the proposed 'Hotel' sign exceeds 0.2m², reliance on the performance criteria is required.</p>
<p>P1 New signs must be compatible with the historic cultural heritage of the local heritage place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the size and location of the proposed sign; (c) the area and location of existing signage on the site; (d) the period details, windows, doors and other architectural details of the building; (e) any destruction, removal or concealment of heritage fabric through attaching signage; and (f) the streetscape.
<p>Complies Only a single sign is proposed as part of this application. The sign reading HOTEL, will not be illuminated, and will be located facing Cimitiere Street in the Hotel Plaza entrance. It will measure approximately 7.4m in length and 1m in height.</p> <p>The sign will be constructed over the pedestrian entrance along Cimitiere Street. It will be built upon the existing single storey warehouse wall facing the road. This is considered to be an appropriate location as historically it would have been a traditional location for such a sign.</p> <p>Therefore, it is considered the proposal complies with the performance criteria.</p>

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets Network	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	Conditional approval with recommended conditions.
Building and Plumbing	Standard notes recommended for the permit

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

REFERRAL	COMMENTS
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA TWDA 2019/01460-LCC, 16/10/2019
DSG	N/A
TasFire	N/A
Tas Heritage Council	Notice of Heritage Decision, File Nos. 15-01-46THC, 09-20-23THC, 15-08-55THC, dated 23 April 2020. Consent granted subject to conditions.
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	Notified. No comment.

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993* (LUPAA), the application was advertised for a 14 day period from 14 March 2020 to 30 March 2020.

Upon public request and considering the COVID-19 pandemic, pursuant to section 57(5) of LUPAA, the advertising period was extended for a further 14 days (28 days total), until the 15 April 2020.

Sixty representations were received.

A hard copy of the application documents were available to be viewed at Council Offices from 14 March until the 15 April 2020 and were also available online. Following closure of the Customer Service Centre to the public on 25 March 2020, all documents were still available online, and were still available to be viewed in hard copy upon request at the Council offices.

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.

- 9.1 **116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)**

<p>Issue 1: Heritage How can buildings on the heritage register can be demolished? The design is not sympathetic to the heritage nature of the site. It would be doubtful that the Tasmanian Heritage Council would agree to the proposal. The Heritage Impact Assessment seems to state that the proposal is not always consistent with heritage values. The proposal has not respected the surrounding heritage. It has not attempted to replicate any surrounding heritage features. The historic buildings on site and registered on the state register should not be altered. There is particular concern around the modification of the Clarion Hotel (demolition) and the modification of the facade of the single storey section of the Harrap's warehouse.</p>
<p><i>Response 1:</i> <i>A detailed conservation management plan has been prepared for the site attributing significance to various elements of the site and developing design guidance policies to ensure that as far as possible elements of higher significance are retained within the design.</i></p> <p><i>Demolition assessment is set out within Clause 13.6.1 of E13.0 Local Historic Cultural Heritage Code. This assessment considers how the design has responded to the heritage significance of the site.</i></p> <p><i>Further, as the site is located on the state heritage register, the Tasmanian Heritage Council (THC) is required to consider the impacts of the proposal on heritage significance. The works have been considered acceptable and a permit for the works has been issued.</i></p> <p><i>Conditions have been applied by the THC to ensure impacts on particular features, for example the façade of the single storey Harrap's warehouse are acceptable.</i></p> <p><i>It is sometimes necessary to make changes to heritage listed sites in order to secure their long term future. Refurbishment and integration of these heritage assets into a high standard contemporary development is likely to secure their long term future.</i></p>
<p>Issue 2: Design choices The building could have been designed to a better standard to fit in with the surrounding area. It is not up to 20th century urban design standards. Launceston does not want to be like every other big city with their skyscrapers. Launceston should remain low-density with its heritage streetscape intact.</p>
<p><i>Response 2:</i> <i>Debates about the merits of architecture will always be present particularly with larger or more prominent buildings. People are entitled to their own opinion. The planning authority applies a structured assessment framework to consider development proposals is less open to personal likes or dislikes.</i></p>

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>Issue 3: Height and bulk The building is too high. It breaches the height restrictions. It is more than 3 times the maximum 12m height under the acceptable solution. The height is almost double that of the Verge Hotel. The proposal does not adhere to the acceptable solution height of 12m and is therefore not compliant with the planning scheme. The height study prepared by the applicant is largely irrelevant as it fails to include all buildings in the streetscape. It is too bulky. The bulk and form will dominate the Launceston skyline and the streetscape. The design has not taken into consideration its context and is completely inappropriate. It would be the single largest building in Launceston. Centring the taller tower in the middle of the site does not mitigate its overall height, which will still be clearly apparent from all vistas.</p>
<p><i>Response 3:</i> <i>The planning scheme provides a structured methodology to assess the impacts of height on the character of the surrounding area and the streetscape.</i></p> <p><i>Appropriateness of buildings cannot be simply assessed as a direct comparison to other buildings. The scheme provides a framework of multiple factors to have regard to. This assessment concludes it is open to the planning authority to consider the height appropriate.</i></p> <p><i>When interpreting the scheme, there no requirement to meet the acceptable solution where a performance solution has been provided. The applicant in this case has chosen to follow a performance solution pathway for height. It is generally not appropriate to assess the performance solution with reference to the acceptable solution.</i></p>
<p>Issue 4: Misleading images The marketing graphics are misleading. The 3D images are void of such things like street lights and electricity lines, allowing only an image the developer wants the public to see, not what it will actually look like.</p>
<p><i>Response 4:</i> <i>The marketing images were a representation of the proposal that gave assessing officers a 3D view of the proposal. Whilst noting that some infrastructure is not on these plans, the plans were submitted to understand the scope of development.</i></p>
<p>Issue 5: Economic impact The proposal will not contribute to the local economy long term. Whilst it will initially, it will eventually fade out. The proposal may very well end up a white elephant as no developer would want to construct during this health climate and uncertainty, especially of overseas visitors. The 290 rooms is disproportionate to the industry setting in Launceston and will have a long term detrimental impact on the industry. Local investors will no longer want to invest. Whilst it may lead to construction jobs, there will be an oversupply of hotel rooms in the city.</p>
<p><i>Response 5:</i></p>

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The planning scheme does not have any specific provisions that address local economy. It can be assumed, however, that if a developer is willing to invest \$50 million dollars into a proposal, that they have undertaken their own due diligence regarding the successful operation of the use.

The proposal is directly in line with the Council's strategic intent to attract a 5-star hotel to the City, to meet a documented gap in the tourism market, to enhance Launceston's attractiveness as a destination and to ensure it provides a contemporary offering for visitors.

Issue 6: Precedent

If approved it will set a precedent for future developers to bypass the planning scheme and encourage taller buildings.

Response 6:

The proposal is not by-passing the Planning Scheme. The scheme as it is currently written allows for higher buildings to be assessed through discretion.

Planning decisions do not create precedent. Each application needs to be assessed on its merits under the planning scheme.

Issue 7: Overshadowing

Due to its height and bulk, there will be a considerable amount of overshadowing on adjacent properties. The impact on 50 Tamar Street (Verge Hotel) and Albert Hall will be unacceptable. The shadow study finishes too early at 3.00pm, to provide a comprehensive analysis. Late afternoon shadow on Albert Hall has not been provided.

Response 7:

In this zone the impact of shadow is assessed by determining what is reasonable. The plans provided were sufficient to assess the impact overshadowing will have on surrounding properties.

On 21 June, the Verge Hotel will not be in shadow until 12.00pm, meaning it will have full sunlight for at least three hours beginning at 9.00am. The main east and west facades where the majority of the room windows faces will be impacted minimally.

The Albert Hall will not be in shadow from the proposed building until after 3.00pm, on the shortest day of the year, meaning it will have more than six hours of sunlight.

Issue 8: Covid-19 impact

The application should have been placed on hold during the declaration of a national and state disaster. Two weeks was not sufficient time to advertise the development. The application documents were not available for viewing during public notification. In particular, there were issues accessing the files online, and the hard file could not be viewed when the customer service centre was shut down. Therefore, the proposal was not advertised correctly and any decision will be invalid.

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

Response 8:

Assessment of planning applications is guided by the planning scheme and governed by the Land Use Planning and Approvals Act 1993. This Act outlines timeframes for the assessment. There was, and continues to be, no direction to place any application on hold.

A hard copy of the application documents were available to be viewed at the Council's offices from 14 March until the 15 April 2020, and were also available online. Due to COVID-19, the Council closed its Customer Service Centre to the public on 25 March 2020. Notwithstanding, all documents were still available online, and were still available to be viewed in hard copy upon request at the Council's offices.

Documents were largely available on line except for minor periods where technical issues limited the availability of a limited number of documents. Issues were rectified as soon as the Council became aware of them.

During the entirety of the public notification, only one representor requested to view the application documents in hard format.

Pursuant to section 57(5) of LUPAA, the advertising period was extended for a further 14 days, resulting in the application being advertised for a total of 28 days. Twenty-eight days is the maximum possible time an application can be advertised for under the legislation.

Issue 9: Footpaths

Footpaths along Cimitiere and Tamar Streets are shallow. How could these pedestrian footpaths cater for people using the site, especially a conference centre?

Response 9:

The footpaths have an average width of 2.6m, which is considered sufficient to cater for pedestrians.

Issue 10: Parking

Stating no parking is required is meaningless. Launceston has a poor transport system and people will need to park somewhere.

Response 10:

The site is located within the CBD exemption zone. The proposal, however, provides for 139 car parking spaces, which is considered sufficient for the uses. The planning scheme CBD exemption area provision seeks to strike a balance between allowing a reasonable level of parking to ensure functional development, but not requiring so much that it cements car dependency and creates poor urban design outcomes.

- 9.1 **116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)**

<p>Issue 11: Building heights study Launceston CBD Building Height and Massing Study Report. The proposal does not confine to the suggestions within this report. Why has this report not been considered?</p>
<p><i>Response 11:</i> <i>The building heights study is under development but revised planning provisions have not yet been endorsed by Council for inclusion into the planning scheme. For this reason it cannot be taken into account in decision making.</i></p>
<p>Issue 12: Impact on services There will be a greater impact on services (sewerage, stormwater and water) and the system might not be able to cope.</p>
<p><i>Response 12:</i> <i>The proposal was referred to TasWater who maintains sewer and water services, and internally referred to the Council's Infrastructure and Assets Network who look after stormwater. Both referrals accepted the proposals ability to cater for services.</i></p>
<p>Issue 13: Tourism Tourists are attracted to the city because of its natural beauty, river, low buildings and heritage value.</p>
<p><i>Response 13:</i> <i>All the important assets in Launceston such as the Gorge, the river, the heritage assets and parks will still be present if the hotel is approved.</i></p> <p><i>The addition of a contemporary high standard hotel is likely to make Launceston more attractive as a destination in line with the Council's economic development strategy objectives.</i></p> <p><i>This assessment concludes that the Launceston urban form, in particular the riverside industrial areas have the capacity to accept the addition of a further taller built element in the form proposed and retain their essential character.</i></p>
<p>Issue 14: Noise There will be noise complaints as the site is located along Cimitiere and William Streets which carry heavy trucks through the city and into Boags Brewery. Further, users of the hotel would have to put up with the smell from Boags.</p>
<p><i>Response 14:</i> <i>The applicant provided a noise report as well as a report addressing the attenuation code. The noise report concluded that nearby sensitive uses will not be unreasonably impacted on by the use occurring, nor will the visitor accommodation aspect of the use be unreasonably impacted on by the nearby traffic. Further, whilst acknowledging the proximity of Boags Brewery, its proximity to the use is not a consideration under Code E11.0 Environmental Impacts and Attenuation Code.</i></p>

- 9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>Issue 15: Gorge Hotel decision The Gorge Hotel tribunal decision set a number of definitions and assessments that apply to this site. This includes its apparent height when viewed from roads and public places. The proposal does not meet the definitions as determined within the Gorge Hotel appeal.</p>
<p><i>Response 15:</i> <i>The tribunal decision of the Gorge Hotel, assisted in the interpretation of the meaning of certain words in the planning scheme.</i></p> <p><i>The fact that it ultimately determined that the Gorge Hotel was not capable of approval should not be used simplistically and out of context, to guide assessment of a different application, in a different context, with different attributes.</i></p> <p><i>The definitions have been taken into consideration in the assessment of this application.</i></p>
<p>Issue 16: Traffic The proposal will generate a huge increase in traffic, of which the surrounding roads will not be able to cope. Cimitiere Street is a transport corridor and heavy vehicles utilise and operate from the street. There are potential safety concerns that flow on from this for both vehicles and pedestrians. The road authority have not provided any written advice relative to the TIA and as such does not meet the performance criteria under E6.7.1.3.</p>
<p><i>Response 16:</i> <i>An assessment of the traffic impacts has been undertaken through Code E4.0 Road and Railway Assets Code. Further, the applicant provided a traffic impact assessment to better understand the impacts the use will have in terms of traffic increase. It has been determined that the surrounding road network will be able to cope with the proposed traffic generation from the use.</i></p> <p><i>The road authority provided internal advice. Further, if they had not, that does not mean the proposal does not meet the performance criteria, as assessment only needs to consider any advice.</i></p>
<p>Issue 17: TasNetworks' permission TasNetworks did not provide any declaration as land owners and TasNetworks were not notified of the application. As such, the proposal fails S.52(1) of LUPAA and should be refused.</p>
<p><i>Response 17:</i> <i>TasNetworks was not required to provide a declaration. The applicant has declared that all owners have been notified.</i></p>

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>Issue 18: Contamination The Potentially Contaminated Land Code has not been addressed adequately. The provided Environmental Site Assessment does not meet the definition under the Scheme. The Performance Criteria cannot be addressed within the Phase 2 ESA/DSI.</p>
<p><i>Response 18:</i> <i>The applicant provided reports to address the code. These included a preliminary site investigation, which included reviewing historical data, undertaking a physical site inspection, and reviewing laboratory analyses of samples. An environmental site assessment was also provided. The conclusion of this report was that the contamination assessment should be taken in two phases, with phase 1 already complete. It further concluded that the site will be suitable for its intended use subject to the second phase assessment, or following implemented remediation and protection measures, it is assessed as no unacceptable risk.</i></p> <p><i>The environmental site assessment was prepared by a suitably qualified person and was deemed to meet the performance criteria of both Clause E2.5.1 and E2.6.2.</i></p>
<p>Issue 19: Wind impacts The wind tunnel that the building will create will have a negative effect on pedestrians. The high-rise development has the potential to aggravate the environmental conditions of urban areas. This includes increase in temperatures, wind tunnels, and pollution.</p>
<p><i>Response 19:</i> <i>Environmental conditions such as temperature, wind, and pollution are not a planning consideration under the provisions of the current planning scheme.</i></p> <p><i>Notwithstanding the applicant has submitted an assessment which will be considered to the extent possible.</i></p>
<p>Issue 20: Archaeological potential Archaeological potential has been identified. Any development must ensure that this is investigated and protected.</p>
<p><i>Response 20:</i> <i>The THC has recommended a condition that an archaeological method statement must be implemented and a report detailing the findings submitted to the THC to ensure any archaeological findings are noted and discussed.</i></p> <p><i>The Council has not yet developed a register of sites of archaeological importance at a local level.</i></p>

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

<p>Issue 21: Albert hall impact Albert Hall will become overwhelmed by the sheer height and size of the proposal.</p>
<p><i>Response 21:</i> <i>The location of the Albert Hall is diagonally opposite the proposed hotel at over 50m from the higher elements. Given the relative locations it is not considered an inappropriate relationship.</i></p>
<p>Issue 22: Subdivision The proposal has not addressed any subdivision clauses and it is unlikely that adhering the titles could be considered.</p>
<p><i>Response 22:</i> <i>Subdivision does not form part of the proposal.</i></p>
<p>Issue 23: Seismic activity and flooding Environmental hazards such as flooding and seismic activity have not been addressed and a reassessment of environmental hazards is warranted.</p>
<p><i>Response 23:</i> <i>Flooding and seismic activity are not considerations of the planning scheme and as such have not been addressed.</i></p> <p><i>Further, it is noted that updated flood modelling has been undertaken which differs from the current modelling, however this modelling does not form part of the scheme and therefore cannot be addressed within the confinements of the scheme.</i></p> <p><i>Seismic activity has been considered numerous times in assessments of significant buildings in Launceston. It is now accepted that this is a matter that is properly left to the engineers at the time of detailed design.</i></p> <p><i>There is no evidence that seismic activity in Launceston cannot be dealt with by standard engineering practices.</i></p>
<p>Issue 24: Energy efficiency Such a proposal should be at least 20% self-sufficient in terms of energy.</p>
<p><i>Response 24:</i> <i>Energy self-sufficiency is not currently a planning consideration and cannot be addressed.</i></p>

6. CONCLUSION

Over the past years the City has experienced a period of growth, optimism and relative economic prosperity, this is reflected in the scale of investment proposed. Growing and evolving cities need to provide contemporary uses and facilities for both their residents and their visitors.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

This assessment concludes that this application is a further element in the long term transition of the former riverside industrial area into a progressively mixed use, more intense and vibrant precinct within our City.

The key Harrap's Warehouse site and other buildings along the Cimitiere Street frontage, has been derelict for some time and contribute poorly to the current streetscape. What is proposed will revitalise this immediate area and will likely catalyse further beneficial change.

In the immediate area of this site considerable change is already occurring, with the Verge Hotel being constructed, the Milledge development largely completed, the art gallery and multistorey carpark approved, and the University of Tasmania Willis Street proposal in advanced stages of development.

The key decision making factor in this assessment is whether what is proposed can reasonably co-exist in harmony with its surroundings.

There will always be tension and differing views of what is appropriate, particularly in the Launceston context where views are passionately held and it is open to individuals to hold different views on the merits of development.

It has been suggested in this report that the characteristics of the river edge industrial area make it the area in Launceston most able to accommodate significant change and maintain its essential qualities.

New buildings especially larger buildings will inevitably modify some views in the immediate vicinity and across the cityscape. This development would also introduce a built form that is larger than many of the immediate neighbours but one that comparable to a number of other buildings across the broader cityscape.

This assessment suggest that the area is capable of accommodating the change proposed without significantly impacting on the fabric of the city, or how it is read, and perceived by visitors and residents.

Importantly there is general agreement between the heritage professionals on the impacts of the development on recognised heritage significance and a permit has been issued for the works from the THC.

It is my view that this development has a high degree of strategic merit and that subject to the recommended conditions, it is considered that the proposal complies with the Scheme and it is appropriate to exercise the available discretion in favour of the development. For this reason it is recommended for approval.

9.1 116-128,136, 132 and 130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)**
-

ATTACHMENTS:

1. Locality Map - 116-128 Cimitiere Street, 136 Cimitiere Street, 132 Cimitiere Street and 130 Cimitiere Street, Launceston (*electronically circulated*)
 2. Plans to be endorsed - 116-128 Cimitiere Street, 136 Cimitiere Street, 132 Cimitiere Street and 130 Cimitiere Street, Launceston (*electronically circulated*)
 3. Tasmanian Heritage Council - Notice of Heritage Decision (*electronically circulated*)
 4. TasWater SPAN (*electronically circulated*)
 5. Representations (*electronically circulated*)
-

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works

FILE NO: DA0698/2019/SF7059

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

1. To consider and determine to reject or initiate and exhibit Amendment 61 to rezone land at 357-361 Hobart Road, Youngtown from Commercial to General Residential; and
2. To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

PLANNING APPLICATION INFORMATION:

Applicant:	6ty Pty Ltd
Property:	357-361 Hobart Road, Youngtown
Zoning:	General Residential
Receipt Date:	2/12/2019
Validity Date:	2/03/2020
Further Information Request:	11/03/2020
Further Information Received:	N/A
Deemed Approval:	1/06/2020
Representations:	None

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.1 Residential density for multiple dwellings
10.4.13 Location of car parking
10.4.16 Frontage and access
10.4.2 Setbacks and building envelope for all dwellings
10.4.3 Site coverage and private open space for all dwellings
10.4.4 Sunlight and overshadowing for all dwellings
10.4.6 Privacy for all dwellings
10.4.9 Site facilities for multiple dwellings
E11.6.1 Attenuation distances
E2.5 Use Standards
E2.6.1 Subdivision
E2.6.2 Excavation
E4.5.1 Existing road accesses and junctions
E4.6.4 Sight distance at accesses, junctions and level crossings
E6.5.1 Car parking numbers

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

RECOMMENDATION:

That Council:

1. pursuant to the former section 33(3) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 61 to the Launceston Interim Planning Scheme 2015 for a change in zoning from Commercial to General Residential at 357-361 Hobart Road, Youngtown (CT volume 175679, folios 1, 2, 3 and 4) as shown in Attachment 2 to this report (ECM Document ID Set 4291071); and
2. pursuant to the former section 35 of the *Land Use Planning and Approvals Act 1993*, certify the draft amendment as shown in Attachment 2; and
3. in accordance with the former section 38(1)(a) of the *Land Use Planning and Approvals Act 1993*, determine the period for public exhibition to be 28 days; and
4. pursuant to section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0698/2019 - Residential - construction of 24 multiple dwellings and Subdivision - consolidation of four titles into one at 357-361 Hobart Road, Youngtown, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Cover Page, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, dated 29/10/2019.
 - b. Site Plan, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP01, revision C, dated 26/03/2020 - AMENDED PLAN REQUIRED.
 - c. Unit Type 01 Floor Plans & Elevations, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP02, revision A, dated 29/10/2019 - AMENDED PLAN REQUIRED.
 - d. Unit Type 02a & 02b, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP03, revision A, dated 29/10/2019.
 - e. Unit Type 03 & 04, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP04, revision A, dated 29/10/2019.
 - f. Site Turn Paths, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP05, revision A, dated 29/10/2019.
 - g. Preliminary Site Investigation, prepared by ES&D, project no. 6735, 359-361 Hobart Road, Youngtown, dated 10/07/2019.
 - h. Noise Assessment Report, prepared by ES&D, project no. 6735, 359-361 Hobart Road, Youngtown, dated 12/08/2019.
 - i. Traffic Impact Assessment, prepared by Traffic & Civil Services, 359 Hobart Road Residential Development, Youngtown, dated September 2019.
-

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

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

- a. Privacy screening in front of the balconies of units 2-6 inclusive to prevent unreasonable overlooking of the adjoining care-takers dwelling and its private open space in accordance with clause 10.4.6 of the planning scheme; and
- b. Storage areas for waste and recycling bins in accordance with clause 10.4.8 of the planning scheme; and
- c. Mail boxes in accordance with clause 10.4.9 of the planning scheme; and
- d. Front boundary fencing to Hobart Road and Alma Street with a maximum height of 1.8m and that part above 1.2m maintaining 30% transparency in accordance with clause 10.4.7 of the planning scheme.

3. SHARED ZONE SIGNAGE

Prior to the commencement of the use, 10kp/h Shared Zone signage shall be erected in the entrance driveway in accordance with the recommendation of the endorsed TIA.

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:

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 5.00pm

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 2019/01809-LCC, dated 13/01/2020, 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. 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
-

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

- b. Existing and 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. Any stabilisation works required as a result of tree or vegetation removal; and
- d. All proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- e. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and
- f. Any screen planting.

Once approved by the Manager City Development, the plan will be endorsed and will form part of the permit.

8. SITE LANDSCAPING

The landscaping must be:

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

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

9. FENCING

Prior to the commencement of the use:

- 1. all side and rear boundaries must be provided with a solid (ie. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of:
 - a. 1.2m within 4.5m of the frontage; and
 - b. 1.8m - 2.1m elsewhere when measured from the highest finished level on either side of the common boundaries; and
- 2. front boundary fencing up to a height of 1.8m, with all that part above 1.2m having a minimum 30% transparency.

10. PRIVACY SCREEN

Privacy screening must be erected between units 2-6 and the northern site boundary to ensure reasonable privacy for the adjoining property.

11. 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. Storage area for waste and recycling bins.
 - c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.
-

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

12. 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.

13. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. 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.

14. 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 Infrastructure and Engineering 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.

15. SINGLE STORMWATER CONNECTIONS

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

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

16. APPLICATION TO ALTER A STORMWATER SERVICE

To have an existing service connection physically removed/relocated/alterred, or to have a new connection installed, an application must be made using the Council's eServices web portal or on the approved form and accompanied by the prescribed fee. All work must be carried out by a suitably experienced contractor and in accordance with the Council's standards. All costs associated with these contractors are to be borne by the applicant.

17. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

18. 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 Infrastructure and Engineering.

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 the Council's 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.

19. 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.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

20. PROTECTION OF PIPELINES

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

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

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

21. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

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

Unit No	Strata Lot No.	Street Address
01	1	1/357-361 Hobart Road
02	2	2/357-361 Hobart Road
03	3	3/357-361 Hobart Road
04	4	4/357-361 Hobart Road
05	5	5/357-361 Hobart Road
06	6	6/357-361 Hobart Road
07	7	7/357-361 Hobart Road
08	8	8/357-361 Hobart Road
09	9	9/357-361 Hobart Road
10	10	10/357-361 Hobart Road
11	11	11/357-361 Hobart Road
12	12	12/357-361 Hobart Road
13	13	13/357-361 Hobart Road
14	14	14/357-361 Hobart Road
15	15	15/357-361 Hobart Road
16	16	16/357-361 Hobart Road
17	17	17/357-361 Hobart Road
18	18	18/357-361 Hobart Road

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Unit No	Strata Lot No.	Street Address
22	19	19/357-361 Hobart Road
21	20	20/357-361 Hobart Road
20	21	21/357-361 Hobart Road
19	22	22/357-361 Hobart Road
23	23	23/357-361 Hobart Road
24	24	1 Alma Street

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

22. 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.

23. NOISE ASSESSMENT REPORT

The applicant must comply with the Noise Assessment Report prepared by Environmental Service and Design, dated 5 December 2019. To reduce potential environmental impacts created by traffic noise from Hobart Road, the recommendations in Section 5 of the Noise Assessment report, dot points 2 and 3 are to be implemented.

24. ENVIRONMENTAL MANAGEMENT PLAN

A site specific Environmental Management Plan (EMP) is to be prepared by a suitably qualified person, prior to the development commencing. The EMP is to include, but not be limited to, a site plan, management of all wastes, staff training, incident reporting, contact details of relevant personnel, recording and responding to complaints. A copy of the EMP is to be available at the request of an Authorised Officer of the City of Launceston and is to be readily available to persons involved in the development.

25. WASTE DISPOSAL DOCUMENTATION

A copy of documentation for the disposal of Level 2 contaminated soil waste, at a Category B landfill, is to be provided to the City of Launceston.

26. DEMOLITION

The Developer must:

- a. carry out all demolition work in accordance with Safe Work Australia *Demolition Work Code of Practice* or any subsequent versions of the document;
- b. protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

- 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

27. CONTAMINATED LAND

The applicant must comply with the Preliminary Site Investigation Report prepared by Environmental Service and Design dated June 2019 and complete all Works required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0698/2019. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The 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.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(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 enquiries 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 the Council's Notice to Waive Right of Appeal is attached.

REPORT:

PART A - PROPOSAL TO CHANGE THE ZONE OF THE SUBJECT LAND

1 INTRODUCTION

An application was lodged under section 43(a) of the *Land Use Planning and Approvals Act 1993* (the Act) for a combined rezoning amendment and development application for a subdivision (consolidation) and the development of twenty-four multiple dwellings.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

The application proposes to rezone an area of 4,396m² at 357-361 Hobart Road, Youngtown, from Commercial to General Residential. The previous garden centre site on the corner of Hobart Road and Alma Street will be consolidated into a single title and developed to provide twenty-four, two-bedroom dwellings, to assist in meeting the growing affordable housing needs of the region.

2 SITE ANALYSIS

The subject land at 357-361 Hobart Road, Youngtown, is the site of the Log Cabin Garden Centre, which was purchased by the Launceston City Mission Inc. in 2018 and is currently operated in conjunction with the Mission Shop, adjoining the site to the north.

The site comprises four titles (CT volume 175679, folios 1, 2, 3 and 4), giving a combined area of 4,396m², with a 61m frontage to Hobart Road along its western boundary and a 44m frontage to Alma Street along its southern boundary.

Currently the site contains a 630m² building and associated structures, forming the previous garden centre and nursery. Car parking is provided on both frontages. There is an existing access, providing both entry and exit to Hobart Road and another providing entry and exit to Alma Street.

The site is currently zoned Commercial.

3 EXISTING SITE CONDITIONS

3.1 Characteristics

The site is irregularly shaped, with a depth from Hobart Road of some 100m for around 21m from its northern boundary and then a depth of some 50m for the 47m to the Alma Street frontage to the south. (The discrepancy between these measurements and the stated frontages above is a result of the corner truncation not being attributed as either frontage).

Whilst the site gives the appearance of being generally level, it climbs some 3m from its north-west corner on Hobart Road to its south-east corner on Alma Street. A gradient of 3.6%. The majority of the site is sealed or covered by the building, with the eastern corner and some boundary landscaping beds remaining pervious.

3.2 Scenic Values

The site is not in a scenic protection area and holds no particular scenic value. Notwithstanding its location adjacent to the busy Hobart Road, the proposed units on that frontage will benefit from views to the west, over the Glenara Retirement Village.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

3.3 Infrastructure

The site is fully serviced by the public water, sewerage and stormwater infrastructure. TasWater have advised that they have no comment in regard to the proposed rezoning and have issued their SPAN in regard to the proposed multiple dwelling development.

The Council's Infrastructure and Assets Network have similarly advised that there is adequate capacity in the stormwater infrastructure to support this proposal.

3.4 Surrounding Facilities

The subject site is centrally located in Youngtown, on the southern end of Launceston. It is some two kilometres from the Kings Meadows shopping precinct to the north and some five kilometres from the CBD. There is an IGA supermarket and a chemist around 100m to the south.

The Youngtown Primary School and the Kings Meadows High School are located between the site and the shopping precinct.

The land immediately to the north is zoned Commercial and contains the Mission Shop. Further north the land is zoned General Industrial and contains a number of industrial and transport based businesses.

To the east and west the land is zoned General Residential, with mainly single dwellings to the east and a retirement village, across Hobart Road to the west. Immediately south, over Alma Street the land is zoned General Residential, changing to Inner Residential and including a small local business zone for the supermarket and chemist.

Hobart Road, once an arterial road, is now a major collector road, providing the principal link, including bus routes, to surrounding suburbs and the City.

4 THE PROPOSAL

The draft amendment proposes to rezone an area of 4,396m² from Commercial to General Residential. This rezoning will allow for the section 43(a) development application to consolidate the lots and develop twenty-four multiple dwellings to help address the growing demand for affordable housing.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

5 CONSIDERATIONS FOR THE AMENDMENT

5.1 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)

(b)

(c)

(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.

Comment:

The subject site is currently zoned Commercial and is adjoined on the northern side by other commercial land. On the other three sides the site is adjoined by land zoned General Residential and in residential use.

Currently the site is underutilised as commercial land, having previously been a garden and landscape supplies outlet and more recently used by the City Mission as its Mission Garden and Salvage Store as an interim measure pending the proposed affordable housing development by Catholic Care Affordable Housing (CCAH), a major provider of affordable housing in Tasmania.

The area is identified in the Northern Tasmania Regional Land Use Strategy as an area of consolidation in an urban growth area. The ongoing residential growth in the surrounding area is not unreasonably impacted by the nearby commercial and industrial uses and the rezoning and redevelopment of this site for residential use is not seen as incompatible with the surrounding zones or uses.

Supporting this, the applicants have provided traffic, noise and contamination assessments, prepared by suitably qualified persons, demonstrating that there will be no adverse impacts on the future residents of the redeveloped site.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Further, the amendment and development of affordable housing will have positive effect on the area as an entity, furthering the sustainability of local businesses, public transport routes and schools. The contribution towards the aims and objectives of Tasmania's Affordable Housing Strategy 2015-2025, demonstrates a positive social benefit to the region.

5.2 Consideration of Section 30O

In regard to sub-section (ea), Section 30O is considered in detail below.

30O. Amendments under Divisions 2 and 2A of interim planning schemes

(1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.

Comment:

Refer to section 6.1 of this report for an assessment of the Regional Land Use Strategy.

(2)An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –

(a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and

Comment:

The application is not proposing to amend a local provision or insert a new provision, it seeks only to change the land use zoning of the subject site.

(b)the amendment does not revoke or amend an overriding local provision; and

Comment:

The application is not proposing to revoke or amend an overriding local provision.

(c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.

Comment:

The proposal will not affect a local provision.

(3)Subject to section 30EA, an amendment may be made to a local provision if –

(a) the amendment is to the effect that a common provision is not to apply to an area of land; and

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Comment:

The proposal will not affect a local provision.

- (b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*

Comment:

No part of the proposal is removing any common provisions associated with the land.

The application proposes to amend the zoning of land, identified as no longer required for commercial purposes and arguably better suited for residential development. It is not proposing to insert, remove or alter a local provision, complying with 30O. The draft amendment is consistent with the Northern Regional Land Use Strategy (NRLUS).

5.3 Consideration against section 43C and the Objectives of the *Land Use Planning and Approvals Act 1993*

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.

5.3.1 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.*

The amendment will allow for the redevelopment of the site to assist in addressing the growing demand for affordable housing in the region. In this manner, it promotes the sustainable development of physical housing resources and promotes the maintenance of ecological processes and genetic diversity through limiting unnecessary urban sprawl.

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

The change of zoning and subsequent consolidation of lots will provide for the residential development of the underutilised site, compatible with the surrounding zones and uses.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

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

The public will have the opportunity to comment on this proposal during the four week exhibition period following initiation of the amendment. Interested parties have the opportunity to lodge a written representation to the application during the public exhibition period. The Tasmanian Planning Commission may also decide to hold a public hearing to deal with the representations if any are received.

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

The proposed amendment will allow for the development of a site, for twenty-four affordable dwellings, compatible with the surrounding uses and meeting a growing community need.

(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.

This application was referred to TasWater who have provided their conditional consent. There are no other relevant agency referrals required. If initiated the amendment will also be advertised and assessed by the Tasmanian Planning Commission consistent with this objective.

5.3.2 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.

The amendment is consistent with the objectives of the Launceston Interim Planning Scheme and the Northern Regional Land Use Strategy.

(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.

Consistent with that system, an application made pursuant to Section 43A of the Act is considered against the objectives of the Act and the planning system of Tasmania. Having regard to this, the Council then determines to initiate or reject the amendment.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

- (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 proposed amendment will promote the development of the site, providing economic benefits to the local community and making a positive contribution to the resolution of growing social and economic inequities raised by a shortage in affordable housing

- (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 proposed amendment complies with the local, regional and state policies.

- (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.*

The application is made under the former section 43A of the Act and includes a change of zoning to the planning scheme and an application for consolidation of titles and the development of twenty-four affordable multiple dwellings. This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

- (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.*

The proposal will allow for appropriate infill development of an underutilised site. It will promote efficiencies in service delivery and bring people closer to work and recreation opportunities through the provision of affordable housing opportunities.

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

The subject site has no such buildings, nor is it a place, of scientific, aesthetic, architectural or historic interest.

- (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.*
-

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Development of the site will utilise existing public infrastructure and in this way, contribute to its sustainable use and maintenance.

(i) *to provide a planning framework which fully considers land capability.*

Land capability generally refers to agricultural land and is not relevant in this instance. Nevertheless, the site is suitable and available for and capable of, infill residential development.

6. Planning Strategies

6.1 Northern Tasmania Regional Land Use Strategy

The relevant sections of the RLUS are as follows:

The Regional Land Use Strategy for Northern Tasmania is a strategic plan for the region's future development and planning to 2032. It has a 20 year planning time horizon for integrated infrastructure, land use development and transport planning, underpinned by economic development, social and environmental strategies. The strategy will be revised regularly as new evidence based strategic planning investigations and information is made available to provide greater certainty to the strategic planning and development of the region.

The RLUS seeks to reduce the barriers to investment in ways that are consistent with the vision for the region and other relevant social and environmental strategies. It can do this in a number of ways, including coordinating services to ensure that land for appropriate development is available in the best locations, and ensuring that priority is given to investment that improves the necessary transport, energy and communications infrastructure.

The applicant submits:

Urban Growth Areas

The relevant key principle in Section D.2.1.3 of the RLUS states:

Opportunities to increase the capacity of existing Urban Growth Areas should be given higher priority than to their expansion...

The proposed rezoning will provide for residential use and development on an underutilised site within an Urban Growth Area (Supporting Consolidation Area) identified in the RLUS. It does not involve the expansion of an Urban Growth Area.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Regional Settlement Network

The key settlement network strategies in section E2.3 of the RLUS under the headings Settlement Pattern, Land Use and Development and Transport and Access, which are of particular relevance State:

Settlement pattern

- *Support sustainable growth in identified Urban Growth Areas.*
- *Contain settlements within identified Urban Growth Areas with a focus on consolidating and developing the Greater Launceston Area and sub-regional centres identified in the Regional Settlement Hierarchy.*
- *Support development of the Greater Launceston Area consistent with the Regional Framework Plan maps D.1, D.2 and D.3 to promote efficient function, servicing and future development of the area.*
- *Consolidate existing land use patterns and identify infill opportunities within existing settlements and urban centres, and around activity centres and key public transport nodes and networks.*
- *Complement and support a viable Regional Activity Centres Network to maximise regional productivity, economic activity and employment opportunities.*

Land Use and Development

- *Provide for a diversity of land uses.*
- *Provide for affordable housing and a diversity of housing types and sizes, including retirement accommodation and aged care facilities.*

Transport and Access

- *Where possible support new urban development contiguous with, or otherwise provide development with direct transport linkages to established urban areas as a development priority including linkages with the 'regional access network' identified for the Greater Launceston Area.*
- *Support well-planned communities with good access to public transport than links residential areas to employment, facilities and services.*
- *Reduce reliance on vehicle transportation and promote walkability.*
- *Accommodate regional growth in locations supported by public transport and other sustainable transport choices.*

The proposal will support each of these regional settlement network strategies. It will support the development of the Launceston urban area consistent with Regional Framework Plan Map D.1. It will support the viability of the Youngtown activity centre and efficient use of existing services and infrastructure including public transport. The rezoning is intended to facilitate the provision of affordable

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

housing that will assist with the implementation of Tasmania's Affordable Housing Strategy 2015-2025 (AHS).

The AHS seeks to improve housing affordability and assist those most vulnerable to housing stress and homelessness. Increasing the supply of affordable homes is one of three strategic interventions identified in the AHS to reduce pressure on the social housing system and homelessness services. Launceston is identified as an area where there is relatively high demand for social and affordable housing. The supply of rental and home ownership opportunities by the private developers and the community sector is an important component in reducing housing stress. Construction is required to comply with the liveability and universal design policy requirements of Housing Tasmania's 'Minimum Standards for Social Housing'. The provision of affordable housing in infill locations provides potential benefits including the opportunity to develop underutilised land, improve the viability of existing activity centres, improve the efficient use of existing services and infrastructure including public transport.

The proposed rezoning will consolidate residential land within the Urban Growth Boundary. It will take advantage of existing and available infrastructure including water, drainage, public transport, shops and schools and open space opportunities.

As the site is within an established urban area with a recognised shortage of affordable housing, the demand is likely to be strong. The site is compatible with and suitable for residential use and development. On this basis, there is a demonstrated strategic benefit to the community to convert this land to the Residential Zone.

It is considered that the strategic merit of the rezoning is sound and in accordance with the RLUS for the following reasons:

- It enables a key community services provider to address the growing issues of housing stress.
- The strategic value to the community of converting the land to Residential use is greater than it is for retaining the site in its current diminished commercial use.
- Residential use of the land is consistent with the capacity of the road network.
- Residential use is consistent with the surrounding residential environment and will not adversely impact the existing mixed land use balance of the local area.
- The land is free from unacceptable risk, it is appropriately situated and supported by services and community facilities.

6.2 Greater Launceston Plan

The Greater Launceston Plan (GLP) provides a long term strategy to inform a coordinated approach for land use and development of the greater urban area of Launceston. It is largely consistent with the RLUS and so consistency with the RLUS, as described above,

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

is an indication of general consistency with the GLP. There are a number of key principles that underpin the GLP, the relevant ones being Principles 1 and 2.

Principle 1: Effective Provisioning of Land Use Requirements

Effective strategic planning for Greater Launceston requires the assessment and provisioning of the range of land requirements and preferred land use – transport relationships over the next twenty years and beyond.

As discussed above under the RLUS, the proposed rezoning is in response to the underutilisation of the site for commercial purposes and the shortage in affordable housing and corresponding growth in housing stress, both of which are relevant factors in determining the land use requirements and appropriate zone allocation and significant contributors to the health and wellbeing of the broader community. On this basis, it is considered that there is more strategic merit in converting the site to residential use than there is in retaining it for commercial uses.

Principle 2: Urban Consolidation

The efficient functioning, servicing and future development of greater Launceston will be optimised through its urban consolidation.

In accordance with Principle 2, Residential development on the site is desirable urban infill in an area with existing physical infrastructure services, is adjacent to employment opportunities and supported by an appropriate level of community services for the health and wellbeing of future residents.

There are no conflicts with the GLP in the proposal.

6.3 Launceston Residential Strategy 2009

The strategy provides a detailed assessment of housing needs and current land stocks. The strategy provides a priority ranking of types (tiers) of housing development which would best meet the needs of the community and also represent good planning outcomes.

In order of priority:

1. Residential development on 'brownfield' sites for example surplus public land, sites where industry has relocated, mixed use developments in accessible locations on the CBD fringe or adjacent to District or Neighbourhood Centres.
 2. Increased density in existing residential areas where opportunities exist or where capacity for change has been identified, primarily through unit developments or redevelopment.
 3. Development on vacant land in urban infill locations including undeveloped portions of existing residential areas and vacant land currently within a residential zone.
-

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

4. Development on the most appropriate vacant land on the edge of urban areas
5. Rural residential development in the most appropriate areas
6. Individual rural houses unconnected to a primary industrial use.

Whilst Launceston has a reasonable supply of undeveloped Residential zoned land, the majority is located on the peripheries, representing relatively expensive new dwellings on green-field sites. The subject site is a brownfield site where the existing commercial use has effectively relocated, it is on the edge of a district or neighbourhood centre and where the opportunity and capacity exists for multiple residential development. Given the suitability of the site for Residential use in terms of the above priority, it is considered that the development of this site should be enabled in order to address a growing community concern without contributing to urban sprawl.

7. State Policies

State Policy on the Protection of Agricultural Land 2009

The purpose of this Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture.

The policy has been addressed by the interim scheme and does not impact upon this urban site.

State Coastal Policy 1996

The purpose of the policy is to protect the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection.

The policy has been addressed by the interim scheme and does not conflict with this urban site.

State Policy on Water Quality Management 1997

The purpose of the policy is to identify and maintain water quality at appropriate levels to the expected use.

The policy has been addressed by the interim scheme and does not conflict with this urban site, which is fully serviced by existing public water, sewer and stormwater infrastructure.

National Environment Protection Measures

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure (NEPM) is taken to be a State Policy. The following, therefore, require consideration:

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Ambient air quality 2002

Diesel vehicle emissions 2001

Assessment of site contamination 1999

Used packaging materials 1999

Movement of controlled waste between States and Territories 1998

National pollutant inventory 2000

The potential issue of site contamination has been fully addressed in the contamination report, prepared by Rod Cooper of ES&D, a certified site contamination specialist. Whilst the report established that the level of contamination does not present a risk to human health or the environment, as a precaution a management measure to remove the impacted soil was recommended.

None of the other NEPMs apply to this urban site and its proposed rezoning to facilitate further residential development.

Gas Pipelines Act 2000

Not applicable. The pipeline corridor is several kilometres west of the subject site.

8. 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, stating that it does not object to the application for amendment.

9. PLANNING SCHEME REQUIREMENTS

The proposed development is assessed against the requirements of the planning scheme, as if the subject site has been rezoned to General Residential, in Part B.

PART B - THE DEVELOPMENT PROPOSAL

1. THE PROPOSAL

It is proposed to demolish the existing structures currently at 357-361 Hobart Road, Youngtown and consolidate the existing four titles into one lot of 4396m². It is then proposed to construct twenty-four two-bedroom units, a mix of single and double storey, to address the growing demand for affordable housing in the Launceston region.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject site is made up of four existing titles, giving an area of 4,396m². It is an irregularly shaped parcel of generally level land, connected to the public water, sewerage and stormwater systems.

The site is surrounded by a mix of commercial uses, single dwellings and a retirement village. The broader area contains a similar mix of uses, with the addition of multiple dwellings and a supermarket and chemist.

Public transport is readily available and the site is within walking distance of a public park, shops and bus stops. It is located some 2km south of the Kings Meadows shopping centre, with major supermarkets and medical facilities.

The character of the site is currently best described as a mix of commercial and residential and is unlikely to significantly change as a result of the proposed development.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

The proposal to consolidate the existing four lots into a single lot and to construct 24 multiple dwellings on the resultant lot is consistent with the purpose of the zone to provide for residential use or development, encompassing a range of dwelling types, at suburban densities and respecting the neighbourhood character.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

<p>Objective: To provide for suburban densities for multiple dwellings that:</p> <ul style="list-style-type: none"> (a) make efficient use of suburban land for housing; and (b) optimise the use of infrastructure and community services.
<p>Consistent</p> <p>The proposal complies with the relevant acceptable solutions or performance criteria.</p>
<p>A1 Multiple dwellings must have a site area per dwelling of not less than:</p> <ul style="list-style-type: none"> (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.
<p>Relies on Performance Criteria</p> <p>With the four existing lots being combined into a single lot, the subject site has an area of 4,396m². The proposal to develop 24 dwellings on the site results in a site area per dwelling of 183m² and performance criteria are relied upon.</p>
<p>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:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.
<p>Complies</p> <p>The proposed 24 dwellings will be connected to the existing public water, sewer and stormwater services in the area, each of which has the capacity to cater for this demand.</p> <p>Whilst the surrounding development is characterised by a mix of commercial, single dwellings and a retirement village, the proponents assert that the development seeks to provide affordable housing to assist with the State's Affordable Housing Strategy 2015-2025 (AHS). It is noted that Launceston is identified in the AHS as having a relatively high demand for social and affordable housing.</p> <p>It is further noted that the site is well within 400m of bus stops and a supermarket and chemist.</p>

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

10.4.2 Setbacks and building envelope for all dwellings

<p>Objective: To control the siting and scale of dwellings to:</p> <ul style="list-style-type: none"> (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.
<p>Consistent</p>
<p>The proposal complies with the relevant acceptable solutions or performance criteria.</p>
<p>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:</p> <ul style="list-style-type: none"> (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.
<p>Relies on Performance Criteria</p>
<p>The primary frontage of the site is to Alma Street and unit 22 will have a setback of 3.88m, which is less than the prescribed 4.5m and relies upon performance criteria. Units 18 and 24, which also have frontage to Alma Street, comply with the minimum prescribed setback of 4.5m.</p> <p>Units 1 and 13-18 have frontage to Hobart Road, a secondary frontage, and are setback 4.0m and comply with the prescribed 3m minimum.</p>
<p>P1 A dwelling must:</p> <ul style="list-style-type: none"> (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

<p>Complies</p> <p>Alma Street extends for some 750m to the east of the subject site. It has a range of dwelling and outbuilding setbacks that range from less than to greater than the setbacks of the three proposed units with frontage to Alma Street. To this extent, the proposed frontage setback is considered to be compatible with the existing dwellings in the street.</p>
<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <ul style="list-style-type: none"> (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.
<p>Relies on Performance Criteria</p> <p>Unit 24 has a carport at the front of the dwelling with a setback of 5.2m from Alma Street and relies upon performance criteria.</p>
<p>P2 A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.</p>
<p>Complies</p> <p>There are carports built to the property boundaries at 19 and 25 Alma Street and the proposed 5.2m setback is considered to be compatible as it is within the range of setbacks for garages and carports currently in Alma Street.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: <ul style="list-style-type: none"> (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: <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>Relies on Performance Criteria</p> <p>Units 1-12 are located adjacent to the northern and eastern boundaries and with setbacks of around one metre, they do not stay within the prescribed building envelope and rely upon performance criteria.</p>

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

<p>P3 The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause unreasonable loss of amenity by: <ul style="list-style-type: none"> (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.
<p>Complies</p>
<p>These dwellings are located adjacent to the northern boundary of the site and are immediately south of the City Mission facility car park and care-taker's residence.</p> <p>Given the location to the south, there will be no overshadowing impact on the City Mission site. The visual impact to the car park will not result in a loss of amenity to the Mission shop. There is potential for a more significant impact on the care-taker's dwelling, however, given the existing high vegetation and the existing commercial nature of the site, such visual impacts are unlikely to have an unreasonable impact.</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</p>
<p>The proposal complies with the relevant acceptable solutions or performance criteria.</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</p>
<p>Whilst the proposal satisfies the acceptable solution in terms of maximum site coverage being less than 50% (47%) and impervious area being greater than 25% (27%), only four of the proposed twenty-four units has the requisite 60m² of private open space. Indeed units 1-10 each have only 10m² of private open space. Performance criteria are relied upon.</p>

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

<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 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.
<p>Complies</p> <p>The proposed twenty-four, two-bedroom, affordable housing units each have an area of private open space that, arguably, is appropriate to the size of the dwelling and able to provide outdoor recreational space to meet the reasonable needs of the occupants.</p> <p>Whilst the area provided for each unit varies, with units 1-10 having only 10m² each, it is relevant that the dwellings are relatively small, with two bedrooms and a single garage or carport. These dwellings are not intended to cater for most families and their need for outdoor space is therefore less. They provide small areas of open space, commensurate with the small balconies of apartment living. This is combined with a small community garden and ready access to public transport, a public park close by in Alma Street and a location within walking distance of shops and services.</p>
<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is at least: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.
<p>Relies on Performance Criteria</p>

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

As noted previously, dwelling units 1-10 have only 10m ² of private open space. As such, they cannot satisfy the acceptable solution and rely upon performance criteria.
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
All of the dwelling units have areas of private open space that are capable of serving as an extension of the dwelling. In each case these areas are conveniently located in relation to the living areas of the dwelling and are orientated to take advantage of sunlight.

10.4.4 Sunlight and overshadowing for all dwellings

Objective: To provide: (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).
Relies on Performance Criteria
Given the orientation of the site and the nature of the proposed development, a number of the dwellings will not have appropriately north facing windows and performance criteria are relied upon.
P1 A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).
Complies
All of the proposed dwellings will have windows facing north, east or west, able to allow sunlight to enter a habitable room other than a bedroom.
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

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

<p>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>Relies on Performance Criteria</p>
<p>Unit 20 will be located 1.5m to the north of the north facing living room window of unit 21. Performance criteria are relied upon.</p>
<p>P2 A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling on the same site, that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>
<p>Complies</p>
<p>Notwithstanding the proximity of the two buildings, they will be separated by a fence and the living room window in unit 21 has a sill height above the floor of around 1.7m. The dwelling also has an east facing, glazed, doorway to allow additional sunlight into the dwelling. It is considered that this design will ensure that there is no unreasonable loss of amenity.</p>
<p>A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): <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. (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. (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</p>
<p>Whilst a number of dwellings are to the north of the private open space of other dwellings on the site, they are sufficiently separated to comply with the acceptable solution.</p>

10.4.5 Width of openings for garages and carports for all dwellings

<p>Objective:</p> <p>To reduce the potential for garage or carport openings to dominate the primary frontage.</p>
<p>Consistent</p>
<p>The proposal complies with the relevant acceptable solutions or performance criteria.</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</p>

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).
Complies
Only the carport for unit 24 addresses, and is within 12m of, the frontage to Alma Street. This carport has a width of 4.5m and complies with the acceptable solution.

10.4.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
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: <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.
Relies on Performance Criteria
The first floor balconies of units 1-11 are located within one metre of the side boundary to the Mission Shop car park and care-taker's dwelling and rely upon performance criteria.
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: <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.
Complies
Whilst units 1-11 generally have an outlook to the Mission Shop and its carpark, units 2-6 also directly overlook the care-taker's dwelling and its private open space - albeit already adversely impacted by the Mission Shop and its car park. It is considered appropriate to impose a condition requiring the erection of screening in front of the balconies of units 2-6 to protect the privacy and amenity of the residents of the care-taker's dwelling.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

<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> <p>(a) The window or glazed door:</p> <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. <p>(b) The window or glazed door:</p> <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</p>
<p>Whilst the first floor windows of units 1-11 are located within one metre of the side boundary to the Mission Shop car park and care-taker's dwelling, however, the windows are not within 1.5m, on the horizontal plain of windows in the care-taker's dwelling and satisfy 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> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <ul style="list-style-type: none"> (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>Complies</p>
<p>All windows within 2.5m of the shared driveway are either more than 1.7m above the level of the driveway or are to non-habitable rooms in compliance with the acceptable solution.</p>

10.4.7 Frontage fences for all dwellings

<p>Objective:</p> <p>To control the height and transparency of frontage fences to:</p> <ul style="list-style-type: none"> (a) provide adequate privacy and security for residents; and (b) allow the potential for mutual passive surveillance between the road and the dwelling; and

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

(c) provide reasonably consistent height and transparency.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
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).
Complies
Whilst not clearly depicted on the plans, the applicant's submission asserts that the frontage fences to Hobart Road and Alma Street will be to a height of 1.8m, with the portion above 1.2m maintaining 30% transparency. An appropriate condition to this effect is recommended.

10.4.8 Waste storage for multiple dwellings

Objective: To provide for the storage of waste and recycling bins for multiple dwellings.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m ² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.
Complies
The applicant's assert that the acceptable solution will be complied with, however, this is not clearly shown on the plans. A condition requiring amended plans is recommended.

10.4.9 Site facilities for multiple dwellings

Objective: To provide adequate site and storage facilities for multiple dwellings.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Each multiple dwelling must have access to 6m ³ of secure storage space not located between the primary frontage and the facade of a dwelling.
Relies on Performance Criteria

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

The applicants do not propose to include external storage and rely upon performance criteria.
P1 Each multiple dwelling must provide storage suitable to the reasonable needs of residents, having regard to: (a) the location, type, and size of storage provided; (b) proximity to the dwelling and whether the storage is convenient and safe to access; (c) any impacts on the amenity of adjacent sensitive uses; and (d) the existing streetscape.
Complies
The applicants assert that the development, including gardens and landscape areas will be maintained by Catholic Care, through contract gardeners. Consequently, there will be no need for garden sheds and adequate storage is provided within the units for personal and household needs.
A2 Mailboxes must be provided at the frontage.
Complies
The applicants assert that the acceptable solution will be complied with, however, this is not clearly shown on the plans. A condition requiring amended plans is recommended.

10.4.10 Common property for multiple dwellings

Objective: To ensure that common areas are easily identified.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.
Complies
Driveways, parking spaces and landscaping are shown on the site plan and a condition requiring an amended plan showing mail boxes and bin storage is proposed above.

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
The proposal complies with the relevant acceptable solutions or performance criteria.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

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
Shared driveways are located more than 1.5m from windows to habitable rooms.
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.
Relies on Performance Criteria
Two visitor car parking spaces are proposed within the primary setback to Alma Street, between units 18 and 22 and performance criteria are relied upon.
P2 The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to:
(a) the visual impact of the car parking location viewed from the road;
(b) access for users of the site;
(c) pedestrian and vehicular traffic safety;
(d) the nature and characteristics of the street;
(e) the need for the location;
(f) any landscaping of the car parking or turning area location; and
(g) construction methods and pavement types.
Complies
The two car parking spaces proposed within the frontage setback to Alma Street are safe and convenient, as the Traffic Impact Assessment provided with the application documents attests.
Landscaping will ensure that the parking does not adversely impact on the streetscape, noting that this area has formed part of the garden centre car park for many years.

10.4.15 Lot size and dimensions

Objective: To ensure the area and dimensions of lots are appropriate for the intended use of the lots.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1.1 Each lot, or a lot proposed in a plan of subdivision, must:
(a) have a minimum area of no less than 500m ² ; and
(b) be able to contain a rectangle measuring 10m by 15m; or
A1.2 Each lot, or a lot proposed in a plan of subdivision, must:
(a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or
(b) be required for the provision of public utilities; or
(c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and
A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

aligned from buildings that satisfy the relevant acceptable solutions for setbacks.
Complies
The proposed subdivision is the consolidation of four existing lots into a single lot of 4,396m ² .

10.4.16 Frontage and access

Objective: To ensure that lots provide: (a) appropriate frontage to a road; and (b) safe and appropriate access suitable for the intended use.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.
Complies
The proposed lot has ample frontage to both Hobart Road and Alma Street.
A2 No acceptable solution.
Relies on Performance Criteria
P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the character of the area; and (e) the advice of the road authority.
Complies
The proposed lot currently has reasonable access from both Hobart Road and Alma Street.

10.4.17 Discharge of stormwater

Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
Complies
The consolidated lot will be serviced by the existing stormwater connection.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

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.
Complies
Such advice has been given.

10.4.18 Water and sewerage services

Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply
Complies
The consolidated lot will be connected to a reticulated water supply in accordance with the TasWater notice.
A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.
Complies
The consolidated lot will be connected to a reticulated sewerage system in accordance with the TasWater notice.

10.4.19 Integrated urban landscape

Objective: To provide landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Subdivision does not create any new road, public open space or other reserves.
Complies
The subdivision does not create any new road, public open space or reserve.

10.4.20 Walking and cycling network

Objective: To:
(a) provide safe and convenient movement through and between neighbourhoods by pedestrians and cyclists;
(b) design footpaths, shared path and cycle path networks that are safe and accessible; and
(c) accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Subdivision does not create any new road, footpath or public open space.
Complies
The subdivision does not create any new road, footpath or public open space.

10.4.21 Lot diversity

Objective: To provide a range and mix of lot sizes to suit a variety of dwelling and household types.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Subdivision is for 10 lots or less.
Complies
The subdivision is the consolidation of four lots into one.

10.4.23 Neighbourhood road network

Objective: To provide for convenient and safe movement, through and between neighbourhoods, for motor vehicles, pedestrians, cyclists and public transport using the road network.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Subdivision does not create any new road.
Complies
No new roads are created.

10.4.24 Public transport network

Objective: To provide for access to public transport.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 Subdivision does not create any new road.
Complies
No new roads are created.

E2.0 Potentially Contaminated Land Code

E2.1 The purpose of this provision is to: (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.
Consistent
A report, prepared by a suitably qualified person, has concluded that the development of the potentially contaminated land does not present a risk to human health or the environment.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

E2.5 Use Standards

Objective: To ensure that potentially contaminated land is suitable for the intended use.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 The Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.
Relies on Performance Criteria
P1 Land is suitable for the intended use, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health or the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use commences; and (iii) a statement that the land is suitable for the intended use.
Complies
The environmental site assessment prepared by ES&D has concluded that: <i>the level of contamination does not present a risk to human health of the environment. Although as a precaution there is a management measure recommended to remove impacted soil from the areas specified ... no further investigation is required. The development can proceed.</i>

E2.6 Development Standards

E2.6.1 Subdivision

Objective: To ensure that subdivision of potentially contaminated land does not adversely impact on human health or the environment and is suitable for its intended use.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 For subdivision of land, the Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment, that will ensure the subdivision does not adversely impact on health or the environment and is suitable for its intended use.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Relies on Performance Criteria
P1 Subdivision does not adversely impact on health and the environment and is suitable for its intended use, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use or development commences; and (iii) a statement that the land is suitable for the intended use or development.
Complies
The environmental site assessment prepared by ES&D has concluded that: <i>the level of contamination does not present a risk to human health of the environment. Although as a precaution there is a management measure recommended to remove impacted soil from the areas specified ... no further investigation is required. The development can proceed.</i>

E2.6.2 Excavation

Objective: To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.
Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.
A1 No acceptable solution.
Relies on Performance Criteria
P1 Excavation does not adversely impact on health and the environment, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before excavation commences; and (iii) a statement that the excavation does not adversely impact on human health or the environment.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

<p>Complies</p> <p>The environmental site assessment prepared by ES&D has concluded that: <i>the level of contamination does not present a risk to human health of the environment. Although as a precaution there is a management measure recommended to remove impacted soil from the areas specified ... no further investigation is required. The development can proceed.</i></p>
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E4.0 Road and Railway Assets Code

<p>E4.1 The purpose of this provision is to:</p> <p>(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.</p>
<p>Consistent</p> <p>The Traffic Impact Assessment (TIA), prepared by Traffic and Civil Services demonstrates that the proposed development protects the safety and efficiency of the road network.</p>

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

<p>Objective:</p> <p>To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.</p>
<p>Consistent</p> <p>The proposal complies with the relevant acceptable solutions or performance criteria.</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</p> <p>The TIA indicates that there will be some 120 vehicle movements per day from the site. No clear data is available on previous traffic volumes, however, it is presumed that the increase is greater than 40 and performance criteria are relied upon.</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> <p>(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) 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>

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Complies
The TIA provided with the application indicates that the increased use will be safe and will not unreasonably impact on the efficiency of the roads having regard to the prescribed matters.

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
The proposal complies with the relevant acceptable solutions or performance criteria.
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
There will be a single access, providing both entry and exit, to each of Hobart Road and Alma Street.

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
The proposal complies with the relevant acceptable solutions or performance criteria.
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.
Relies on Performance Criteria
The sight distance from the Alma Street access, towards Hobart Road is 50m and relies upon performance criteria.
P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the road or rail network; (c) any alternative access; (d) the need for the access, junction or level crossing; (e) any traffic impact assessment; (f) any measures to improve or maintain sight distance; and (g) any written advice received from the road or rail authority.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

Complies
The TIA concludes that the existing sight distance is adequate, given the traffic from Hobart Road will be travelling slowly, and will provide for the safe movement of vehicles.

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 TIA has also addressed the provision of car parking and determined that an appropriate level of parking is provided to meet the reasonable needs of the use and satisfy the purpose of the code.

E6.5 Use Standards

E6.5.1 Car parking numbers

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

Consistent
The proposal complies with the relevant acceptable solutions or performance criteria.

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
The Table seeks the provision of two car parking spaces per two-bedroom dwelling and one visitor car parking space per four dwellings. This produces a requirement for 54 car parking spaces. The proposal provides 38 car parking spaces and relied upon performance criteria.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

<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 (h) the recommendations of any traffic impact assessment prepared for the proposal; or <p>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:</p> <ul style="list-style-type: none"> (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 <p>P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p>Complies</p> <p>Given the nature of the proposed use as accessible housing, the relative close proximity of services and the ready availability of public transport, it is argued that the provision of one parking space per unit, plus a second space for seven of the units and seven dedicated visitor parking spaces, is enough to meet the reasonable needs of the use.</p> <p>The proponents seek to support this with the RMS Guide to Traffic Generating Developments, from New South Wales, which recommends one space for each two-bedroom unit, plus one space for every five two bedroom units and one space (visitor) for every five units. This would be a total of 34 car parking spaces, whereas the proposal provides 38 car parking spaces.</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>The proposal complies with the relevant acceptable solutions or performance criteria.</p>

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (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>Complies</p> <p>All parking, access ways and manoeuvring spaces will have a gradient of less than 10% and will be formed and paved and drained to the public stormwater system. Appropriate line marking will be included.</p>

E6.6.2 Design and layout of parking areas

<p>Objective:</p> <p>To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>Consistent</p> <p>The proposal complies with the relevant acceptable solutions or performance criteria.</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</p> <p>The proposal complies with the prescribed standards.</p>

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

E6.6.3 Pedestrian access

Objective: To ensure pedestrian access is provided in a safe and convenient manner.
Consistent
The proposal complies with the relevant acceptable solutions or 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 in 14 is required from those spaces to the main entry point to the building.
Relies on Performance Criteria
The proposal includes 38 car parking spaces spread throughout the 24 dwelling units. A 1m wide footpath is not provided and performance criteria are relied upon.
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
Whilst it is not uncommon for such multi residential developments not to provide dedicated footpaths, the TIA has recommended that 10kp/h shared zone signage be erected in lieu of such a footpath to maintain safe pedestrian movement. An appropriate condition is recommended.

E11.0 Environmental Impacts and Attenuation Code

E11.1 The purpose of this provision is to: (a) ensure appropriate consideration of the potential for environmental harm or environmental nuisance in the location of sensitive uses; and (b) ensure the environmental impacts of new uses are eliminated, reduced or mitigated to avoid environmental harm or environmental nuisance.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

<p>Consistent</p> <p>Appropriate consideration has been given to the potential for environmental impacts on the residents from nearby industrial activities, particularly the steel cutting and drilling undertaken in the nearby steel works. A noise assessment, prepared by ES&D has been provided.</p>

E11.6 Use Standards

E11.6.1 Attenuation distances

<p>Objective: To ensure that potentially incompatible uses are separated by a distance sufficient to mitigate any adverse effects.</p>
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<p>Consistent</p> <p>The proposal complies with the relevant acceptable solutions or performance criteria.</p>

<p>A1 No acceptable solution.</p>

<p>Relies on Performance Criteria</p> <p>P1 Sensitive use or subdivision for sensitive uses within an attenuation area to an existing activity listed in Tables E11.1 and E11.2 or a buffer area shown on the planning scheme overlay maps, must demonstrate that there will be no environmental nuisance or environmental harm, having regard to:</p> <p>(a) a site-specific study that considers:</p> <ul style="list-style-type: none"> (i) the degree of encroachment; (ii) the location of the boundaries of the site of the sensitive use or subdivision; (iii) the location of the sensitive use; (iv) the location of the boundaries of the site on which the activity is located; (v) the location of the area on which the activity is undertaken; (vi) the nature of the activity being protected by the attenuation area or buffer area; (vii) the degree of hazard or pollution that may emanate from the activity; and (viii) the measures within the use to mitigate impacts of the activity on the sensitive use; and <p>(b) any advice provided in writing from the owner or operator of the activity; and</p> <p>(c) any advice provided in writing by the Director of the Environment Protection Authority.</p>

<p>Complies</p> <p>The noise report prepared by ES&D has determined that the noise from the nearby steel works is inaudible from the site during normal daytime operations.</p> <p>Noise levels are dominated by traffic noise and the ES&D report has recommended appropriate construction measures, in glazing and doors, to mitigate this.</p>
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9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Recommended conditions.
Environmental Health	Recommended conditions.
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 2019/01809-LCC.

5. REPRESENTATIONS

As the application is to be determined pursuant to section 43A of the Act, public exhibition of the proposal is not undertaken until after approval.

6. CONCLUSION

Subject to the recommended conditions, it is considered that the proposal complies with the Scheme, as if the proposed amendment had been completed, 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.

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land From Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

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 - General Manager Community and Place Network

ATTACHMENTS:

1. Locality Map - 357-361 Hobart Road, Youngtown (*electronically distributed*)
 2. Amendment Plan - 357-361 Hobart Road, Youngtown (*electronically distributed*)
 3. Plans to be Endorsed - 357-361 Hobart Road, Youngtown (*electronically distributed*)
 4. TasWater SPAN - 357-361 Hobart Road, Youngtown (*electronically distributed*)
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COUNCIL AGENDA

Thursday 14 May 2020

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot

FILE NO: DA0046/2020

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Aramex
Property:	17-19 Windsor Street, Invermay
Zoning:	Commercial
Receipt Date:	28/01/2020
Validity Date:	31/03/2020
Further Information Request:	11/02/2020
Further Information Received:	31/03/2020
Deemed Approval:	15/05/2020
Representations:	Five

STANDARDS REQUIRING COUNCIL DISCRETION

23.3.2 Emissions impacting sensitive uses
E6.5.5 Loading bays

RECOMMENDATION:

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0046/2020 - Transport Depot and Distribution - Change of use to transport depot at 17-19 Windsor Street, Invermay, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

The use 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. Location plan (perspective), 17-19 Windsor Street, Invermay, undated.
 - b. Location Plan and truck route, extract from Google Map, 17-19 Windsor Street, Invermay, undated.
 - c. Applicants submission, prepared by Hannah Bradley and Samiul Islam, 17-19 Windsor Street, Invermay, undated.
-

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

2. LEGAL TITLE

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

3. SITE LANDSCAPING

Prior to the use commencing, not less than six tubs containing shrubs or trees to a height of 1.5m - 2.0m shall be installed along the Windsor Street frontage, inside the security fence, and shall be maintained for the duration of the use.

4. 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.

5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. 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.

6. 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.

7. WINDSOR STREET VEHICULAR ACCESS

Vehicular access via Windsor Street is limited to the hours of 7:00am to 6:00pm - Monday to Friday, 9:00am to 6:00pm - Saturdays and 10:00am to 6:00pm - Sundays and Public Holidays. Vehicular access outside these hours must be via the Robertson Street entrance.

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

8. 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.

9. NOISE - REVERSING ALARMS

The use of reversing alarms must not cause unreasonable noise or interference to other uses. Any vehicle or machinery that requires a reversing alarm must use broadband alarms or other non-intrusive methods.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0046/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The 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.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the 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 enquiries 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.

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(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 the Council's Notice to Waive Right of Appeal is attached.

REPORT:**1. THE PROPOSAL**

It is proposed to change the use of the existing warehouse, previously used by Sigma Healthcare for the warehousing and distribution of pharmaceutical products, to a transport depot for a courier company (Aramex, previously operating as Fastaway Couriers).

It is proposed that up to seven drivers and their vans will be on site from 5.30am to 8.00am and again from 3.30pm to 5.00pm. A single truck will visit the site three times a day at around 11.00am, 7.00pm and finally at 10.30pm. The truck will access the site via Robertson Street and be unloaded and loaded inside the shed, with the door closed, and will remain on-site for around one hour. An electric 'walkie' forklift will be used sparingly during these times.

Up to four other staff will be on site during business hours and there will be occasional visits by customers to collect parcels. Parking for staff and customers is provided on site.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Windsor Street is a small, no through fare, street running generally westwards from Invermay Road, parallel to Forster Street to the north and Robertson Street to the south. At the Invermay Road end the street is zoned Commercial and contains a number of commercial or industrial businesses, including Air Liquide Australia (an industrial gas supplier) immediately east of the subject site, a Shell service station on the south west corner with Invermay Road, Bridgestone tyres sales, fitting and automotive on the opposite corner, a vacant site (the subject of an application to develop a mechanics workshop, and an existing mechanical workshop on the northern side of the street).

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

The western end of Windsor Street contains 17 dwellings.

To the south, the subject site is bordered by Mance Electrical contractors and Webster BSC (bearing and engineering suppliers).

The subject site is generally rectangular and level with an area of some 2417m² over two titles. It has vehicular access to both Windsor and Robertson Streets.

Windsor Street displays two very distinct characters, with commercial/industrial at the Invermay end and entrance to the street and residential for the remainder of the street immediately west of the subject site.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

23.0 Commercial Zone

<p>23.1.1 Zone Purpose Statements 23.1.1.1 To provide for large floor area retailing and service industries. 23.1.1.2 To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility. 23.1.1.3 To ensure uses support and do not threaten the established activity centre hierarchy.</p>
<p>Consistent The proposed change of use of the existing 1330m² warehouse and associated offices from pharmaceutical warehousing and supplies to a transport depot for a courier company is consistent with the purpose of the zone to provide for large floor area retailing and service industries.</p>

23.3 Use Standards

23.3.1 External storage of goods

<p>Objective: To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.</p>
<p>Consistent The proposal is consistent with the relevant acceptable solution.</p>
<p>A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.</p>
<p>Complies No external storage of goods or materials is proposed.</p>

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

23.3.2 Emissions impacting sensitive uses

<p>Objective: To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive uses.</p>
<p>Consistent The proposal complies with the applicable performance criteria.</p>
<p>A1 Uses must be set back from the site of a sensitive use a distance of no less than 100m.</p>
<p>Relies on Performance Criteria It is proposed to use the existing warehouse building at 17-19 Windsor Street for the purpose of a transport depot. The properties immediately west of the site and those on the opposite side of Windsor Street contain single dwellings, which are classed as sensitive uses, and are less than 100m from the proposed use. Performance criteria are thus relied upon.</p>
<p>P1 The use must not adversely impact on the amenity of nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the proposed use; (b) the characteristics of the emissions; (c) the proximity and number of sensitive uses in the area; (d) the topography of the site; (e) background levels; (f) any mitigation measures proposed; and (g) the character of the surrounding area.
<p>Complies Having regard to the applicable matters, it is considered that the proposed use will not adversely impact upon the amenity of the nearby sensitive uses.</p> <p>In reaching this conclusion, it is noted that:</p> <ul style="list-style-type: none"> • The proposed use is a relatively small scale transport courier business, operating seven vans and with a single truck visiting the site three times daily; • The most likely impact on the surrounding amenity stems from the existing parking constraints in the street, early morning and late evening operation traffic and noise. In regard to these: <ul style="list-style-type: none"> ○ There is ample parking on site to meet the needs of the operation; ○ Out of hours access to the site is limited to Robertson Street and all loading and unloading is to be undertaken inside with the roller door closed to minimise noise; and ○ Traffic volumes for the proposed use will be low; • Whilst there are 17 sensitive uses at the western end of Windsor Street, they are largely surrounded by a range of commercial and industrial activities in the immediate (ie. within 100m) area.

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

23.3.3 Retail impact

Objective: To ensure that the impact of retail and business use and development is appropriate.
Consistent The proposal complies with the acceptable solution.
A1 If for a no permit required or permitted use class.
Complies Transport Depot and Distribution is a permitted use class within the Commercial zone.

23.4 Development Standards

23.4.1 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; and (b) protects the amenity of adjoining lots.
Consistent It is proposed to use the existing building. No development is proposed.

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 site currently provides nine car parking spaces, whereas the code does not specify a requirement for the provision of car parking spaces for a transport depot. The code does require the provision of one bicycle parking space for every four employees. Ample room is available within the warehouse building for the secure storage of three bicycles. Therefore, it is concluded that an appropriate level of parking facilities are provided.

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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9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

<p>Consistent The proposal meets the relevant acceptable solutions or performance criteria.</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>Complies Whilst the table does not require the provision of car parking on-site for a transport depot, the site currently provides nine spaces. It is noted that the standard does not require zero spaces, rather a requirement is not set.</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>Consistent The proposal meets the relevant acceptable solutions or performance criteria.</p>
<p>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.</p>
<p>Complies The table requires the provision of one bicycle parking space per four employees. With eight drivers (including the truck driver) and four other staff, this would require the provision of three bicycle parking spaces. Whilst none are specifically shown, it is considered that there is ample room within the warehouse building for the secure storage of three bicycles and a specific condition to this effect is not required.</p>

E6.5.5 Loading bays

<p>Objective: To ensure adequate access for goods delivery and collection, and to prevent loss of amenity and adverse impacts on traffic flows.</p>
<p>Consistent The proposal meets the relevant acceptable solutions or performance criteria.</p>
<p>A1 A loading bay must be provided for uses with a gross floor area greater than 1,000m² in a single occupancy.</p>
<p>Relies on Performance Criteria The existing warehouse building, to be used by the transport depot does not include a dedicated loading bay and performance criteria are relied upon.</p>

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

<p>P1 Adequate space for loading and unloading must be provided, having regard to:</p> <ul style="list-style-type: none"> (a) the types of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the location of the site; (e) the nature of traffic in the surrounding area; (f) the area and dimensions of the site; and (g) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.
<p>Complies</p> <p>It is proposed that the transport depot will be serviced by one truck three times a day. The truck will drive into the existing 2,184m² warehouse and be unloaded and loaded as required. Ample space is provided within the building for this purpose.</p> <p>The site is level, the truck will access from Robertson Street and there are no constraints to its entrance and exit from this point.</p>

E16.0 Invermay/Inveresk Flood Inundation Area Code

<p>E16.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area; (b) ensure that new development is sited and designed to minimise the impact of flooding; and (c) ensure that consideration is given in the siting, design and emergency response capability of new development on land subject to flood inundation.
<p>Consistent</p> <p>The proposed change of use to a transport depot from a warehouse represents a reduction in risk from flooding as there is not such a high value of goods stored in the premises in an ongoing manner and that would be at risk of loss in a major flood event.</p>

E16.6 Use Standards

E16.6.1 Unacceptable uses

<p>Objective:</p> <p>To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.</p>
<p>Consistent</p> <p>The proposal meets the relevant acceptable solutions or performance criteria.</p>
<p>A1 Must not be:</p> <ul style="list-style-type: none"> (a) Education and occasional care, except in the Inveresk Cultural precinct; (b) Emergency services; or (c) Hospital services.
<p>Complies</p> <p>The proposal is for a transport depot.</p>

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

A2 Must not be Residential, unless: (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts; (b) a multiple dwelling in the Invermay Residential Precinct; or (c) associated with and supporting the educational activities within the Inveresk Cultural precinct.
Complies The proposal is for a transport depot.
A3 Must not be Community meeting and entertainment in the Riveredge Industrial or Inveresk Residential precincts.
Complies The proposal is for a transport depot.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
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

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 4 April 2020 to 21 April 2020. Four representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

Issue 1:

There are 17 homes at the western end of the street who have a right to safety and quality of life.

Response 1:

Windsor Street is a relatively short, no through road, street containing some 17 dwellings and five commercial premises - including those at the junction with Invermay Road. The eastern end (closest to Invermay Road) is zoned commercial and contains the existing commercially developed sites and a vacant lot (dwelling recently demolished). Whilst the residents, at the General Residential zoned western end of the street, have to pass these commercial premises every time they enter or leave Windsor Street, they have had to do so for many years. The proposed change in use at 17-19 Windsor Street will have very little impact as its previous use as a warehouse by Sigma Healthcare, a wholesale and distribution business to pharmacies would have involved traffic levels not dissimilar to the current proposal. The after-hours component of the current proposal will be confined to the Robertson Street access to avoid any evening disturbance to residents.

Issue 2:

It is not considered appropriate that the applications were available for comment during the "public lockdown" and over Easter when Council offices are closed and all those effected may not have seen the site notices.

Response 2:

The time for comment for both applications was extended over the Easter period to ensure a minimum of 10 working days were included in accordance with the Act. Applications were available for viewing, on line, 24 hours per day over that time. The plans were also available, by request, from the Town Hall. Adjoining properties, and a further property each side were advised in writing and site notices were clearly visible for residents and others every time they entered or left Windsor Street.

Issue 3:

There are eight terraces with no parking and nine single dwellings with limited parking that make up the 17 dwellings in the street. Additionally there is a laneway between 18 and 20 Windsor Street, providing vehicular access to some residences on Forster Street. The residents of these dwellings feel they are being squeezed out by the industrial and commercial uses at the eastern end of the street that they must continually pass.

Response 3:

The current mix of residential and commercial sites in the street has a long history of coexistence. Notwithstanding the 2019 demolition of the dwelling at 12 Windsor Street and the current application for the development of a mechanical workshop on that commercially zoned site, there has not been a pattern of commercial encroachment and the zoning has been consistent for some forty years.

Issue 4:

The street is used by businesses in Invermay Road, students and users of Inveresk and residents have nowhere to park when returning home.

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

Response 4:

This is an existing situation and will not change as a result of this application to change the use of the existing warehouse and distribution building to a transport depot. Sufficient on-site parking to comply with the requirements of the scheme and the reasonable requirements of the proposed use is provided and no impact on the availability of on-street parking is expected. It is noted that the representor has requested resident parking in the street and that this is currently under consideration. This, however, has no bearing on the current proposal.

Issue 5:

There has been an increasing number of auto businesses in the nearby section of Invermay Road. This adds to higher traffic levels near the street entrance and vehicles trying to park or turn in the street. Entry and exit into Windsor Street is now more difficult and the extra vehicles put pressure on parents and children walking in the street.

Response 5:

Whilst Council's traffic engineers continue to monitor and where possible, improve traffic flows throughout the city, the proposed change of use of this site will have no impact on the volume of traffic in Invermay Road. Notably, truck and after hours traffic to this site will be required to gain access via Robertson Street rather than Windsor Street.

Issue 6:

If the trucks and cars, including clients, for Fastaway use Windsor Street the increased traffic and parking impact is very concerning for the reasons stated above.

Response 6:

It is proposed that trucks will use the Robertson Street access and a condition is proposed such that all after-hours traffic use the Robertson Street access. The applicants advise that there will be only four staff located on the site and that it is rare for more than two clients to visit at the same time. There are nine existing car parking spaces on-site and it is not anticipated that staff or clients will park on the street.

Issue 7:

Despite some sound proofing within the shed, noise from reversing trucks and forklifts, particularly in the early morning and late evening will be an issue for residents, some of whom already find similar noises - even from businesses up to 400m away -intrusive.

Response 7:

The applicants have been very aware of and responsive to these concerns and have undertaken that truck movements - likely to be the noisiest - will be limited to the Robertson Street entrance and the south-east corner access to the building. Further, the hours of operation have been reduced . In addition, Council's Environmental Health Officers have recommended a condition requiring the use of non-intrusive reversing alarms. It is noted that the forklift utilised is a battery operated 'walkie' forklift that does not use beepers.

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

Issue 8:

Changing from a relatively small business to a major business hub will increase traffic and parking demands and a corresponding increase in air and noise pollution affecting the overall health and wellbeing of residents in the street and surrounding area.

Response 8:

The area has a mix of zonings and a mix of development and use types. The current proposal is compatible with these and is, of itself, a relatively small operation, not a major commercial hub. The previous use was a warehouse and distribution facility, with goods delivered by truck and generally delivered to pharmacies by smaller vehicles. The proposed operation will have one truck visit the site three times a day, there will be seven van operators visiting the site twice a day, in between these times there will be up to four staff on site and occasional customers collecting parcels. Whilst this usage pattern may be larger than the previous operator, it remains of a small scale, with loading and unloading conducted within the existing building, behind closed doors and utilising a small electric forklift. This uses contribution to air and noise pollution is negligible.

Issue 9:

Windsor Street is 'lovely and quiet after business hours'. The proposed development has the potential to change the character of the street with its after-hours operation. The noise of trucks coming and going late at night and early in the morning could be a significant loss of amenity.

Response 9:

Notwithstanding the inconsistency with comments of another representor regarding the intrusion of noise from businesses some distance away, it is noted that one truck will visit the site early in the morning and later in the evening. It will enter the south-east corner of the building via the Robertson Street access. The electric roller door will be closed whilst unloading is undertaken. The applicants are fully aware of their obligation to minimise any noise or likely nuisance resulting from their operation and have taken appropriate steps to remain within those obligations.

In discussion with representors, the possibility of some landscaping along the fence line with Windsor Street was raised as a means to improve the streetscape. The representors query was put to the applicant, who agreed to a condition requiring some landscaping of the frontage.

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.

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

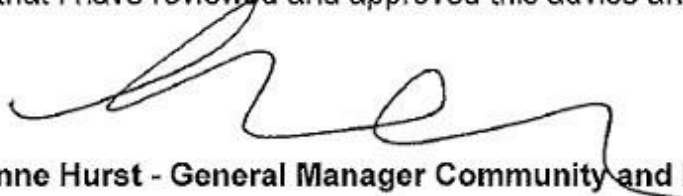
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

ATTACHMENTS:

1. Locality Map - 17-19 Windsor Street, Invermay (*electronically distributed*)
 2. Plans to be Endorsed - 17-19 Windsor Street, Invermay (*electronically distributed*)
 3. Representations - 17-19 Windsor Street, Invermay (*electronically distributed*)
-

COUNCIL AGENDA

Thursday 14 May 2020

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair

FILE NO: DA0107/2020

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Laura Wilkin
Property:	12 Windsor Street, Invermay
Zoning:	Commercial
Receipt Date:	4/03/2020
Validity Date:	6/03/2020
Further Information Request:	10/03/2020
Further Information Received:	30/03/2020
Deemed Approval:	15/05/2020
Representations:	Four

PREVIOUS COUNCIL CONSIDERATION:

DA0628/2019 - Residential - Demolish existing dwelling

STANDARDS REQUIRING COUNCIL DISCRETION

23.3.2 Emissions impacting sensitive uses
23.4.1 Building height, setback and siting
23.4.2 Streetscape
23.4.3 Fences
23.4.4 Site landscaping
E16.7.2 Flood Impact

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

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 DA0107/2020 Service Industry - Construction of a building for the use of a mechanical repair at 12 Windsor Street, Invermay subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, Prepared Wilkin Design, Job No DA-201277, Drawing No.01 of 03, Rev 26/03/20, Scale 1:200, Dated 26/02/2020.
- b. Floor Plan, Prepared Wilkin Design, Job No DA-201277, Drawing No.02 of 03, Rev 26/03/20, Scale 1:100, Dated 26/02/2020.
- c. Elevation, Prepared Wilkin Design, Job No DA-201277, Drawing No.03 of 03, Rev 26/03/20, Scale 1:100, Dated 26/02/2020.

2. FLOOD MANAGEMENT PLAN

Prior to commencement of the use, a flood hazard management plan must be prepared for the future occupants of the development and forwarded to the Planning Authority. The flood hazard management plan must address the following:

- a. Any particular measures that must be undertaken by future occupants or users of the site in the event of a flood;
- b. Any requirements for the use of the site due to flood hazard, including:
 - i. The storage of any toxic or pollutant substances or other products which may be hazardous or pollute flood waters must be at a minimum level of 500mm above the 1% AEP flood level.

3. LEGAL TITLE

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

4. USE LIMITATION

This permit allows the use for Mechanical Repair Garage, defined as Service Industry in the Launceston Interim Planning Scheme 2015. Any change is subject to a further Development application. The use is limited to:

- a. Mechanical repairs only with no panel beating or spray painting.
 - b. Vehicles being repaired limited to being parked in the building and not in the street.
 - c. Only three employees present on the site at any given time.
 - d. Doors being shut when any machine tools in use.
-

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 5.00pm

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. 2020/00305-LCC, 12/03/2020 and attached to the permit.

7. BUSINESS HOURS

The operation of the Mechanical repair garage must be confined to:

- a. Monday to Friday - 7:00am and 5:30pm
- b. Saturdays - 9:00am and 4:00pm
- c. No operations of a Sunday or Public Holidays

8. SITE LANDSCAPING

The landscaping must be:

- a. Include at least two trees on site, either by planting in the ground or within a large pot, off the front south western corner of the building and front corner of the site.
- b. Completed prior to the use commencing; and
- c. Maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

9. 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.

10. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

12. SINGLE STORMWATER CONNECTIONS

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

13. 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.

14. 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.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

15. NOTIFICATION OF CHANGE IN ACTIVITY

The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm.

16. REPAIRS OF VEHICLES

- a. Any servicing, detailing and repairs of vehicles or vehicle parts must be conducted in a covered, bunded area.
- b. No repairs of any sort may be carried out in the car parking or common areas.

17. NOISE - COMMERCIAL/INDUSTRIAL

The use must not cause unreasonable noise or interference to other uses. Precautions must be taken to avoid nuisance, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors, reversing beepers and the like.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0107/2020. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The 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.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the 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 enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

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 the Council's Notice to Waive Right of Appeal is attached.

E. Signage

Separate approval may be required for any signage proposed on the site.

REPORT:**1. THE PROPOSAL**

A 13m wide x 20m x 5.5m steel framed building for use as a mechanical workshop is proposed on the vacant site. The front elevation will be clad in light weight sheeting with a render finish. The three remaining walls will be clad in colorbond.

Internally the building will remain as an open space other than for a 6.7m wide x 3.68m deep office with unisex toilet and a 1.9m wide x 3.36m deep crib room, all within the front south western corner of the building.

Three car spaces are proposed at the front of the building consisting of two standard spaces plus an accessible parking space.

The site, until recently, supported a run down dwelling. It was demolished as the owners had difficulty retaining tenants and was acknowledged it was also in need of maintenance.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The property is located on the northern side of Windsor Street, one property west of Invermay Road. Windsor Street is a no-through street and within an area with a mixed use character. Development/use and zoning is both residential and commercial with smaller residential dwellings, service type uses and bulky good sales. Playing fields, at the northern end of the Inveresk site are to the east of the site, over Invermay Road.

The area is low lying level land and is within the flood plain of the Tamar River, which is also affected by flooding of the North and South Esk River systems. It is an older area of the city and has been subject to a variety of planning controls over the years which have resulted in the current mixed character of the area.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

23.0 Commercial Zone

<p>23.1.1 Zone Purpose Statements</p> <p>23.1.1.1 To provide for large floor area retailing and service industries.</p> <p>23.1.1.2 To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility.</p> <p>23.1.1.3 To ensure uses support and do not threaten the established activity centre hierarchy.</p>
<p>Consistent</p> <p>The proposed development and use meets the zone purpose.</p>

23.3 Use Standards

23.3.1 External storage of goods

<p>Objective:</p> <p>To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.</p>
<p>Consistent</p> <p>The use will not detract from the amenity of the area.</p>
<p>A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.</p>
<p>Complies</p> <p>The use will not require goods and materials to be stored outside.</p>

23.3.2 Emissions impacting sensitive uses

<p>Objective:</p> <p>To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive uses.</p>
--

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

<p>Consistent The proposal should not impact on the amenity of nearby sensitive uses.</p>
<p>A1 Uses must be set back from the site of a sensitive use a distance of no less than 100m.</p>
<p>Relies on Performance Criteria Dwellings are located to the rear of the site in Forster Street and further west along Windsor Street where there are a group of eight terraces and nine individual dwellings.</p>
<p>P1 The use must not adversely impact on the amenity of nearby sensitive uses, having regard to: (a) the nature of the proposed use; (b) the characteristics of the emissions; (c) the proximity and number of sensitive uses in the area; (d) the topography of the site; (e) background levels; (f) any mitigation measures proposed; and (g) the character of the surrounding area.</p>
<p>Complies The proposed use is to operate between the hours of 7:00am to 5:30pm Monday to Friday and possibly 9:00am to 4:00pm Saturdays for the purpose of servicing and repairing of vehicles. It is estimated to employ three staff; one in the office and two in the workshop.</p> <p>As the business will operate during normal hours it should not significantly impact upon adjoining homes especially given the background noise from the wide range of mixed use characteristics of the area and the extent of traffic along Invermay Road.</p>

23.3.3 Retail impact

<p>Objective: To ensure that the impact of retail and business use and development is appropriate.</p>
<p>Consistent The proposal will not impact on retail uses in the area.</p>
<p>A1 If for a no permit required or permitted use class.</p>
<p>Complies A service industry is a permitted use in the zone.</p>

23.4 Development Standards

23.4.1 Building height, setback and siting

<p>Objective: To ensure that building bulk and form, and siting: (a) is compatible with the streetscape and character of the surrounding area; and (b) protects the amenity of adjoining lots.</p>
<p>Consistent The building is compatible with development in the vicinity.</p>

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

<p>A1 Building height must be no greater than: (a) 10m; or (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.</p>
<p>Complies The maximum building height is 5.5m.</p>
<p>A2 Setback from a frontage must be: (a) no less than 5.5m; or (b) no less than the setback of an adjoining building.</p>
<p>Complies The building is setback 11.25m from the frontage.</p>
<p>A3 Buildings can be built up to the side and rear boundaries.</p>
<p>Complies The building is built to the rear boundary and will be setback 700mm from each side boundary.</p>
<p>A4 Where the site is located on the boundary of the General Residential, Inner Residential and Low Density Residential zones, new buildings or alterations to existing buildings, must: (a) be set back a horizontal distance of no less than 3m from the zone boundary; and (b) have a solid fence no less than 1.8m high on the zone boundary.</p>
<p>Relies on Performance Criteria Properties to the rear are zoned Inner Residential and, as the building is proposed up to the rear boundary, the performance criteria must be addressed.</p>
<p>P4 Buildings must be sited so that there is no unreasonable loss of amenity to the occupiers of adjoining residential zones, having regard to: (a) the topography of the site; (b) the height, bulk and form of proposed buildings; (c) the solar access of habitable room windows and private open space of adjoining dwellings; (d) the privacy of habitable room windows and private open space of adjoining dwellings; (e) the amenity of adjoining dwellings; (f) the size and proportions of the lot; (g) any existing or proposed vegetation or screening; (h) the location of building openings; and (i) any external lighting.</p>
<p>Complies The area is level and the building has a height similar to a two storey dwelling or single storey building with a high pitched roof, as those adjoining in Foster Street. As the building will be directly south of the dwellings in Forster Street it should not impact on their solar access. The lack of setback to the rear retains the access to the building and parking all to the front of the subject site to better protect the amenity and privacy of the adjoining dwellings. The small lot can only support a small building and use to also minimise its impact. The proposal is deemed to comply.</p>

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

A5 The façade and entrance of the primary building, must be clearly visible and accessible from a road, for pedestrians and persons with a disability.
Complies The entrance is clearly visible at the front of the site.

23.4.2 Streetscape

Objective: To ensure that development has an acceptable impact on the streetscape.
Consistent The proposed building is compatible with the adjoining properties and the streetscape.
A1 Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must: (a) have external walls constructed with no less than 50% brick, concrete, masonry or glass; (b) have external walls, unless brick or glass, painted or finished with a texture coat; and (c) have no less than 50% glazing to the external walls of the office components of the buildings.
Relies on Performance Criteria The building will comply with (b) and (c) but not (a) as the side and rear walls are proposed to be clad in colorbond.
P1 New buildings or extensions to existing buildings must be compatible with the streetscape, having regard to: (a) the topography of the site; (b) the nature of the proposed use; (c) the visibility of the building from the road; (d) the external treatment and finish of buildings; and (e) the building materials used in the surrounding area.
Complies The site is level and located in an area with both a mix of zoning, development and use. The proposed use is a service industry with a glazed facade to the office which is at the south western corner of the building. As the front facade is to be clad with rendered light weight sheeting, and the building will be sited between two existing commercial buildings, it having a similar setback as the building on its eastern side, compliance with performance criteria is met.
A2 Car parking must not be located within 3m of the frontage.
Relies on Performance Criteria Parking is proposed in the front of the building and only 300mm off the frontage.
P2 Car parking must be located to minimise visual impact on the streetscape, having regard to: (a) the topography of the site; (b) the nature of the proposed use; (c) the number of car spaces; (d) the visibility of the car parking from the road;

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

- (e) the use of measures to mitigate impacts including screening and landscaping;
- (f) the location of car parking on adjoining sites; and
- (g) the character of the streetscape.

Complies

The site is level and the proposed use is a service industry in an area with both a mix of zoning, development and use. As the site is domestic in size the proposed floor area is only 260m² and requires only three car spaces. These will be shielded by a 1.8m steel picket fence and set of gates.

The building will be sited between two existing commercial buildings which both have a flat facade interrupted by garage roller doors. It will have a similar setback to the building on its eastern side. Compliance with the performance requirements are met.

23.4.3 Fences

Objective:

To provide for fences that are appropriate to the site and character of the area.

Consistent

The proposed fence is considered to be appropriate for the site and streetscape character.

A1.1 Fences must be no higher than:

- (a) 1.8m on a frontage; or
- (b) 2.1m on a side or rear boundary that abuts a public reserve; or
- (c) 3m on a side or rear boundary otherwise.

A1.2 Front fences must be 50% transparent above a height of 1.2m.

A1.3 Front fences higher than 1.2m must be located no less than 1m from the frontage, and the setback landscaped between the frontage and the fence.

Relies on Performance Criteria

The site has existing 1.8m high fencing to the rear and side boundaries. The proposed front fence is 1.8m and has a transparency of 50% but is aligned with the front boundary and must be assessed against the performance criteria.

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

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

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

Complies
 The site and area are level. Given the mixed use character of the area security of the site is considered important. Passive surveillance will be maintained as the fence will consist of steel pickets. The property until recently had a low timber picket fence. The adjoining sites do not have fencing but the site opposite has steel chain mesh. As there is a lack of consistency in the street, and passive surveillance can be maintained, compliance with the performance criteria is considered to be met.

23.4.4 Site landscaping

Objective: To ensure that new development improves the amenity of the site and the streetscape.
Consistent The new development is appropriate to the site and streetscape.
A1 New buildings or extensions with a gross floor area greater than 100m ² or 50% of the existing gross floor area, whichever is less, must: (a) landscape an area within the front setback of not less than the 50% of that area; and (b) provide a minimum of one tree capable of growing to a height of no less than 10m planted for every 1,000m ² of site area. Trees must be located within a minimum 3m diameter landscaped area.
Relies on Performance Criteria The proposal plans do not include any landscaping.
P1 Landscaping must improve the amenity and appearance of the site and the streetscape, having regard to: (a) the topography of the site; (b) the existing vegetation on the site; (c) shade for users of the site and car parking areas; (d) the location, type and growth of the proposed vegetation; (e) the area set aside for landscaping and its suitability; (f) any proposed screening; and (g) the character of the streetscape and surrounding area.
Complies The site is level and, following the recent demolition of a dwelling, has no vegetation. Properties to either side are commercial and do not have vegetation. The subject site will be screened by a fence and gate to provide presence in the street. While the site is small it is considered that at least two trees could be provided on site. A condition is recommended to require two trees to be provided on site, either by planting in the ground or within a large pot, off the front south western corner of the building and the site.

E2.0 Potentially Contaminated Land Code

E2.1 The purpose of this provision is to:
 (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

Consistent

The adjoining site to the east is burdened by a potential contamination alert. The Council's Environmental Services staff do not consider that the development would have an impact on human health or the environment. An Environmental Site Assessment is not considered necessary and no further assessment under the code will be undertaken.

E2.6 Development Standards

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

The proposal is not considered to have a significant impact on the safety and efficiency of the road network or to impact on sensitive uses in the area.

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 significantly reduced by the increase in use of the access to the site and junction with Invermay Road.

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

Windsor Street has a speed of 50km/h and as a maximum of three employees are proposed there should be less than 40 vehicle movements per day.

E4.6 Development Standards

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

Consistent

An appropriate level of parking is proposed for the site which is within walking distance of the central city and close to cycle tracks and 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 is to be provided for the intended use.

A1 The number of car parking spaces must:

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

Complies

Table E6.1 states that the use of a Service industry should provide one car space per 80m² of gross floor area or two spaces per three employees, whichever is greater. The building proposes a floor area of 260m² to require 3.25 spaces with two mechanics and one person in the office, requiring two spaces. Therefore, 3.25 spaces are required with 90% being 2.925 to require three spaces. Three spaces, with one providing for disability parking, are provided forward of the building to comply with the code. Vehicles being serviced will be parked within the building. A condition is proposed to assist in maintaining all vehicles associated with the use being contained within the building.

The table also requires bicycle parking to be provided on site at a rate of 'one space per five employees'. The building has the capacity to provide a bicycle space if needed.

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.

Complies

An accessible car space has been provided for the proposed use.

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.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

<p>Consistent Bicycle parking can be provided on site.</p>
<p>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.</p>
<p>Complies Table E6.1 requires one bicycle parking space. A space can be provided within the building.</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 Parking areas will be appropriately constructed.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (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>Complies The parking and manoeuvring areas are level, will be suitable sealed, drained and line parked.</p>

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>Consistent Parking areas will be designed and constructed 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 4 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.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

<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 spaces, access and manoeuvring will comply with vehicles able to safely enter and exit the site and complying with E6.2 and E6.3. The spaces are external and therefore have vertical clearance greater than 2.1m.</p> <p>The accessible space is closest to the front entrance and although there are less than 6 spaces the space is properly designated.</p>

E6.6.3 Pedestrian access

<p>Objective: To ensure pedestrian access is provided in a safe and convenient manner.</p>
<p>Consistent Pedestrian access will be safe and convenient.</p>

E6.6.5 Bicycle facilities

<p>Objective: To ensure that cyclists are provided with adequate facilities.</p>
<p>Consistent</p>
<p>A1 Uses that require five or more bicycle spaces by Table E6.1 must provide one shower and change room facility on site, with one additional shower and change room on site for each 10 additional bicycles spaces required.</p>
<p>Complies A space is to be provided inside the building.</p>

E16.0 Invermay/Inveresk Flood Inundation Area Code

<p>E16.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area; (b) ensure that new development is sited and designed to minimise the impact of flooding; and (c) ensure that consideration is given in the siting, design and emergency response capability of new development on land subject to flood inundation.
<p>Consistent The proposed development should not increase any risk or hazard as a result of flooding.</p>

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

E16.6 Use Standards

E16.6.1 Unacceptable uses

Objective: To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.
Consistent The proposed use is not considered to be unacceptable in relation to flood inundation.
A1 Must not be: (a) Education and occasional care, except in the Inveresk Cultural precinct; (b) Emergency services; or (c) Hospital services.
Complies A Service Industry is not an unacceptable use.
A2 Must not be Residential, unless: (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts; (b) a multiple dwelling in the Invermay Residential Precinct; or (c) associated with and supporting the educational activities within the Inveresk Cultural precinct.
Complies The proposed use is not Residential.
A3 Must not be Community meeting and entertainment in the Riveredge Industrial or Inveresk Residential precincts.
Complies The proposal is not a Community meeting and entertainment use.

E16.7 Development Standards

E16.7.1 Intensification of residential development

Objective: To limit the intensification of residential development in areas subject to, or isolated by, flood inundation.
Consistent The proposed development is not for a Residential use.
A2 Subdivision or division of land by strata plan: (a) must not create any additional lots capable for any future residential development; or (b) is to: (i) separate existing dwelling units; or (ii) separate existing residential and non-residential buildings; that have been approved by Council on a single title.
Complies Subdivision is not proposed.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

E16.7.2 Flood Impact

<p>Objective: To ensure that new buildings and infrastructure are sited and designed to avoid or mitigate the risk and minimise the impact of flooding.</p>
<p>Consistent The proposed development is not considered to have a negative impact upon the area in a flood event.</p>
<p>A1 Floor levels of all habitable rooms within the Residential use class must be at least 3.7m AHD.</p>
<p>Complies The proposed development is not for a Residential use.</p>
<p>A3 All buildings not in the Residential use class must have a: (a) floor level of at least 3.4m AHD; and (b) gross floor area of not more than: (i) 400 m²; or (ii) 10% more than that existing or approved on the 1 January 2008.</p>
<p>Relies on Performance Criteria The floor of the dwelling which was recently removed was surveyed at 1.90m AHD. Given the low ground level the proposal does not comply with (a) and must be assessed against the performance criteria. The proposed floor area is 260m² to meet (b).</p>
<p>P3 Buildings not in the Residential use class must be sited and designed in accordance with a hydrological report and an emergency management plan prepared by a suitably qualified engineer. The report and plan must: (a) detail: (i) the risks to life; (ii) the likely impact on the use or development; and (iii) how the use or development will manage the risk to tolerable levels; during either an overtopping of the levee or a levee breach at the closest point in the levee during a 5% AEP, 2% AEP or a 1% AEP flood event; and (b) consider the following: (i) the likely velocity and depth of flood waters; (ii) the need to locate electrical equipment and other fittings above the 1% AEP flood level; (iii) the likely effect of the use or development on flood characteristics; (iv) the development and incorporation of evacuation plans into emergency management procedures for the precinct; and (v) the ability of the use or development to withstand flood inundation and debris damage and the necessity for the incorporation of any flood proofing measures in the development.</p>

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

Complies
 Issuing of permit will be imposed with a condition requiring an emergency management plan with the information stipulated above in P1.

As the building is relatively small and will principally be an open space it should not have a significant impact on the flow of water through the area. Given the characteristics of flood events in the area there is sufficient time to clear the building if necessary. Compliance with the performance criteria is considered to be met.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditional consent provided.
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 2020/00305-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A
Launceston Flood Authority	No objection to the commercial use and development of the site.

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 1 April to 20 April 2020. Three written representations were received with two signatures on one letter. The submissions relate to this and an application for a transport depot opposite at 17-19 Windsor Street. 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. Only matters raised of this application will be discussed.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

<p>Issue 1: There are 17 homes at the western end of the street who have a right to safety and quality of life.</p>
<p><i>Response 1:</i> The western half of the street is zoned Inner residential and contains a set of eight terraces and eight single dwellings. The eastern half is zoned Commercial and contains a dwelling and five commercial properties plus a property on each corner with Invermay Road. The use and development of all parcels is subject to compliance with their respective zone. The proposed Service Industry is considered able to meet the intent of the zone which does include consideration of nearby residential uses.</p>
<p>Issue 2: It is not considered appropriate that the applications were available for comment during the "public lockdown" and over Easter when Council offices are closed and all those effected may not have seen the site notices.</p>
<p><i>Response 2:</i> The time for comment for both applications was extended over the Easter period to ensure a minimum of 10 working days were included in accordance with the Act. Applications were available for viewing, on line, 24 hours per day over that time. The plans were also available, by request, from the Town Hall. Adjoining properties, and a further property each side were advised in writing and site notices were clearly visible for residents and others every time they entered or left Windsor Street.</p>
<p>Issue 3: The homes consist of eight terraces with no parking and nine homes with limited parking. These contrast with the more industrial uses at the end of the street which residents have to pass and which is squeezing out the homes. It is also used to access a lane that runs between Windsor and Forster Streets.</p>
<p><i>Response 3:</i> The current mix of residential and commercial sites in the street has existed since at least the 1983 Planning Scheme.</p>
<p>Issue 4: In addition, the street is used by businesses in Invermay Road, students and users of Inveresk and residents have no where to park when returning home.</p>
<p><i>Response 4:</i> This is an existing situation. Each of the current applications proposals has sufficient on site parking to comply with the requirements of the Parking and Sustainable Transport Code of the planning scheme and should not impact on the level of parking in the street.</p>
<p>Issue 5: There is a resident parking request being processed but this does not seem to be progressing.</p>

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

Response 5:

The representor has had previous dealings with the Infrastructure and Assets Network relating to this matter, which is beyond the scope of assessment and discussion in respect of this application, and therefore the letter has been forwarded to the nominated officer. The response notes that resident parking was not supported but that line marking of parking spaces is to be provided.

Issue 6:

Similarly, Council should be responding to concerns about streetscape and the quantity of asphalt on properties. The street is also unmaintained as cleaning vehicles do not have access.

Response 6:

Noted.

Issue 7

There have been an increasing number of auto businesses in the nearby section of Invermay Road which add to traffic lead near the street entrance, trying to park in the street and trying to turn in the street. Entry and exit into Windsor Street is also more difficult. The extra vehicles put pressure on parents and children walking in the street.

Response 7:

Noted.

Issue 8:

There is an auto/mechanical repair garage on the corner of Forster and Holbrook Streets which is 100m away from residences at the end of street and we hear noise when the use operates out of hours. This is especially a concern if panel beating occurs.

Response 8:

The proposal is to operate standard hours with the hours imposed as a condition of permit for the purpose applied for. Any change will require a further application.

Issue 9:

How will sound be minimised? What sound proofing is to be provided and will the doors be shut?

Response 9:

The use will be conditioned to operate within allowable hours, an amenity condition will be imposed and the doors will be conditioned to be shut when machine tools are in use.

Issue 10:

The quantity of landscaping in the street has declined over recent years with this to be further degraded by this proposal.

Response 10:

A condition is to be imposed to require some planting forward of the building.

Issue 11:

Lack of landscaping and building style especially the change from residential to commercial - has there been a zone changed.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

Response 11:

A lack of landscaping is acknowledged and a condition for a required tree is to be included in a permit issues. The building facade meets the requirements of the Commercial zone. The dwelling recently demolished had non-conforming use rights. The commercial zone has applied to at least the front part of the site since the 1983 Planning Scheme (dated 12 July 1986). The site was enlarged at the end of 1986 and since at least 1987 has been zoned General commercial/Commercial.

Issue 12:

Uncertainty of the future use of the building, the documentation stating; “it may be a workshop, the building doesn’t have a tenant as yet, so final use is hard to know, assuming, as a worst case scenario, that the use will be a small workshop as per the surrounding uses”

Response 12:

The owner does not have an immediate tenant. All applications are treated on its merits against the relevant provisions of the planning scheme in respect of the information provided. If a future tenant is not for mechanical repairs then a further application will have to be submitted, and again assessed against the relevant provisions.

Issue 13:

The replacement of the previous dwelling with a commercial building will be aesthetically unpleasant and devalue residential properties in the street.

Response 13:

The visual impact of a commercial building is considered in context. Most recently the site contained a residential cottage between two commercial buildings. The proposed development will be more in keeping with the property on either side, the three sites appropriate within their commercial zone.

Issue 14:

The size of the shed could potentially block sunlight from adjoining houses and those beyond.

Response 14:

The building is south of dwellings it adjoins, which are located on the southern side of Forster Street, and will not be overshadowed. As the building is to have has a maximum height of 5.5m and be separated by properties to the west by at least one property it will not cause overshadowing to adjoining properties.

Issue 15:

Effect of a commercial use close, if not next to residential properties and will impact on pollution - noise, toxicity, traffic, sunlight and property values and impact on daily life - neighbours health and well being.

Response 15:

The area has a mix of zonings which will result in mix of development and use types. The application meets the provisions of the planning scheme.

Issue 16:

Anything that is likely to overshadow the adjoining garden is not acceptable.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

Response 16:

The proposed building is true south of the adjoining garden therefore the garden should achieve sufficient sunlight.

The concerns have been discussed with the representors. The main concerns are parking for residents and the streetscape elements, with the writers not wishing for the development to be refused but to include appropriate controls to minimise impacts in the street.

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

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 - General Manager Community and Place Network

ATTACHMENTS:

1. Locality Map - 12 Windsor Street, Invermay (*electronically distributed*)
 2. Plans to be Endorsed - 12 Windsor Street, Invermay (*electronically distributed*)
 3. TasWater SPAN - 12 Windsor Street, Invermay (*electronically distributed*)
 4. Representations - 12 Windsor Street, Invermay (*electronically distributed*)
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10 ANNOUNCEMENTS BY THE MAYOR**11 COUNCILLORS' REPORTS**

(This item provides an opportunity for Councillors to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

12 QUESTIONS BY COUNCILLORS**12.1 Questions on Notice**

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

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

12.2 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.)

13 COMMITTEE REPORTS

No Committee Reports have been identified as part of this Agenda

14 COUNCIL WORKSHOPS

Local Government (Meeting Procedures) Regulations 2015 - Regulation 2(c)

14.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Committee Clerk)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

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

Workshops conducted on 7 May 2020:

Tourism Northern Tasmania Update and Service Agreement

Councillors were provided with information as part of the twice yearly update for Tourism Northern Tasmania.

Junction 2020 Recovery Event and 10th Anniversary in 2021

Councillors received a presentation regarding the Junction Arts Festival.

Launceston City Deal Three Year Review

Councillors were provided with information on the Launceston City Deal Three Year Review scope and plans.

Homelessness in Launceston - the Council's Role in Launceston

Councillors were provided with an update regarding work being undertaken with relevant agencies regarding homelessness in Launceston.

REPORT:

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

14.1 Council Workshop Report ...(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 Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

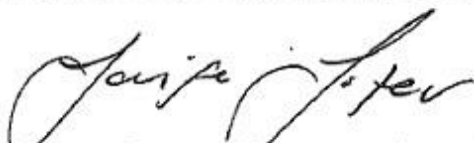
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

15 NOTICES OF MOTION

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

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

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items have been identified as part of this Agenda

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

18.1 Closure of Part of Charolais Drive, Norwood

FILE NO: SF1267

AUTHOR: Duncan Campbell (Team Leader Legal Services)

GENERAL MANAGER: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider the closure of part of Charolais Drive, Norwood

PREVIOUS COUNCIL CONSIDERATION:

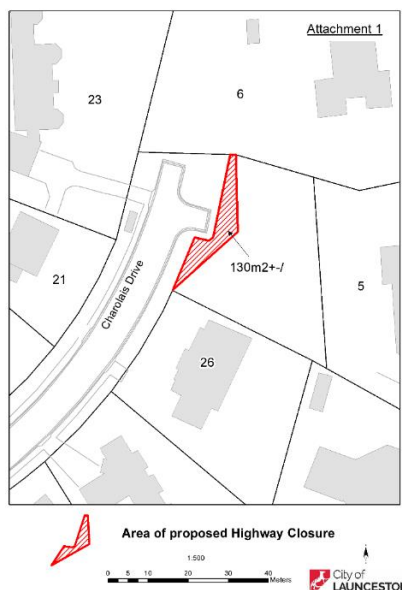
Council - 5 March 2020 - Agenda Item 18.2 - Closure of Part of Charolais Drive, Norwood

Council - 24 April 2017 - Agenda Item 18.2 - Disposal of part of Road Reservation - Charolais Drive

RECOMMENDATION:

That Council

1. pursuant to section 14 of the *Local Government (Highways) Act 1982 (Tas)*, closes that part of Charolais Drive, Norwood, as identified in the plan as shown below because of lack of use.



18.1 Closure of Part of Charolais Drive, Norwood ...(Cont'd)

2. requests the Chief Executive Officer to cause the corresponding amendments to be made to the relevant sealed plan pursuant to section 104 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas).
 3. Notes, for the avoidance of doubt, Chief Executive Officer means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

REPORT:

On 5 March 2020 Council formed the opinion that part of Charolais Drive, Norwood should be closed because of lack of use.

Section 14 of the *Local Government (Highways) Act 1982* (Tas) and section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas) requires various stakeholders to be notified of a proposed closure and associated amendment.

Notice of the proposed closure and associated amendment has been served on the Transport Commission and each of the owners and occupiers affected. Notices were placed at both ends of the relevant section of highway.

A notice was placed in *The Examiner* on 21 March 2020 inviting objections until 2 May 2020. A second notice was placed in *The Examiner* on 25 March 2020 making it clear that objections would be received until 4 May 2020, as the earlier specified date was a Saturday. A final notice was placed in *The Examiner* on 28 March 2020 and contained a plan of the proposed closure, to accommodate for the fact that the Council's Customer Service Centre had been closed due to the COVID-19 pandemic.

No objections to the proposed highway closure have been received, nor have any requests to be heard in support or opposition to the relevant amendments to the sealed plan have been received.

The relevant part of Charolais Drive, Norwood should be closed and the sealed plan amended accordingly. Council Officers will liaise with the Land Titles Office to ensure amendments are made and the land can be sold as previously determined.

ECONOMIC IMPACT:

Not considered relevant to this report.

18.1 Closure of Part of Charolais Drive, Norwood ...(Cont'd)

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Area -

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

BUDGET & FINANCIAL ASPECTS:

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.



Shane Eberhardt - General Manager Infrastructure and Assets Network

19 ORGANISATIONAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items have been identified as part of this Agenda

21 CLOSED COUNCIL

No Closed Items have been identified as part of this Agenda

22 MEETING CLOSURE

UNCLASSIFIED AGENDA ITEMS:
