



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 16 APRIL 2020
1.00pm**

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

Date: Thursday 16 April 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

RECORDING 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

We want 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 emailing 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 answered or taken on notice. If your questions are not accepted, reasons will be given.

Questions or statements must be emailed to contactus@launceston.tas.gov.au by 11am, Thursday 16 April 2020 and must include your name and a contact telephone number. If you cannot email 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

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City of Launceston

COUNCIL AGENDA

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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:

1. That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 2 April 2020 be confirmed as a true and correct record.

2. That the Minutes of the Special Meeting of the City of Launceston Council held on 2 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.)

8.1.1 Public Questions on Notice - Mr Lionel Morell (President, Tasmanian Ratepayers Association Inc.) - Special Council Meeting - 2 April 2020**FILE NO:** SF6381**AUTHOR:** Lee Viney (Administration Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted to Council on 2 April 2020 by Mr Lionel Morell (President, Tasmanian Ratepayers Association Inc.), has been answered by Mr Michael Stretton, Chief Executive Officer.

Question:

1. What are the alternate duties being carried out by staff ordinarily employed in facilities that are not currently open to the public? Example QVMAG, LAC, York Park etc (please provide a response to the full list.)

Response:

The Launceston Leisure and Aquatic Centre has 110 employees made up of 21 permanent and 89 casual staff. Unfortunately, we don't have work for the casuals and they are being transitioned to Federal Government assistance payments. However, our permanent staff in the operations area have been busily working on backlog maintenance and other works that can only be undertaken during a shutdown period. Whilst permanent staff in the administration area have been working on business planning, updating policies and procedures and identifying ways to engage with our customers and the community during the COVID-19 closure. For example, gym staff are producing online videos to help members and the community maintain their health and wellbeing.

Once staff at this facility have completed all of the shut-down and/or backlog work they will be re-tasked into areas like community recovery over the next few weeks. We will also be re-tasking staff to assist the Finance Team in managing Applications for financial hardship, which will be received over the next couple of months. It should also be noted that this team has developed specific expertise in the implementation of LEAN methodology and as such there are many business improvement projects that they could undertake throughout the organisation.

Staff at UTAS Stadium are continuing to complete their daily tasks of maintaining the facility. The maintenance of UTAS Stadium is a year-round process which does not stop because games and/or training are not occurring. UTAS stadium management is currently focused on working on a Future Directions Plan for the stadium as well as updating policies and procedures in addition to continuity planning for the eventual return of the stadium to games and training.

At the QVMAG, when the doors were closed to the public on Tuesday March 17, management and staff immediately started planning for the possibility of working offsite. The majority of staff are now working from home and their priority tasks are summarised as follows:

A Covid-19 Disaster Response Plan has been put in place specifically for QVMAG and a skeleton staff established to ensure ongoing security of the QVMAG buildings and collections, and respond appropriately to any urgent issues or emergencies.

General

Although some projects have had to be put on hold by necessity, there are others that are still progressing with external partners. These include ongoing work with Tasmanian cultural institutions on the Digital Cultural Experience (DCE), and work with UTAS to maximise opportunities to redevelop The Phenomena Factory and create a closer relationship with the Underwood Centre.

QVMAG is maintaining its connections with its professional colleagues by taking part in weekly telephone and video conferences as part of the Council of Australasian Museum Directors (CAMD). This is proving to be a useful forum for sharing ideas and responses to the crisis.

Management is focusing on progressing some of QVMAG's longer-term plans including working with the CEO on the Governance transition plan and the establishment of a project working group. At the same time, Management is working to create and/or update a number of key policies for QVMAG.

Monitoring of feedback on the Cultural Strategy continues, but the deadline has been pushed out indefinitely to allow for the current disruption.

Museum Operations

The Learning Team is working on creating new ways to engaging QVMAG audiences, including the development of digital educational resources for children learning at home. A range of other resources are in development, including Activity Sheets and new Planetarium content. Across the team key administrative documents are being updated, including the Operations Manual and Standard Operating Procedures (SOPs).

Members of the Exhibitions Team are working on a new QVMAG publication on the Tasmanian Emu with Natural Sciences, and combining 4 QVMAG Records written by Brian Plomley into one single Record, as well as working on social media posts, developing online learning guides for up-and-coming exhibitions, as well as other programs being developed by the Learning Team. Team members are also working on creating new merchandise for the QVMAG shops. A new staff manual is in development as well as routine work on the budget, up-and-coming exhibitions, exhibition schedules and other documentation.

The Visitor Operations Team is reviewing current best practice in the cultural sector and will use the learnings to inform its visitor experience approach in the future. The Team is also working closely with colleagues across the museum to explore merchandising

opportunities for the store, as well as the use of social media to grow the retail offer. As with the other teams in Museum Operations, Visitor Operations is also updating various SOPs and staff manuals. The team have a strong focus on continuous improvement and are focusing on developing mindfulness courses for front-of-house staff and revamping donations processes for the cultural sector.

Knowledge and Content

Natural Sciences team members are engaged with researching and writing a range of publications (book chapter, papers, journal articles) as well as generating social media content as needed. Work continues on exhibition planning and development, photographic scanning, and specimen collection, registration, and presentation. The team is also processing the many thousands of entomology specimens collected during the four months of summer collecting – pinning, labelling and entering each individual into the Atlas of Living Australia database – as well as writing research papers detailing QVMAG's contribution to biodiversity knowledge of northern Tasmania.

The Senior Curator Public History has been in the newspaper and on TV discussing the history of Launceston's Infectious Disease Hospital, now a Coronavirus testing clinic. The history team also continue to work on the extensive QVMAG archives, both digitising and researching collections for developing online content. Their focus is currently on the 7EX radio station archive, a treasure trove of Launceston popular culture reaching back to the 1930s. The team is scanning photos, developing text, following up copyright permissions and designing interactive content. Where possible, they continue to answer public enquiries although access to files is limited.

In addition to this, staff are working on papers for publication, oral history projects, future exhibition planning, and gallery redevelopment.

Library staff continue to answer public enquiries, are creating new collection listings and collection guides, as well as completing QVMAG Record 120. The team is also working on the development of future online exhibition content.

Much of the work of the Visual Art and Design team is exploring ways in which to balance pre-existing commitments to artists with the need to reschedule the exhibition programme, specifically the rehang of the Galleries scheduled for 2021. This requires careful planning and ongoing communication. At the same time, the team continues to ensure that data is 'clean' in order to migrate onto a new database, and eventually support the digitisation of the collections. The team is also continuing to develop plans for re-hanging the central galleries, with the senior curator researching and writing the main catalogue essay highlighting how QVMAG's colonial masterworks can be translated for a contemporary audience. She continues to build relationships with community stakeholders, sharing images and ideas with her reference group through social media. The assistant curator is likewise continuing work on planned exhibitions, clearing copyright, writing exhibition text, scanning QVMAG files and researching/writing significance assessments for collections in focus through the audit.

The Registrar is spending much of her time creating Data Standards in support the DCE project. She is also working on a grant submission for a Significance Assessment of the

Textiles Store. She is also continuing to work on material associated with the Digital Cultural Experience, including annotating the CDWA (The Getty Categories for the Description of Works of Art) ready for further discussions with the DCE standards reference group, as well as undertaking further study in Collections Law knowledge through an online course offered by AMaGA.

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 233A Charles Street, Launceston - Educational and Occasional Care - Change of use to dance school and construction of additional parking

FILE NO: DA0039/2020

AUTHOR: Luke Rogers (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:	Angela Yvonne Edwards
Property:	233A Charles Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	23/01/2020
Validity Date:	3/02/2020
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	17/04/2020
Representations:	8

PREVIOUS COUNCIL CONSIDERATION:

DA0654/2017 - Business and Professional Services - consulting rooms; change of use, internal renovation, minor extension and signage - Approved 22 January 2018.

DA0288/2017 - Business and Professional Services - office; construction of a free standing signage structure including signs for multiple tenancies (re-advertised) - Approved 4 August 2018.

DA0116/2018 - Business and Professional Services - medical centre; consolidation of lots; change of use of 23 Canning Street to medical centre; demolish part of 23 Canning Street; construction of internal and external alterations; use right of ways over 233A Charles Street, 154 and 156 St John Street (re-advertised) - Approved 15 June 2018.

DA0341/2018 - Sports and Recreation - Change of use to fitness studio at 233A Charles

Street, Launceston - withdrawn.

DA0748/2018 - Sports and Recreation - Change of use to fitness studio at 233A Charles Street, Launceston - refused.

DA0389/2019 - Demolition of a redundant toilet block at 233A Charles Street, Launceston - Approved 19 September 2019

STANDARDS REQUIRING COUNCIL DISCRETION

15.3.4 Noise level

E6.6.2 Design and layout of parking areas

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 DA0039/2020 Educational and Occasional Care - Change of use to dance school and construction of additional parking at 233A Charles Street, Launceston 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. 233a Charles Street Car Parking Report, Prepared by Richard Edwards, Version 2, Dated 3 March 2020
- b. Proposed Car Park Layout, Prepared by Pitt & Sherry, Client: Richard Edwards, Drawing No. LN19239-P1, Dated 3 March 2020
- c. Cover Page, Prepared by Cumulus Studio, Project: 233 Charles St, Drawing No. T18378-sk01, Issue A, Dated 27 April 2018
- d. Site Plan, Prepared by Cumulus Studio, Project: 233 Charles St, Drawing No. T18378-sk02, Issue A, Dated 27 April 2018
- e. Ground Floor Plan, Prepared by Cumulus Studio, Project: 233 Charles St, Drawing No. T18378-sk03, Issue A, Dated 27 April 2018
- f. North + East Elevations, Prepared by Cumulus Studio, Project: 233 Charles St, Drawing No. T18378-sk04, Issue A, Dated 27 April 2018
- g. South + West Elevations, Prepared by Cumulus Studio, Project: 233 Charles St, Drawing No. T18378-sk05, Issue A, Dated 27 April 2018
- h. Sections, Prepared by Cumulus Studio, Project: 233 Charles St, Drawing No. T18378-sk06, Issue A, Dated 27 April 2018
- i. Technical Memo - Potters House environmental noise emission assessment, Prepared by Tarkarri Engineering, Project No. 5298_AC_R, Dated 8 August 2019

2. SIGNAGE

No signage is approved as part of this application. Due to the listing of the site as a Local Heritage Place, any new signs or alteration to the content, graphic or illumination of existing approved signs may require separate approval of Council.

3. NOISE MITIGATION MEASURES

The ongoing use must not cause unreasonable noise or interference to adjoining sensitive uses. Prior to the commencement of the use the following recommendations specified in Potters House Environmental Noise Emission Assessment, prepared by Tarkarri Engineering, Reference: 5298_AC_R, dated 08/08/2019; must be installed:

- a) Operable panels in the upper windows in the northern and southern facades of Potters House premises should be sealed with a flexible sealant to prevent acoustic leakage;
- b) Degraded insulation in the roof/ceiling cavity should be replaced with a minimum R4 fibreglass or rockwool insulation; and,
- c) A vent at the western end of the roof/ceiling cavity should be sealed off with minimum 6mm thick compressed fibre cement.

4. ON-STREET PARKING RESTRICTIONS

A plan of the parking restrictions in Canning Street is to be submitted for approval by the General Manager Infrastructure and Assets. These restrictions must include two on-street car parking spaces in Canning Street that adjoin the site being provided with the following signage:

- a) No Parking from 2:30pm - 8:00pm Monday - Friday
- b) No Parking from 9:00am - 4:00pm Saturday

Once approved, the parking restrictions are to be installed at the applicant's expense and prior to the school operations starting on the site.

5. CAR PARKING

Prior to the commencement of the use, areas set aside for parking vehicles and access lanes must be formed, paved, sealed, line marked and drained to the public stormwater system

6. LEGAL TITLE

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

7. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

8. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

- a) Be properly constructed to such levels that they can be used in accordance with the plans;
 - b) Be surfaced with an impervious all weather seal;
 - c) Be adequately drained to prevent stormwater being discharged to neighbouring property;
-

d) Be line-marked or otherwise delineated to indicate each car space and access lanes. Parking areas and access lanes must be kept available for these purposes at all times.

9. DAMAGE TO COUNCIL INFRASTRUCTURE

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

10. 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.

11. 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.

12. PUBLIC ADDRESS SYSTEM

No form of public address system must be used on the premises so as to cause a nuisance to neighbouring properties.

13. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0039/2020. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 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 (2) 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.*

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. 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.

REPORT:

1. THE PROPOSAL

The proposal is to operate a dance school use at an existing hall formerly used as a church and to construct an extension to an existing parking area. The dance school will be operated by a single teacher at any given time and will cater for solo lessons and groups of up to 15 students. The use caters to approximately 130 students ranging in age from 3 to 25 years old. The proposed use will operate seven days per week, however it will not operate for 12-14 weeks of the year during school holidays. The use will operate from 3pm to 8:30pm Monday to Friday, 9am to 4pm Saturday and 9am to 2pm Sunday.

In addition to the dance school use, the proposal includes the construction of an addition to a parking area. The proposal is to construct five car parking spaces, four of which are to be used for shared parking for uses in the area. The fifth space will be dedicated for permanent parking for the use. The parking spaces will also be provided with an

additional paved manoeuvring area.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	233A Charles Street, Launceston
Zone	15.0 Urban Mixed Use
Size	3,916m ²
Access	Three existing vehicular accesses - two via Canning Street and one via Charles Street. Multiple pedestrian entries off both streets.
Shape	Irregular - generally rectangular.
Slope	Generally flat.
Existing structures	The site contains the heritage listed 'Charles Street School' as well as the old hall which is the subject building for this application. The site also contains three parking areas, with the largest being the parking area at the rear.
Vegetation	Limited existing planted vegetation.
Connection to services	Connected to all services.
Surrounding land	The site is surrounded by a mixture of uses. To the north, east, and south are residential zoned lots, containing single dwellings, multiple dwellings, visitor accommodation, and businesses. To the north is more Urban Mixed Use land, with Coles Supermarket located to the north west along Charles Street. Commercial and Local Business zoned land is predominately located to the west and contains a mixture of businesses.
Overlays	E13.0 Local Historic Heritage Code listed on the Tasmanian Heritage Register.

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.

Consistent

The proposal is for a dance school, which is considered an education and occasional care use. This is a discretionary use in the zone. The use is considered to be educational as it teaches the Royal Academy of Dance syllabus, which is recognised formal learning

by the Office of Tasmanian Assessment, Standards and Certification.

The proposal will provide a facility for youth education and activity that will integrate appropriately with the uses in the surrounding area, including the food services and retail uses along Charles Street and the residential uses to the east and south of the site. The proposal will encourage increased activity outside of normal business hours, as the proposal will operate outside of standard school hours. The proposal will increase activity at pedestrian levels and will provide a sufficient amount of parking and access to meet the needs of the use and development. The proposal is considered to be consistent with the purpose of the zone.

15.3 Use Standards

15.3.1 Hours of operation

Objective:

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

Consistent

The proposed non-residential use will not cause an unreasonable loss of amenity to nearby sensitive uses.

A1 Commercial vehicles must only operate between 6.00am and 10.00pm.

Complies

The proposal does not include the use of commercial vehicles.

15.3.2 Mechanical plant and equipment

Objective:

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

Consistent

The proposal will not include the use of mechanical plant and equipment that would cause an unreasonable loss of amenity of sensitive uses.

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

Complies

The proposal will not include the use of mechanical plant and equipment.

15.3.3 Light spill and illumination

Objective:

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

Consistent

The proposal will not include the use of external lighting that would cause an unreasonable loss of amenity of sensitive uses.

A1 The use must:

- (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.

Complies

The proposal will not include the use of any permanent, fixed floodlighting.

15.3.4 Noise level

Objective:

To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.

Consistent

The noise level from the proposed use will not unreasonably impact on the amenity of nearby sensitive uses.

A1 Noise generated by a use on the site must:

- (a) not exceed a time average A-weighted sound pressure level (L_{Aeq}) of 5 dB(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.

Relies on Performance Criteria

The proposal is not supported by a noise report specific to the proposed use. As such, it cannot be demonstrated that the use will not exceed the L_{Aeq} in the acceptable solution. The use is not in accordance with any permit conditions or notice of the Environment Protection Authority. As such, the proposal relies on performance criteria.

P1 Noise levels generated by a use on the site must not unreasonably impact on the amenity of nearby sensitive uses, having regard to:

- (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.

Complies

The proposed noise levels on the site will not unreasonably impact on the amenity of nearby sensitive uses. The proposed use is for a dance school operating from 3pm to 8:30pm Monday to Friday, 9am to 4pm Saturday and 9am to 2pm on Sunday. The classes range from one on one lessons to groups of 15 students. The primary source of noise emissions is from music played intermittently throughout the class. This music will be at a reasonable level to allow instructions to be given while music is playing. Beyond the music played, the noise will be generated by voices of students and the dance teacher.

The background noise levels at the site are generally generated by traffic on Canning Street and Charles Street, as well as the surrounding road network. The traffic on these streets is significant, as both are major collector roads for the area and connected to significant uses, including the Launceston General Hospital. The site has previously been subject to noise reports by Tarrkari Engineering for previous development applications which monitored background noise on Canning Street between 5:30am and 6:00am. At this time, the L_{Aeq} (equivalent continuous noise level) was between 55dBA and 60dBA, primarily due to the traffic in the area. It is likely that for the majority of the

operating hours of the proposed use the traffic levels and background noise will be higher than was recorded between 5:30am and 6:00am for the purposes of the study.

This noise report also assessed the potential impact of a use on nearby sensitive used. With the stated level of background noise, a portable music speaker at a volume of 60dBA at 2m and 7 people using causal or normal voice volume would meet the acceptable solution of 5 dBA above background noise when measured from the nearest sensitive use. The proposed use may result in noise levels above this, however only marginally so, as the noise report assessment was based on a class for 15 people with music playing. This suggests that the proposed use would likely meet the acceptable solution noise level or be close to this noise level.

The noise report provided with a previous application also contained recommendations for mitigation measures that are applicable to the proposed use. A condition has been recommended that requires the conditions of Tarkarri Engineering Report 5152_AC_R be followed. These mitigation measures include sealing of window panels, upgrading insulation in the ceiling/roof cavity and sealing of a vent.

The proposed use is in a mixed-use zone with a number of food services, a major supermarket and other uses nearby that generate some noise. The proposed use would be in keeping with the character of the area. The dance school noise levels are deemed to comply.

15.4 Development Standards

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
The location of the proposed car parking spaces will not detract from the streetscape and will provide for vehicle and pedestrian safety.

A1 Car parking must be located:
(a) within the building structure; or
(b) behind the building.

Complies
The proposed car parking spaces are located behind a building when viewed from either frontage, Charles Street or Canning Street.

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 proposed development will protect the safety and efficiency of the road and railway network. The proposal is not for a sensitive use and therefore will not cause conflict between such a use and the road or railway 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

The safety and efficiency of the surrounding roads, or the road network generally, will not be reduced by the increased use of the existing access to the site.

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

Complies

The proposal includes the addition of five car parking spaces on the site within an existing parking area. The site has three distinct parking areas, which are each serviced by an individual crossover and are not interconnected. These areas include:

- A parking area at the corner of Charles and Canning Streets, which has a total of 13 parking spaces and is accessible from Canning Street;
- The driveway in the south western corner of the site which has two parking spaces and is accessible off Charles Street; and,
- The primary parking area along the eastern side of the site, which consist of 31 car parking spaces and is accessible off Canning Street.

The increase in car park numbers in the primary parking area will be approximately 16%, increasing from 31 to 36. The proposed use will occupy one car parking space, which is for the use of the dance teacher operating the use. This space will generally generate two movements per day as the teacher enters and exits the site. The students of the dance school will, predominantly, be dropped off by parents or will catch public transport to the site. Agreement has been reached to alter parking arrangements on Canning Street to provide a drop off parking area suitable for parents and students. While there is the ability for students or their parents to use the existing crossovers to access the site, the majority will not increase the use of the existing crossovers.

The remaining four additional car parking spaces are to be shared by uses on the site and will have a varying number of vehicle movements per day. The exact number of vehicles accessing these additional five parking spaces throughout the day is unknown, however, it is not expected to increase the number of vehicle movements over the access by more than 20%.

The existing car parking spaces within the primary parking area are staff and visitor car parking spaces, which will be the use of the proposed parking spaces. In addition, the access over Canning Street also provides access to parking areas off site, including three parking spaces for the adjoining medical centre and a housing court with at least 18 car parking spaces. This brings the total number of car parking spaces that can use this crossover to 50+. The increase by five spaces represents an increase of parking numbers of less than 10%, and therefore will not generate 20% more vehicle movements per day. The proposal complies.

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.

Consistent

The proposed and existing development on the site provides a sufficient amount of parking and associated facilities to meet the needs of the proposed use. The proposal will support cycling, walking and public transport use in the area and will allow for the safe delivery of people to the site. The parking provided will meet appropriate Australian Standards and will not adversely impact on the amenity of the locality.

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 car parking has been 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 2 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

The proposal provides one car parking space for the proposed use. This is 100% of requirements for an educational and occasional care use, based on the requirements of Table E6.1. The proposed use is operated by a single employee, a dance teacher. Educational and Occasional Care uses do not provide parking for students, other than tertiary education students. As such, the proposal meets the needs of the use. The additional spaces will be shared by uses on the site and in the area on an as needs basis.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

To ensure that parking areas are constructed to an appropriate standard.
<p>Consistent</p> <p>The proposed car parking spaces and associated areas will be constructed to an appropriate standard.</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</p> <p>The proposed parking areas will have a slope of approximately 5% rising to the south. These spaces will be formed, paved, drained, sealed and line marked. A condition has also been imposed to ensure compliance with the standard.</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 proposed parking spaces and associated areas are designed and laid out to provide for 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 3 or more car parking spaces; and (e) have a vertical clearance of not less than 2.1 metres 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 6 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>The proposed parking area allow for vehicles to enter and exit the site in a forward</p>

direction, and has internal access ways in accordance with Table E6.2. The proposed manoeuvring areas adjoining the five additional car parking spaces is approximately 8.8m in width. However, as the width of the proposed car parking spaces is 2.4m, the proposal is not in keeping with Table E6.3. As such, the proposal relies on performance criteria.

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

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

Complies

The car parking spaces, access ways, manoeuvring areas and circulation spaces are convenient, safe and efficient to use. The site is currently developed with heritage buildings along the frontages to Canning and Charles Streets. To the rear of these buildings is an existing car parking area, which is proposed to be extended by five car parking spaces. The site has a slope of approximately 5% rising to the south in the area that the additional parking spaces are proposed. The proposal will provide approximately 8.5m of manoeuvring area with spaces that are 2.4m by 5.4m. The dimensions of the car parking spaces are in keeping with the existing spaces on the site. The proposal will provide parking with surrounding walkways to ensure pedestrian safety. The additional manoeuvring area will allow for flexibility for safe vehicle movements.

The use will be as a dance school, which will be accessed by standard passenger vehicles. The parking on the site will be by the dance teacher who will be operating the use. There are also four parking spaces that will be shared by the dance school and other uses on the site and on adjoining sites. These allow sufficient space for staff or visitors of nearby uses to pull into these spaces and reverse into the internal access ways, allowing entry and exit in a forward direction. The number of vehicles accessing the use will vary depending on the uses. The surrounding area has relatively high traffic due to the proximity to activity centres and central Launceston.

The proposed parking spaces, with dimensions of 2.4m by 5.4m are in keeping with the requirements of the Australian Standards. The proposal is therefore deemed to comply.

E13.0 Local Historic Cultural Heritage Code

E13.1 The purpose of this provision is to:

- (a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts;
- (b) encourage and facilitate the continued use of these places;
- (c) encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and
- (d) 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.
Consistent The proposed use and development will protect and enhance the historic cultural heritage significance of the local heritage place and the surrounding area. The proposal will allow for the continued use of the site and the retention and maintenance of the buildings on the site. The development proposed is minor in scale and will not detract from the historic cultural heritage significance of the place or its setting.

E13.6 Development Standards

E13.6.11 Driveways and parking

Objective: To ensure that driveways and parking are compatible with the historic heritage significance of local heritage places and their settings.
Consistent The proposed parking areas are compatible with the historic heritage significance of the local heritage place and its setting.
A1 Car parking areas for non-residential purposes must be located behind the primary buildings on the site.
Complies The proposed car parking is located behind the primary buildings that face both frontages, Canning Street and Charles Street.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure & 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 8 February 2020 to 24 February 2020. Eight 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.

<p>Issue 1 The use 'Educational and Occasional Care' is not defined and does not appear to meet the definition of occasional care. Dance schools are not listed on the Tasmanian Government Education and Care website. The proposal does not fit the advertised use class. Additionally, Dance Pointe Studios in other states provide dance fit programs, which would suggest a gym or Sports and Recreation use.</p>
<p><i>Response 1</i> <i>The proposed use does not readily fit any use class. As such, it must be categorised into the most similar use class, as per Clause 8.2.4 of the Launceston Interim Planning Scheme 2015 (the Scheme). The proposed use teaches the Royal Academy of Dance syllabus, which is recognised formal learning by the Office of Tasmanian Assessment, Standards and Certification. Due to the educational attainment that can be gained at the dance school, Educational and Occasional Care is deemed the most appropriate use class.</i></p>
<p>Issue 2 Previous applications for the site have included a number of errors and mistruths. These applications were for gyms and fitness centres and have been refused.</p>
<p><i>Response 2</i> <i>The content of previous applications is not relevant to the proposed use and development that is currently being assessed.</i></p>
<p>Issue 3 The proposed use does not provide sufficient parking to meet the needs of the use. Parking in Charles Street is congested presently. The parking area on site is currently fully occupied by other uses.</p>
<p><i>Response 3</i> <i>The number of parking spaces was assessed against the provisions of Code E6.0 Parking and Sustainable Transport under the Scheme. The use provides a car parking space for the use of the staff, as required by Code E6.0. In addition, four shared parking spaces are provided to support this use and other uses on the site. There is no need for the proposed use to occupy the spaces currently occupied by other uses in the area. The parking provided meets the requirements of the Scheme and is considered sufficient to meet the needs of the use. A condition has been recommended, after consultation with Council's engineers, the applicant and the representors to alter on-street parking adjacent to the site to be drop off only during the operating hours of the use. This will lessen the parking requirement on the site as a result of the proposed use.</i></p>
<p>Issue 4 The proposed use will cause amenity impacts due to noise and seven day a week operation, including on Sunday when noise levels in the street are reduced.</p>
<p><i>Response 4</i> <i>The noise impact of the proposed use was assessed against the requirements of Clause 15.3.4 A1 and P1 of the Scheme and was deemed to comply. The level of noise is not deemed to be unreasonable in the area and additional conditions have been recommended to further lessen the noise impact. It should be noted that there is no restriction for operating on a Sunday and that the previous use of Potters House included Sunday use.</i></p>

<p>Issue 5 The proposal will increase traffic within the site and the surrounding streets to a level that will increase congestion and the likelihood of injury. There is a potential for vehicles to use the St John Street Residential Village as an exit.</p>
<p><i>Response 5</i> <i>The impact of the traffic for the proposal was assessed against the provisions of Code E4.0 Road and Railway Assets under the Scheme. Specifically, the use was assessed against Clause E4.5.1 A3 of the Code and was deemed to comply. The proposal was also referred for a traffic assessment by Council's traffic engineers and no issue with the access or traffic arrangements were found. A condition has been recommended, after consultation with Council's engineers, the applicant and the representors to alter on-street parking adjacent to the site to be drop off only during the operating hours of the use. This will lessen the traffic accessing the site as a result of the proposed use.</i></p>
<p>Issue 6 The parking plans provided at advertising show parking over an existing building that has not previously been approved for demolition. The parking spaces do not have sufficient width to meet the requirements of the Scheme.</p>
<p><i>Response 6</i> <i>Additional car parking plans were provided and have been recommended for endorsement that show parking spaces only in areas where buildings have already been demolished in accordance with DA0389/2019. No additional demolition is proposed or recommended for approval at this stage. The parking plan shows car parking spaces at 2.4m in width, which is in keeping with the existing parking spaces on the site and the relevant Australian Standards. The design of the car parking spaces was assessed against Clause E6.6.2 of the Scheme.</i></p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

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:

N/A

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 - 233A Charles Street, Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 233A Charles Street, Launceston (*electronically distributed*)
 3. Representations - 233A Charles Street, Launceston (*electronically distributed*)
-

9.2 7A Napier Street, Youngtown - Residential - Construction of sixteen (16) dwellings**FILE NO:** DA0380/2019**AUTHOR:** Luke Rogers (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:	Douglas Design & Drafting
Property:	7A Napier Street, Youngtown
Zoning:	General Residential
Receipt Date:	7/08/2019
Validity Date:	9/08/2019
Further Information Request:	13/08/2019
Further Information Received:	02/03/2020
Deemed Approval:	8/04/2020
Representations:	9

PREVIOUS COUNCIL CONSIDERATION:

N/A

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.12 Earthworks and retaining walls
10.4.4 Sunlight and overshadowing for all dwellings
E4.5.1 Existing road accesses and junctions
E6.6.3 Pedestrian access

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 DA0380/2019 Residential - Construction of sixteen (16) dwellings at 7A Napier Street, Youngtown subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

COUNCIL AGENDA

Thursday 16 April 2020

- a. Cover Sheet, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.01, Dated 28/02/2020
 - b. Project Information, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.02, Dated 28/02/2020
 - c. Location Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.03, Dated 28/02/2020
 - d. Site Plan - General (A), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.04, Dated 28/02/2020
 - e. Site Plan - General (B), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.05, Dated 28/02/2020
 - f. Site Plan - General (C), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.06, Dated 28/02/2020
 - g. Project Staging, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.07, Dated 28/02/2020
 - h. Site Section - A, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.08, Dated 28/02/2020
 - i. Site Section - B, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.09, Dated 28/02/2020
 - j. Site Plan - Planning (A), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.10, Dated 28/02/2020
 - k. Site Plan - Planning (B), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.11, Dated 28/02/2020
 - l. Site Plan - Planning (C), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.12, Dated 28/02/2020
 - m. Site Plan - Landscaping (A), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.14, Dated 28/02/2020
 - n. Site Plan - Landscaping (B), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.15, Dated 28/02/2020
 - o. Site Plan - Landscaping (C), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.16, Dated 28/02/2020
 - p. Site Plan - Turning (A), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.13, Dated 28/02/2020
 - q. Site Plan - Turning (B), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.17, Dated 28/02/2020
 - r. Site Plan - Turning (C), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.18, Dated 28/02/2020
 - s. Site Plan - Plumbing (A), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.19, Dated 28/02/2020
 - t. Site Plan - Plumbing (B), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.20, Dated 28/02/2020
 - u. Site Plan - Plumbing (C), Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.21, Dated 28/02/2020
 - v. Plumbing General, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A0.22, Dated 28/02/2020
 - w. Unit 1 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A1.1, Dated 06/08/2019
 - x. Unit 1 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A1.2, Dated 06/08/2019
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COUNCIL AGENDA

Thursday 16 April 2020

- y. Unit 1 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A1.3, Dated 06/08/2019
 - z. Unit 2 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A2.1, Dated 06/08/2019
 - aa. Unit 2 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A2.2, Dated 06/08/2019
 - ab. Unit 2 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A2.3, Dated 06/08/2019
 - ac. Unit 3 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A3.1, Dated 06/08/2019
 - ad. Unit 3 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A3.2, Dated 06/08/2019
 - ae. Unit 3 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A3.3, Dated 06/08/2019
 - af. Unit 4 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A4.1, Dated 06/08/2019
 - ag. Unit 4 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A4.2, Dated 06/08/2019
 - ah. Unit 4 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A4.3, Dated 06/08/2019
 - ai. Unit 5 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A5.1, Dated 06/08/2019
 - aj. Unit 5 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A5.2, Dated 06/08/2019
 - ak. Unit 5 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A5.3, Dated 06/08/2019
 - al. Unit 6 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A6.1, Dated 06/08/2019
 - am. Unit 6 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A6.2, Dated 06/08/2019
 - an. Unit 6 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A6.3, Dated 06/08/2019
 - ao. Unit 7 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A7.1, Dated 06/08/2019
 - ap. Unit 7 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A7.2, Dated 06/08/2019
 - aq. Unit 7 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A7.3, Dated 06/08/2019
 - ar. Unit 8 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A8.1, Dated 06/08/2019
 - as. Unit 8 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A8.2, Dated 06/08/2019
 - at. Unit 8 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A8.3, Dated 06/08/2019
 - au. Unit 9 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A9.1, Dated 06/08/2019
 - av. Unit 9 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A9.2, Dated 06/08/2019
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- aw. Unit 9 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A9.3, Dated 06/08/2019
 - ax. Unit 10 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A10.1, Dated 06/08/2019
 - ay. Unit 10 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A10.2, Dated 06/08/2019
 - az. Unit 10 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A10.3, Dated 06/08/2019
 - ba. Unit 11 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A11.1, Dated 06/08/2019
 - bb. Unit 11 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A11.2, Dated 06/08/2019
 - bc. Unit 11 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A11.3, Dated 06/08/2019
 - bd. Unit 12 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A12.1, Dated 06/08/2019
 - be. Unit 12 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A12.2, Dated 06/08/2019
 - bf. Unit 12 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A12.3, Dated 06/08/2019
 - bg. Unit 13 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A13.1, Dated 06/08/2019
 - bh. Unit 13 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A13.2, Dated 06/08/2019
 - bi. Unit 13 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A13.3, Dated 06/08/2019
 - bj. Unit 14 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A14.1, Dated 06/08/2019
 - bk. Unit 14 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A14.2, Dated 06/08/2019
 - bl. Unit 14 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A14.3, Dated 06/08/2019
 - bm. Unit 15 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A15.1, Dated 06/08/2019
 - bn. Unit 15 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A15.2, Dated 06/08/2019
 - bo. Unit 15 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A15.3, Dated 06/08/2019
 - bp. Unit 16 - Floor Plan, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A16.1, Dated 06/08/2019
 - bq. Unit 16 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A16.2, Dated 06/08/2019
 - br. Unit 16 - Elevations, Prepared by Douglas Design and Drafting, Address: 5-7 Napier Street, Youngtown, Drawing No. 190701, Layout A16.3, Dated 06/08/2019
 - bs. Traffic Impact Assessment, Prepared by RJK Consulting Engineers, Project: Proposed Unit Development 5-7 Napier Street, Youngtown, Dated 31 July 2019
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2. LEGAL TITLE

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

3. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2019/01160-LCC, 19/08/2019 and attached to the permit.

4. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. SITE LANDSCAPING

The landscaping must be:

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

6. FENCING

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (i.e. 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, unless a higher fence is required by another condition.

7. PRIVACY SCREEN

Prior to the commencement of the use, the fences on the south western side of Units 1, 2, and 3 and the fences to the rear of Units 5, 6 and 7 must be erected to a height 2.1m above the finished ground level of the associated dwelling to ensure privacy for the dwellings on the site or the adjoining property.

8. OBSCURE GLAZING

Prior to the commencement of the use, windows W11 and W12 of Units 14, 15 and 16 must be fitted with obscured glazing.

9. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
 - b. Each multiple dwelling must be provided with a minimum 6m³ exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
-

- c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

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. ON-SITE STORMWATER MANAGEMENT

The development must ensure that 20% AEP (Annual Exceedance Probability) peak flow is maintained at the pre-development level for post-development flows of up to a 10% AEP. This can be achieved either by implementation of a detention system and/or the application of Water Sensitive Urban Design (WSUD) treatments for the development. Design of the detention system or WSUD treatment must be undertaken by a civil engineer eligible for membership of IE Aust or equivalent.

Prior to the commencement of works, appropriate plans and calculations must be submitted to the General Manager, Infrastructure & Assets Network for approval.

On completion, an "as constructed" plan must be submitted, complete with levels, a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

Note: Water Sensitive Urban Design (WSUD) treatments measures are encouraged and can be applied to meet the above requirements.

12. REFUSE & RECYCLING COLLECTION ARRANGEMENT

Prior to the occupation of the units, the applicant must provide written evidence of an agreement between the owner and a relevant contractor for the collection of refuse and recycling from the site. The relevant contractor may be the Council appointed contractor for refuse and recycling collection or other contractor engaged in the collection of refuse and/or recycling. Collection will not be permitted to occur directly from Napier Street and bins must be located within the property boundary in the areas set aside for collection.

13. AMENDED PLANS REQUIRED

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

- a. The removal of the linemarking/delineation of the pedestrian path through the site from the point identified with signage as being a shared zone.

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

14. DAMAGE TO COUNCIL INFRASTRUCTURE

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

15. 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 Assets 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.

16. SINGLE STORMWATER CONNECTIONS

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

17. 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.

18. STAGING OF WORKS WHERE DEVELOPMENT IS TO BE STAGED

If the development is to be staged, the following works must be provided with each Stage of the development and completed to the satisfaction of the Planning Authority:

Stage 1

- a. All car parking and manoeuvring spaces, landscaping, mail boxes, bin storage etc required for the Unit(s) contained within Stage 1.
-

- b. The construction and sealing of that part of the driveway contained within the Common Property required to facilitate access and manoeuvring for the Unit(s) in Stage 1.

Subsequent Stages

- a. All car parking and manoeuvring spaces, landscaping, mail boxes, bin storage etc required for the Unit(s) contained within the Stage.
- b. The construction and sealing of that part of the driveway contained within the Common Property required to facilitate access and manoeuvring for the Unit(s) in the Stage.

Final Stage

- a. All car parking and manoeuvring spaces, landscaping, mail boxes, bin storage etc required for the Unit(s) contained within the final Stage.
- b. The construction and sealing of the incomplete driveway and all other works including landscaping contained within the Common Property.

19. 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.

20. NO BURNING OF WASTE

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

Notes

- A. All building and demolition work is to comply with the Building Act 2016 and the National Construction Code:

Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.

- B. Occupancy Permit Required

Occupancy permit required for new or altered habitable buildings:- Pursuant to section 216 of the Building Act 2016, it is recommended that a licensed building surveyor be consulted to determine if an occupancy permit is required for the building before the building or a part of the building can be, or can continue to be, occupied.

- C. All plumbing work is to comply with the Building Act 2016 and the National Construction Code

Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It

is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.

D General

This permit was issued based on the proposal documents submitted for DA0380/2019. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 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 (2) 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.

E. Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own 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.

F. Appeal Provisions

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

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

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

G. Permit Commencement.

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

H. Heat Pump Use

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

I. Street addresses for Multiple Dwellings

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

<i>Dwelling No.</i>	<i>Strata Lot No.</i>	<i>Street Address</i>
1	1	1/7A Napier Street, Youngtown
2	3	3/7A Napier Street, Youngtown
3	5	5/7A Napier Street, Youngtown
4	7	7/7A Napier Street, Youngtown
5	9	9/7A Napier Street, Youngtown
6	11	11/7A Napier Street, Youngtown
7	13	13/7A Napier Street, Youngtown
8	15	15/7A Napier Street, Youngtown
9	16	16/7A Napier Street, Youngtown
10	14	14/7A Napier Street, Youngtown
11	12	12/7A Napier Street, Youngtown
12	10	10/7A Napier Street, Youngtown
13	8	8/7A Napier Street, Youngtown
14	6	6/7A Napier Street, Youngtown
15	4	4/7A Napier Street, Youngtown
16	2	2/7A Napier Street, Youngtown

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

REPORT:

1. THE PROPOSAL

The proposal is for the construction of 16 detached, single storey dwellings and associated parking areas, earthworks, fencing and landscaping. The dwellings each consist of the same number and type of rooms, with two separate layouts for Units 1 - 8 and 9 - 16 respectively. Units 1 - 8 will each cover an area of 193.45m² and Units 9 - 16 each cover an area of 192.09m². The units are single storey and designed with brick veneer cladding and a Colorbond hipped roof. The units will each consist of three bedrooms, one with ensuite, a bathroom, a toilet, an open plan kitchen/living room/dining room, a porch and a double garage with storage.

In addition to the dwellings, the proposal includes a significant amount of earthworks, primarily being the filling in the centre of the site and cuts at the north eastern end of the site. The deepest cut is to level the building area for Unit 1 and has a maximum height of

approximately 1.2m. The fill at the centre of the site is approximately 1.1m in depth at the highest point, which is located beneath Unit 5. A driveway will also be constructed for the length of the site, with a footpath proposed down the southern side of the vehicular access. The proposal includes six visitor car parking spaces located between the dwellings and the street. There is also landscaping proposed which consists of primarily small shrubs and grass as well as four Japanese maple trees surrounding the visitor car parking spaces.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	7a Napier Street, Youngtown
Zone	10.0 General Residential
Size	7,220m ²
Access	Existing, direct access from Napier Street
Shape	Irregular battle axe lot
Slope	Varied, with the lowest point being on the south eastern boundary, approximately 135m from the Napier Street. The fall from the frontage to this point has a gradient of approximately 5%.
Existing structures	Vacant
Connection to services	All services are maintained on site
Surrounding land	10.0 General Residential surrounding the site 17.0 Community Purpose adjoining to the north west 19.0 Open Space to the east
Overlays	N/A

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 is for multiple dwellings, a permitted use in the zone. As the use is permitted it is deemed to meet the purpose of the zone.

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 The proposed multiple dwellings are at a density that makes efficient use of suburban land for the provision of additional housing. The development will make use of existing infrastructure and community services.</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>Complies The site of the proposed development is 7,286m² in area. The proposal is for the construction of 16 dwellings, which corresponds to a site area per dwelling of 455m². As such, the proposal complies.</p>

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 The siting and scale of the dwellings provides for a reasonable degree of consistency in dwelling separation and frontage setbacks. In addition, there is a reasonable consistency in the scale, bulk, massing and proportion of dwellings on the site and in the surrounding area. The separation and design of the proposed dwellings will allow for solar access to existing and proposed habitable rooms and private open space.</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.

Complies
 The site is an internal lot, and therefore the closest dwelling to the frontage (Unit 9) is set back by over 50m. As such, the proposal complies.

A2 A garage or carport must have a setback from a primary frontage of at least:
 (a) 5.5m, or alternatively 1m behind the facade of the dwelling; or
 (b) the same as the dwelling facade, if a portion of the dwelling gross floor area is located above the garage or carport; or
 (c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.

Complies
 The site is an internal lot, and therefore the closest garage to the frontage (Unit 9) is set back by over 50m. As such, the proposal complies.

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:
 (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:
 (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and
 (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and
 (b) only have a setback within 1.5m of a side boundary if the dwelling:
 (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or
 (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

Complies
 The proposed development will fit within the building envelope for internal lots, which is shown in Diagram 10.4.2D. Unit 1 is the dwelling closest to the front boundary and is set back from this boundary by 6.08m. Unit 8 is the dwelling closest to the rear boundary and is set back from this boundary by 4.5m. Units 1 - 8 are set back from the south eastern side boundary by 1.5m at their closest points. Unit 16 is set back from the north western side boundary by 1.5m and the range of side setbacks along this boundary increases to Unit 9, which is set back by 1.95m at the closest point. No dwelling is within 1.5m of the side boundary and no dwelling has a height of 4.5m at the point closest to the boundary. As such, the dwellings comply.

10.4.3 Site coverage and private open space for all dwellings

Objective:
 To provide:
 (a) for outdoor recreation and the operational needs of the residents; and
 (b) opportunities for the planting of gardens and landscaping; and

- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight.

Consistent

The proposal provides private open space for outdoor recreation, the planting of gardens and the operational needs of residents. These areas of private open space are integrated with the internal living areas of the dwellings with which they are associated and all have appropriate access to sunlight.

A1 Dwellings must have:

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

Complies

The proposed dwellings have a total building footprint of 3,084.32m², which represents a site coverage of 42.67% of the 7,228m² site area. The total area covered with impervious surfaces is 5372.77m², including the buildings, driveways and pathways. This represents 74.33% of the site being covered with impervious surfaces and 25.67% of the site being free from impervious cover.

The provision of private space for the 16 dwellings is as follows;

- Unit 1 - 157.60m²
- Unit 2 - 95.71m²
- Unit 3 - 94.16m²
- Unit 4 - 94.15m²
- Unit 5 - 94.58m²
- Unit 6 - 94.58m²
- Unit 7 - 94.58m²
- Unit 8 - 161.78m²
- Unit 9 - 98.87m²
- Unit 10 - 95.08m²
- Unit 11 - 93.07m²
- Unit 12 - 92.50m²
- Unit 13 - 91.29m²
- Unit 14 - 89.73m²
- Unit 15 - 88.55m²
- Unit 16 - 179.28m²

As such, the proposal complies.

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

- (a) is in one location and is at least:
 - (i) 24m²; or
 - (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (b) has a minimum horizontal dimension of:
 - (i) 4m; or

- (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m 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 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st 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.

Complies

Each of the dwellings has an area of private open space that is connected to internal living areas, has a gradient less than 10% and is not located to the south of the dwellings. These areas range in size from 29.84m² to 64.85m², with all having minimum horizontal dimensions above 4m. Unit 1 has this area to between the dwelling and the shared boundary with 5 Napier Street. Units 2 - 7 have this area between the associated dwelling and the driveway. Unit 8 has that area between the dwelling, the driveway and the rear boundary. Units 9 - 16 have this area between the associated dwelling and the north western side boundary. The units on the north western side of the site generally access this area through the kitchen and the dwellings on the south eastern side generally access this area from the living room. As such, the proposed areas of primary open space comply.

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 provides the opportunity for sunlight to enter the habitable rooms of the dwellings. The separation between the dwellings on the site will not overshadow habitable rooms or private open spaces to an unreasonable degree.

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

The proposed dwellings do not have habitable room windows that face within 30 degrees of north. As such, the proposal relies on performance criteria.

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

Each of the dwellings have one or more windows that face north east or north west which provide sunlight to at least one habitable room that is not a bedroom. The

windows providing sunlight to a habitable room for each dwelling are as follows:

Units 1 - 5, 7: Two windows and a glass sliding door to the open plan living area that face 36 degrees west of north and two windows to the same open plan room which face 54 degrees east of north.

Units 6, 8: Two windows and a glass sliding door to the open plan living area that face 36 degrees west of north.

Units 9 - 12, 14, 16: Two windows and a glass sliding door to the open plan living area that face 34 degrees west of north and three windows to the same open plan room which face 56 degrees east of north.

Units 13, 15: Two windows and a glass sliding door to the open plan living area that face 34 degrees west of north

Each of the dwellings have a sufficient size and number of windows of sufficient northern orientation to provide solar access to the open plan living room, dining room and kitchen of that dwelling. As such, the proposal complies.

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 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.
- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Complies

None of the dwellings have habitable room windows that face within 30 degrees of north. Therefore, no dwellings on the site are located to the north of such a window. It should be noted that the separation between dwellings is sufficient to meet the requirements of the acceptable solution regardless of the orientation of the northern facing habitable room windows.

A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):
 - (i) at a distance of 3 m from the northern edge of the private open space; and
 - (ii) vertically to a height of 3 m 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 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.

- (c) That part, of a multiple dwelling, consisting of:
- (i) an outbuilding with a building height no more than 2.4 m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Complies

Units 9 - 16 are to the north of the areas of private open space of Units 2 - 8. The distance separating these dwellings from private open space is over 5m at the closest point, which is between the private open space of Unit 8 and Unit 16 to the north/north west. The height of the buildings is less than 5m. The dwellings to the north will not cause overshadowing of 50% of the private open space of the dwellings to the south for 3 hours on the 21st of June. As such, the proposal complies.

10.4.5 Width of openings for garages and carports for all dwellings

Objective:

To reduce the potential for garage or carport openings to dominate the primary frontage.

Consistent

The garages proposed do not have an opening that faces the primary frontage and will therefore not dominate that frontage.

A1 A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).

Complies

The proposal does not include any garages within 12m of the frontage or any garages that face the frontage.

10.4.6 Privacy for all dwellings

Objective:

To provide reasonable opportunity for privacy for dwellings.

Consistent

The proposal provides a reasonable degree of privacy for all dwellings.

A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:
 - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
 - (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.

Complies

None of the proposed units have a balcony, deck, roof terrace, parking space or carport

that have a floor level more than 1m above natural ground level.

A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):

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

Complies

There are some units with habitable rooms with floor levels more than 1m above natural ground level, and others that do not. The assessment against the clause for each of the dwellings is as follows:

Unit 1 -

No habitable rooms have a floor level more than 1m above natural ground level.

Unit 2 -

No habitable rooms have a floor level more than 1m above natural ground level.

Unit 3 -

No habitable rooms have a floor level more than 1m above natural ground level.

Unit 4 -

Bedroom 3 has a floor level that is more than 1m above natural ground level, and a window that faces west towards Unit 5. The window is screened by a fence between Units 4 and 5. This fence will be 2.1m above ground level of the dwelling and at least 1.7m above the floor level of the room. A condition has been recommended that requires the fencing/screening to an appropriate height. All other rooms are either not habitable or do not have floor levels 1m above ground level.

Unit 5 -

Each of the habitable rooms have a floor level that is 1m above natural ground level. The eastern facing windows of the living room and bedroom 3 face towards Unit 4 and are screened by the boundary fence between these units. The southern facing window of bedroom 2 faces the adjoining property at 1a Napier Street and is screened by a boundary fence that is at least 2.1m above ground level of the dwelling and at least

1.7m above the floor level of that room. The western facing window of bedroom 1 faces Unit 6 and is screened by a boundary fence between these units. A condition has been recommended that requires the fencing/screening to an appropriate height. The northern facing living room window is separated from the habitable room windows or private open space of the other dwellings on site by more than 6m.

Unit 6 -

Bedrooms 1 and 2 have a floor levels that are 1m above natural ground level. The eastern facing window of bedroom 1 faces towards Unit 5 and is screened by the boundary fence between these units. The southern facing window of bedroom 2 faces the adjoining property at 1a Napier Street and is screened by a boundary fence that is at least 2.1m above ground level of the dwelling and at least 1.7m above the floor level of that room. A condition has been recommended that requires the fencing/screening to an appropriate height. All other rooms are either not habitable or do not have floor levels 1m above ground level.

Unit 7 -

Bedrooms 2 and 3 and the living room have floor levels more than 1m above natural ground level. The eastern facing windows of the living room and bedroom 3 face towards Unit 6 and are screened by the boundary fence between these units. The southern facing window of bedroom 2 faces the adjoining property at 1a Napier Street and is screened by a boundary fence that is at least 2.1m above ground level of the dwelling and at least 1.7m above the floor level of that room. A condition has been recommended that requires the fencing/screening to an appropriate height. All other rooms are either not habitable or do not have floor levels 1m above ground level.

Unit 8 -

No habitable rooms have a floor level more than 1m above natural ground level.

Unit 9 -

No habitable rooms have a floor level more than 1m above natural ground level.

Unit 10 -

Bedroom 2 has a floor level more than 1m above natural ground level. The southern facing window of this bedroom is separated from the habitable room windows or private open space of the other dwellings on site by more than 6m. All other rooms are either not habitable or do not have floor levels 1m above ground level.

Unit 11 -

Bedroom 2 has a floor level more than 1m above natural ground level. The southern facing window of this bedroom is separated from the habitable room windows or private open space of the other dwellings on site by more than 6m. All other rooms are either not habitable or do not have floor levels 1m above ground level.

Unit 12 -

No habitable rooms have a floor level more than 1m above natural ground level.

Unit 13 -

No habitable rooms have a floor level more than 1m above natural ground level.

Unit 14 -

No habitable rooms have a floor level more than 1m above natural ground level.

Unit 15 -

No habitable rooms have a floor level more than 1m above natural ground level.

Unit 16 -

No habitable rooms have a floor level more than 1m above natural ground level. As such, all habitable room windows of the dwelling comply due to either floor height, separation distance or screening.

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

(a) 2.5 m; or

(b) 1 m if:

(i) it is separated by a screen of at least 1.7 m in height; or

(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.

Complies

The proposal includes a number of habitable room windows that face the shared driveway, being the living rooms of Units 1 - 8 and bedrooms 2 and 3 of Units 9 - 16. The living rooms of the dwellings on the southern side of the site are separated by private open space that is more than 2.5m wide. The bedroom windows of the dwellings on the northern side of the site are provided with permanently fixed screens to a height of 1.7m over W13 and W14. With the exception of W14 of Unit 16, which does not face the shared driveway. W11 and W12 of bedroom 3 in each of Units 9 - 16 are not provided with screening or obscure glazing. All windows of the dwellings are separated by the driveway by 1.5m or more, the closest windows being W11 and W12 of bedroom 3 of Unit 15, which are 1.5m from the shared driveway. Units 9 - 13 are sufficiently separated to not require screening, however screening of W13 and W14 is provided regardless. In order to ensure compliance with the acceptable solution a condition is recommended requiring screening or obscure glazing over W11 and W12 of Units 14, 15 and 16. As such, the proposal complies.

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 provides sufficient space for the storage of waste and recycling bins.

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² 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

Each of the dwellings is provided with a private area for the storage of waste and recycling bins that is 1.5m² or greater. Units 1 - 8 have this area between the dwelling and the southern boundary. Units 9 - 16 have these areas between the dwellings.

10.4.9 Site facilities for multiple dwellings

Objective:

To provide adequate site and storage facilities for multiple dwellings.

Consistent

The proposal provides adequate site and storage facilities for each of the dwellings.

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

Complies

Each of the dwellings is provided with a minimum of 6m³ of secure storage space within their respective garages.

A2 Mailboxes must be provided at the frontage.

Complies

16 numbered mailboxes are provided at the frontage.

10.4.10 Common property for multiple dwellings

Objective:

To ensure that common areas are easily identified.

Consistent

The common areas of the site are easily identified.

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

The site drawings, namely Site Plan - Planning (A) and (B), clearly delineate the private areas and the common areas of the site. This includes the driveways, parking areas, landscaping, mailboxes and bins.

10.4.12 Earthworks and retaining walls

Objective:

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

Consistent

The proposed earthworks and retaining walls are appropriate to the site and respect the amenity of the adjoining lots.

A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:

- (a) be located no less than 900mm from each lot boundary;

- (b) be no higher than 1m (including the height of any batters) above existing ground level;
- (c) not require cut or fill more than 1m below or above existing ground level;
- (d) not concentrate the flow of surface water onto an adjoining lot; and
- (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.

Relies on Performance Criteria

The proposal includes a significant amount of earthworks, primarily being the filling in the centre of the site and cuts at the north eastern end of the site. The deepest cut is to level the building area for Unit 1 and has a maximum height of approximately 1.2m. The fill at the centre of the site is approximately 1.1m in depth at the highest point, which is located beneath Unit 5. The highest retaining wall on the site is approximately 1.2m in height and is located between Units 2 and 3. Both earthworks and retaining walls for the cuts and fill is over 1m in height at the highest points. The earthworks and retaining wall extend to the boundary. As such, the proposal relies on performance criteria.

P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:

- (a) the topography of the site;
- (b) the appearance, scale and extent of the works;
- (c) overlooking and overshadowing of adjoining lots;
- (d) the type of construction of the works;
- (e) the need for the works;
- (f) any impact on adjoining structures;
- (g) the management of groundwater and stormwater; and
- (h) the potential for loss of topsoil or soil erosion.

Complies

The earthworks and retaining walls proposed are appropriately designed and located to ensure that there is no unreasonable loss of amenity for any of the adjoining lots. The site has a topography that varies across the site, the highest point is at the frontage, which is approximately 101.5m AHD. The site then falls to approximately 93m AHD at the rear of Unit 5 and rises again to 96.5AHD in the western corner of the site. The scale of the works is reasonable in the context of the changing topography. The proposal is for a larger number of cuts and associated retaining walls and a large area of fill at the lowest point of the site. These earthworks and the retaining walls are not large individually and are not visually imposing or at an unreasonable scale when compared with others in the area.

The proposed earthworks will create some additional potential for overlooking and overshadowing, particularly from Units 5, 6 and 7 to 1A Napier Street. The overlooking will be mitigated by the proposed fencing, which will screen the private open space and living areas of those dwellings from overlooking the adjoining lot. The earthworks and fencing will cast shadow on this lot, however this will not be unreasonable. The adjoining lot at 1A Napier Street has a site area of over 8,000m², with the area adjoining the fill being vacant. The size of the private open space for the lot is sufficient to ensure that the majority of it will not be impacted by overshadowing for the majority of the day.

The proposed internal retaining walls will be constructed of mortar-less interlocking retaining wall blocks and the retaining walls to the site boundaries, and their footings,

will be engineer designed. All retaining walls will be include drainage to the stormwater system. The design will protect against both water runoff and topsoil loss. As such, the proposal is deemed to comply.

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 proposed car parking for residents and visitors will protect residents from vehicular noise within the site. There will be minimal visual impact on the streetscape as a result of the car parking provision.

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

The habitable room windows of the proposed dwellings are 1.5m or more from the shared driveway or the visitor parking spaces. The closest windows are W11 and W12 of Unit 15 and are 1.5m from the shared driveway.

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

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

Complies

The proposed car parking is not located in the primary front setback, with the closest car parking space being a visitor space approximately 44m from the frontage. The closest turning areas are those for the visitor car parking spaces, which are also not located in the primary frontage setback.

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 proposed development and its use will protect the safety and efficiency of the road network and will not cause conflict with any major road. The proposal will not impact the rail 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

The safety and efficiency the roads in the immediate and surrounding area will not be reduced as a result of the increased use of the existing access to Napier Street.

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.

Relies on Performance Criteria

The proposed use will generate more than 40 vehicle movements per day to and from the site to Napier Street. The access has been used for a single residential dwelling and is currently not in use. As such, the proposal relies on performance criteria.

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:

- (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.

Complies

The proposed use and associated increase in vehicle movements will be safe and will not unreasonably impact on the efficiency of Napier Street or the surrounding road network. The proposal includes the use and development of 16 three bedroom dwellings, which are expected to generate approximately 9 vehicle movements per day, per dwelling, for a total of 144 vehicle movements per day. This is based on the Road and Traffic Authority (NSW) Guide to Traffic Generating Developments average movements for dwellings. Austroads Guide to Traffic Management Part 12 suggests that 7.4 vehicle movements per day are generated by dwellings in regional areas, for a total of 118 vehicle movements per day. The number of vehicle movements is likely to be within the range between these two figures.

The proposed use will generate standard residential traffic of smaller and standard sized vehicles comprised of the residents and visitors to the site. This is consistent with the traffic in Napier Street, which is generally standard vehicles accessing other residents and the Youngtown Primary School. Napier Street has a speed limit of 50km/h. The traffic impact assessment provided in support of the application estimates approximately 200 vehicle movements per day on the street currently. With the additional vehicle movements generated by the proposed use and development the street will have total traffic movements that are between one third and half of its total carrying capacity.

The access and crossover to the site is existing and is approximately 8.5m in width. This is sufficient to service the number and type of vehicles that will enter and exit the site. There is also sufficient sight distances in either direction for the safe operation of the crossover. The proposed use and development has no alternate access and requires the use of this existing crossover. The application is supported by a traffic impact assessment prepared by RJK Consulting Engineers which concludes no issues as a result of the proposal. Comment was also provided by Infrastructure Services and

no issues were raised. As such, the proposal is deemed to comply.

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.

Consistent
 The proposal provides an appropriate level of car parking spaces and associated facilities to meet the needs of the use and development. These parking areas will allow for the safe delivery of goods and people while meeting relevant standards and not adversely amenity of the locality.

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 provides an appropriate level of car parking spaces 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 2 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
 The proposed dwellings each have three bedrooms and a double garage for the individual use of that dwelling. There will be 32 car parking spaces in total for the individual use of the associated dwelling. This is 100% of the requirements of Table E6.1 for multiple dwellings in the General Residential Zone. In addition, six car parking spaces are provided for the use of visitors to the site. Table E6.1 requires multiple dwellings in the General Residential Zone to provide one visitor parking space per three dwelling on an internal lot, rounded up. The number of visitor parking spaces provided is also 100% of the requirements of the table.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective: To ensure that parking areas are constructed to an appropriate standard.
Consistent The parking areas provided are constructed to an appropriate standard.
A1 All parking, access ways, manoeuvring and circulation spaces must: <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.
Complies The parking spaces, access ways and manoeuvring spaces are all formed, paved, sealed, drained and have gradients of less than 10%. The visitor parking spaces will be line marked, with the individual parking spaces being delineated by being within garages.

E6.6.2 Design and layout of parking areas

Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.
Consistent The parking spaces and associated areas are appropriately designed to provide parking that is safe, convenient and efficient.
A1.1 Car parking, access ways, manoeuvring and circulation spaces must: <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 3 or more car parking spaces; and (e) have a vertical clearance of not less than 2.1 metres above the parking surface level.
A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.
A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more.

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

Complies

The proposal includes car parking spaces with dimensions of 5.4m by 3m. In the area of the visitor parking spaces the manoeuvring area is 5.5m in width. The access way is similarly 5.5m width for the length of the site, with additional manoeuvring space of varying width for each of the individual garages. This is in keeping with the requirements of Table E6.3. The width of the internal access is sufficient to allow passing of vehicles travelling in opposite directions and is in keeping with the requirements of Table E6.2. The information provided in support of the application demonstrates that vehicles can manoeuvre on site to enter and exit in a forward direction. The height of the garage doors is 2.1m in accordance with requirements.

E6.6.3 Pedestrian access

Objective:

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

Consistent

The pedestrian access provided is safe and convenient.

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 proposed use requires the provision of a pedestrian footpath. The footpath provided is 1m in width, however is not separated by 2.5m from the access way and does not have protective measures such as bollards for the entire length of the footpath. As such, the proposal relies on performance criteria. No disability accessible parking is provided on the site, as such there is no requirement for disability accessible footpaths.

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

The proposed use provides for safe access for pedestrians to be able to access the site. The nature of the site provides for reasonable visibility to ensure that pedestrians can be seen and can safely traverse the lot. The footpath provided allows pedestrians to enter the site from the street and walk down the access strip separated from the parking spaces and driveway. The footpath provided in the main body of the site provides an area to walk that crosses manoeuvring space for the individual garages and the access way but with full visibility of, and by, the pedestrians. The use, being residential dwellings, will not cause a large amount of traffic and the traffic will be standard vehicles moving at a low speed. While there are 38 total car parking spaces on the site, this is split of 17 parking areas, with safe access for pedestrians between these areas. Signage is provided that notifies the main body of the site as a shared pedestrian and vehicle area with a speed limit of 10km/h. There are also bollards provided between some sections of the footpath and the vehicle access way. The design of the pedestrian access is deemed to be safe. As such, the proposal complies.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure & Assets	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 2019/01160-LCC, 19/08/2019.
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 7 March 2020 to 23 March 2020. Nine 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.

<p>Issue 1 The proposal will significantly increase traffic in Napier Street which is under</p>
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pressure due to Youngtown Primary School and future subdivisions in the area.
<i>Response 1</i> <i>The impact of traffic movements on the road network was assessed against the clause E4.5.1. The existing levels of traffic plus the increased traffic caused by the proposed use are within the carrying capacity of Napier Street and the surrounding road network.</i>
Issue 2 The proposal does not comply with Zone Purpose - Clause 10.1.1.4 as the development is too big and not consistent with surrounding density.
<i>Response 2</i> <i>The application is for a permitted use in the zone, and as such is considered consistent with the zone purpose. The density of the development was assessed against Clause 10.4.1 and it meets the requirements for site area per dwelling.</i>
Issue 3 The proposal does not comply with multiple requirements under Code E6 - Parking and Sustainable Transport Code. There is insufficient parking for visitors, multiple resident households and larger trade vehicles.
<i>Response 3</i> <i>The number of parking spaces was assessed against the provisions of Code E6.0 Parking and Sustainable Transport. The use requires two parking spaces per three-bedroom dwelling and six visitor parking spaces, which is provided. Vertical clearance for the garages is 2.1m, in keeping with the requirements of Clause E6.6.2. The parking provided meets the requirements of the Scheme and is considered sufficient to meet the needs of the use.</i>
Issue 4 The proposal does not comply with Clause 10.4.3 - Site Coverage and Private Open Space and does not provide sufficient yard/outdoor areas, particularly for children and animals.
<i>Response 4</i> <i>The proposal was assessed against Clause 10.4.3 and the size and type of private open space is sufficient to meet the requirements of the scheme. The private open space is in excess of 60m² for each of the dwellings, with areas ranging in size to provide for differing levels of need.</i>
Issue 5 The proposed development will not receive sufficient sunlight and will overshadow other dwellings and their private open space.
<i>Response 5</i> <i>The impact of the dwelling on sunlight and overshadowing to dwellings on the site and on adjoining sites was assessed against Clause 10.4.4. The separation between dwellings is sufficient to minimise overshadowing of habitable rooms or private open space. The impact of the earthworks and retaining walls on overshadowing was assessed against Clause 10.4.12.</i>
Issue 6 The retaining walls are not engineered and do not take into account the lack of drainage and impact of storm water flows.
<i>Response 6</i> <i>The proposed retaining walls and earthworks were assessed against Clause 10.4.12. The retaining walls adjacent to the neighbouring property will be engineered and the listed materials for the internal retaining walls has been assessed and deemed safe and</i>

<p>sufficient. The site, including the retaining walls, is sufficiently drained to the public stormwater system.</p>
<p>Issue 7 The proposal does not comply with Clause 10.4.23 - Neighbourhood Road Networks as the proposal will essentially create a new road and the access is not to standard.</p>
<p><i>Response 7</i> <i>The proposal is not a subdivision, as such Clause 10.4.23 does not apply. The proposal creates an internal access for the properties, which meets the requirements for internal accesses. As this access is not for use by the public and will not be transferred to the road authority, it is not a road.</i></p>
<p>Issue 8 The proposed development does not meet the acceptable solution for Clause 10.4.10 - Common Property for Multiple Dwellings or Clause 10.4.13 Location of car parking</p>
<p><i>Response 8</i> <i>The proposal was assessed against each of these clauses and the proposal complies with the acceptable solutions.</i></p>
<p>Issue 9 There is inadequate space for the storage and collection of waste and recycling bins.</p>
<p><i>Response 9</i> <i>The provision of space for the storage of waste and recycling bins was assessed against Clause 10.4.9 - Site Facilities for Multiple Dwellings and each dwelling has sufficient bin storage space. A condition has been recommended requiring a waste and recycling bin collection arrangement be reached that does not require the dwellings to place their bins on the street during normal waste and recycling collection.</i></p>
<p>Issue 10 There is no design for the mailboxes that shows their construction and design is in keeping with the street appeal.</p>
<p><i>Response 10</i> <i>The plans show the provision of mailboxes, however the design of mailboxes is not a matter that can be addressed through the Planning Scheme.</i></p>
<p>Issue 11 The public notification of the application was insufficient. Council opening hours were impacted by a public holiday on 9 March. Access to documents has been limited for elderly people in the street. Access to documents online was limited with the documents difficult to download and to locate. Requiring written representations via Auspost is unrealistic. The on-site notice was placed on a traffic cone and was turned around.</p>
<p><i>Response 11</i> <i>All documents were available for viewing at council offices during the exhibition period, with some also available for viewing online. The exhibition period was extended by a day to account for the public holiday. Documents can also be mailed on request for those that are unable to attend at the council offices and cannot receive them electronically. Representations can be delivered electronically, via post or in person at council offices. The on-site notice was placed correctly on a wooden stake at the frontage by council employees. Subsequent damage to the sign cannot be controlled by</i></p>

council. The notification of the application met the requirements of Section 9 of the Land use Planning and Approvals Regulations 1993.

Issue 12

Works on the site have begun without approval and there have been disruptions and safety concerns for pedestrians and traffic, particularly related to the school.

Response 12

The site was subject to an application for subdivision, DA0145/2019, which created the lot. Works associated with this permit are able to be carried out, including demolition works, provision of service connections and work in the road reserve. Traffic management during construction cannot be addressed through the planning system and must be addressed by the appropriate authority.

Issue 13

The number of units proposed would create a noise disruption to the neighbourhood.

Response 13

The proposal is for a residential use in a residential zone. The noise generated will be in keeping with the existing residential noise. Where individual occupants of a future dwelling cause noise disturbance that must be addressed at the time by relevant authorities.

Issue 14

The proposal will create a safety issue for pedestrians in the street, particularly school children.

Response 14

The design and sight distances from the existing crossover are considered sufficient and safe. The movement of vehicles over the access is allowable and further consideration is not possible under the provisions of the Planning Scheme.

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.

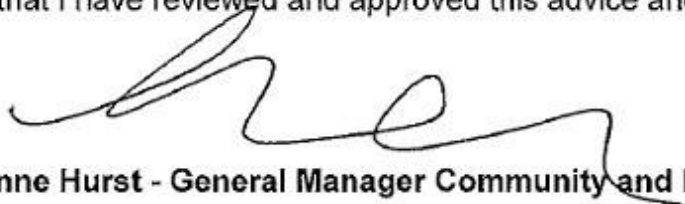
BUDGET & FINANCIAL ASPECTS:

N/A

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 - 7A Napier Street, Youngtown (*electronically distributed*)
 2. Plans to be Endorsed - 7A Napier Street, Youngtown (*electronically distributed*)
 3. TasWater SPAN (*electronically distributed*)
 4. Representations (*electronically distributed*)
-

9.3 Amendment 56 - 37 Birch Avenue, Newstead**FILE NO:** SF6959**AUTHOR:** Brian White (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To provide a report, pursuant to section 39(2) of the former provisions *Land Use and Approvals Act 1993* to the Tasmanian Planning Commission, regarding a draft amendment to the Launceston Interim Planning Scheme 2015.

PLANNING APPLICATION INFORMATION:

Property: 37 Birch Avenue, Newstead
Advertised: 15/2/2020 - 17/3/2020
Representations: Five (5)

RELEVANT PREVIOUS COUNCIL CONSIDERATION:

Council 6 February 2020 - Agenda Item 9.2, SF6959 - Initiate Amendment 56 to the Launceston Interim Planning Scheme 2015, to replace the existing Utilities Zoning of 37 Birch Avenue, Newstead, with Particular Purpose Zone 10 - Birch Avenue Storage Centre.

RECOMMENDATION:

1. That Council considers the representations received to Amendment 56 to the Launceston Interim Planning Scheme 2015;
 2. That Amendment 56 be modified in light of the representations, in accordance with Section 39(2)(b) of the former *Land Use Planning and Approvals Act 1993*, as follows:
 - i. Insert 'PPZ10 Birch Avenue Storage Centre' as an applicable zone for a wall sign under Table E18.6 (Signs Code) of the Launceston Interim Planning Scheme 2015.
 3. That Council, pursuant to Section 39 (c) of the former *Land Use Planning and Approvals Act 1993*, recommends that modified Amendment 56 be approved, and forwarded to the Tasmanian Planning Commission for determination.
-

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

REPORT:

1. Purpose of Report

At its meeting of the 6 February 2020, Council initiated and certified draft Amendment 56 to the Launceston Interim Planning Scheme 2015. The draft amendment was then publicly advertised from 15 February 2020 to 17 March 2020, and four (4) representations were received.

In accordance with sections 39(2) the former *Land Use Planning and Approvals Act 1993* (the Act), Council must, within 35 days after the exhibition period, forward to the Tasmanian Planning Commission a report comprising a copy of each representation and a statement of its opinion on the merit of each representation and any recommendations regarding the draft amendment and planning permit it considers necessary.

2. Representations

The issues raised in the representations are summarised below. Whilst every effort has been made to accurately summarise the issues, the summaries should be read in conjunction with the full representations (Attachment 2). A statement of opinion on the merit of the issues is provided, including consideration of their impact on the draft amendment and any need for modification.

2.1 Phil Bedford - Representation 1

<p>Issue: Traffic Noise</p>
<p><i>Response:</i> <i>The proposed Particular Purpose Zone (PPZ) has been formulated to restrict the hours of operation of vehicle movements to and from the site to, as far as possible, respect the amenity of adjoining sensitive uses. Should the amendment be approved, a future development application will be submitted which will be assessed against the use and development standard of the zone which seek to respect the amenity of nearby sensitive uses whilst allowing the site to be reasonably used for storage and other uses.</i></p>
<p>Issue: Traffic going through residential and recreation area</p>
<p><i>Response:</i> <i>The PPZ has been formulated to restrict traffic movements to and from the site to a level that the road network can handle, and which respects the amenity of nearby residential and recreation uses. The vehicle movement numbers in the PPZ have been selected based on traffic counting undertaken by Council officers. If the amendment is approved, a future development application will be required to be submitted which will need to demonstrate compliance with the required vehicle movements or seek a discretion and demonstrate the vehicle movements will respect the amenity and safety of nearby sensitive uses and users of the sporting facility.</i></p>

Issue:**The area in front of Church grounds being used for antisocial behaviour***Response:**This has been noted.**The representation does not raise matters that warrant modifications to the PPZ.***2.2 Thompson Logistics - Representation 2****Issue:****Signage must be included in the PPZ as the landowner has (wall) signage on the fence***Response:**This is noted and the amendment has been modified accordingly to include the PPZ as an applicable zone for walls signs in the Signs Code of the Launceston Interim Planning Scheme 2015. There are also a number of signs that are allowable in all zones, which would include the PPZ.***2.3 Tasrail - Representation 3**

Tasrail has no objection to objection to the proposed draft amendment but asks that Council take steps to ensure that the landowner of 37 Birch Avenue is made aware that the Road and Rail Assets Code will continue to apply to use and development of the site within the buffer.

2.4 Ken & Sue Harmon - Representation 4

The submission is in support of the amendment.

2.5 TasWater - Representation 5

TasWater does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.

3. CONCLUSION

The representations have been considered and it has been determined that there are no reasons for Council not to proceed with the draft Amendment 56 as modified. The report has provided an assessment of the representations and it is recommended that it be forwarded to the Tasmanian Planning Commission with a recommendation that it be approved as per the recommended modifications.

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:

Land Use Planning and Approvals Act 1993 (the Act)
Launceston Interim Planning Scheme 2015

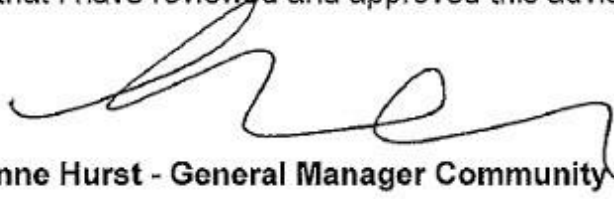
BUDGET & FINANCIAL ASPECTS:

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

ATTACHMENTS:

1. Locality Map - 37 Birch Avenue, Newstead (*electronically distributed*)
 2. Amendment 56 - Representations - 37 Birch Avenue, Newstead (*electronically distributed*)
 3. Amendment 56 - Certified Instrument - 37 Birch Avenue, Newstead (*electronically distributed*)
-

9.4 Draft Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards from Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure

FILE NO: DA0472/2019

AUTHOR: Heidi Goess (Consultant Planner - Plan Place Pty Ltd)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission regarding a draft amendment to the Launceston Interim Planning Scheme 2015.

PLANNING APPLICATION INFORMATION:

Applicant: N/A
Properties: N/A
Received: N/A
Advertised: 3 February 2020 until 2 March 2020
Representations: Seven (7)

PREVIOUS COUNCIL CONSIDERATION:

Council - 23 January 2020 - Agenda Item 9.9 Initiated Draft Amendment 58 to the Launceston Interim Planning Scheme 2015, to rezone land from Rural Resource to Rural Living and pursuant s43A of the *Land Use Planning and Approvals Act 1993*, approved to subdivide one lot into thirty (30), new road, drainage and electricity infrastructure at 40520 Tasman Highway, St Leonards (CT 164745/1).

RECOMMENDATION:

That Council:

1. Considers the representations received to draft Amendment 58 and the subdivision to the Launceston Interim Planning Scheme 2015;
2. Recommends to the Tasmanian Planning Commission that draft Amendment 58 be approved as certified and exhibited; and
3. Recommends to the Tasmanian Planning Commission that the Permit DA0472/2019 as certified and exhibited be amended as follows:

1. ENDORSED PLANS & DOCUMENTS

The development must be carried out in accordance with the following endorsed plans and documents to the satisfaction of the Planning Authority except where modified by the Permit conditions below:

- a. Planning Submission, Section 43A Application, Combined Draft Planning Scheme Amendment and 30-lot Rural Residential Subdivision, 40520 Tasman Highway, St Leonards, prepared by 6ty Pty Ltd, dated 22 November 2019;
- b. Subdivision Concept, Subdivision Proposal Plan, Project No. 19.060 Drawing No. P01 Rev E prepared by 6ty Pty Ltd, dated 25 October 2019;
- c. Subdivision Concept, Site Stormwater Existing Drainage Features Plan, Project No. 19.060 Drawing No. P13 prepared by 6ty Pty Ltd, dated 25 October 2019;
- d. Subdivision Concept, Site Stormwater Drainage Path Alignment, Project No. 19.060 Drawing No. P14 prepared by 6ty Pty Ltd, dated 25 October 2019;
- e. Subdivision Concept, Proposed Road Section and Details, Project No. 19.060 Drawing No. P08 prepared by 6ty Pty Ltd, dated 16 October 2019;
- f. Subdivision Concept, Roadside Drainage Concept Plan, Driveway Cross Section;
- g. Agricultural Report, prepared by AK Consultants Pty Ltd, dated 16 August 2019;
- h. Traffic Impact Assessment, prepared by Traffic & Civil Services, dated August 2019;
- i. Natural Values Assessment, prepared by North Barker Ecosystem Services, dated 10 September 2019;
- j. Bushfire Report and Hazard Management Plan, prepared by North Barker Ecosystem Services, dated 23 October 2019;
- k. Landslide Risk Assessment, Preliminary Wastewater Assessment and Preliminary Stormwater Assessment, dated 9 December 2019;
- l. Draft – White Gum Rise Dam Break Assessment, prepared by Macquarie Franklin, dated 15 July 2019.

2. AMENDED PLANS REQUIRED

Prior to works commencing, further amended and additional plans must be submitted to the satisfaction of the Manager City Development and annotated as *Section 71 Agreement Plans Required*. Once approved, these plans will be endorsed by Council and will then form part of the Permit.

The revised plans must show:

Modifications to the Subdivision Proposal Plan, Project No. 19.060 Drawing No. P01 Rev E:

- a. Showing an enlarged turning circle with a 12m radius at the end of each cul-de-sac road;
 - b. 'Natural Values No Build Area' be shown on the Subdivision Proposal Plan in accordance with the green hatched area - *Eucalyptus amygdalina* Inland Forest and Cainozoic Deposit shown on the On-Site Wastewater Plan, Drawing No P07, Rev C, prepared by 6ty Pty Ltd, dated 16 December 2019 for lots 13, 14, 15, 16.
 - c. 'Sensitive Use No Build Area' be shown on the Subdivision Proposal Plan for
-

- i. Lots 18, 20, 21 and 23 for a depth of 50m measured from the common boundary shared with the property at 40580 Tasman Highway, St Leonards (CT110442/1); and
 - ii. Lots 27, 28, 29 and 30 for a depth of 50m from the boundaries shared with the Tasman Highway as shown on Figure 7 in the Agricultural Report by AK Consultants.
- d. The 'no build' areas must be clearly delineated by a solid line and/or hatching with the purpose of the no build areas for natural values and sensitive uses clearly noted on the amended plan of subdivision.

Note that, if compliance with a. results in building envelopes inconsistent with the endorsed Bushfire Report and Hazard Management Plan prepared by North Barker Ecosystem Services (dated 23 October 2019) the report will need to be amended to reflect those changes.

3. PROTECTION OF NATURAL VALUES NO BUILD AREAS DURING CONSTRUCTION

Prior to the commencement of works, information must be provided to the satisfaction of Manager City Development which demonstrates that the no build areas shown for natural values shown on the endorsed plans will be protected during construction. This must include measures preventing vehicles from entering and building materials from being stored within those areas.

The 'Natural Values No Build Area' must be physically identified on each lot prior to any construction or infrastructure works commencing.

4. SECTION 71 AGREEMENT

Prior to the sealing of the Final Plan, the owner, under section 71 of the *Land Use Planning and Approvals Act 1993*, must prepare, present for consideration and then enter into an agreement with the Launceston City Council to confirm the following matters:

a. No Build Areas to Protect Natural Values

- i. No buildings, structures or infrastructure, including internal driveways must not be constructed within the 'Natural Values No Build Area' as shown on the endorsed plans amended by Condition 2. The 'Natural Values No Build Area' must be satisfactorily protected during construction via barriers and similar devices.

The agreement must contain a plan prepared for each lot delineating the no build areas and clearly identifying the purpose of each area. The boundaries must be surveyed to allow them to be accurately translated from the plan to the site.

- ii. Requiring the owners of those lots to take all necessary actions to not:
 - a. allow invasive weed species to occur on the lots;
 - b. remove trees or native vegetation;
 - c. plant exotic plant species;
 - d. take or harm wildlife; and
-

- e. keep livestock (including horses)

within the 'Natural Values No Build Areas' as shown on the endorsed plans amended by Condition 2 unless approved in writing by the Council.

b. No Build Area to Protect adjoining Agricultural Uses

- i. No sensitive uses and associated private open space must be constructed within the 'Sensitive Use No Build Area' as shown on the endorsed plans amended by Condition 2.

The agreement must contain a plan prepared for each lot delineating the no build areas and clearly identifying the purpose of each area. The boundaries must be surveyed to allow them to be accurately translated from the plan to the site.

c. On-site Wastewater Treatment

- i. Lots 1, 2 and 4 to 30 inclusive must utilise approved aerated wastewater treatment systems and sub-surface irrigation land application areas to manage the disposal of domestic effluent;
- ii. Installation of an approved aerated wastewater treatment system and sub-surface irrigation land application area is required for any new development and/or alterations to the existing on-site wastewater management system on Lot 3;
- iii. The location of the land application area for disposal of domestic effluent on all lots (1 to 30 inclusive) must achieve the minimum setbacks specified in the Geoton Landslide Risk Assessment, Preliminary Wastewater Assessment and Preliminary Stormwater Assessment dated 9 December 2019.
- iv. Alternate on-site wastewater systems, sub-surface irrigation land application areas may be provided with the prior written permission of Council.

d. Fire-Fighting Water Supply

- i. Installation of water tanks with a capacity of 20,000L must be provided for a new residential use on each lot or alterations to the established residential use on Lot 3;

Once executed, the agreement must be lodged and registered in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*.

All cost associated with preparing and registering the Agreement must be borne by the owner.

5. LEGAL TITLE

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

6. 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 Saturday

No works on Sunday or Public Holidays

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. TWDA2019/01362-LCC, 21 November 2019 and attached to the permit.

8. SOIL AND WATER MANAGEMENT CONTROL PLAN

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

- a. Allotment boundaries, contours, approximate grades of slope and directions of fall.
- b. Location of adjoining roads, impervious surfaces, underground services and existing drainage.
- c. Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
- d. Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- e. The estimated dates for the start and finish of the works.
- f. The erosion control practices to be used on the site such as cut off drains, fencing off areas to be undisturbed, revegetation program and so on.
- g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and so on.
- h. Timing of the site rehabilitation or landscaping program.
- i. Outline of the maintenance program for the erosion and sediment controls. Works must not commence prior to the approval of the Soil and Water Management Control Plan by the General Manager, Infrastructure and Asset Network. The Plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.
- j. 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.
 - e. 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.

9. 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 Asset 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:
 - a. Electricity infrastructure including street lighting.
 - b. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.

10. 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:

- a. Stormwater
 - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
 - ii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
 - b. Roads
 - i. Provision of a fully constructed S4 sealed rural road 6m wide with 0.4m wide sealed shoulders for the entire length of all the property frontages except Lots 4, 5 and 11, including any changes required in White Gum Rise to facilitate the full range of turning manoeuvres at the proposed junction,
 - ii. Provision of a fully constructed S3 sealed rural road 5.5m wide with 0.4m wide sealed shoulders from the existing termination of Magpie Crescent for the entire length of all the property frontages of Lots 4, 5 and 11,
 - iii. Provision of a sealed turning head with a turning circle radius of 12m with a minimum sealed diameter of 18m at the end of each road
 - iv. Provision of a single sealed vehicular crossing for each lot within the subdivision,
 - v. Provision of a 1.5m wide sealed walkway within the parcel denoted as footpath linking to the sealed shoulder of the turning head of the cul de sac at each end,
 - vi. Bollards or other approved barriers to prevent unauthorised vehicle access are to be installed at either end of the footpath to prevent unauthorised vehicle access. Maximum distance between bollards is to be 1.5m. A minimum of one lockable bollard to be located at each end of the walkway,
 - vii. All road verges are to be established to be readily maintainable and sown with an approved grass mixture,
 - viii. Provision of a sealed temporary turning head of a suitable size for incomplete roads,
 - ix. Installation of all necessary line marking, signage and other traffic control devices.
-

- c. Electricity, Communications and Other Utilities
 - i. A reticulated electricity system and a Public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority,
 - ii. An underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority,
 - iii. Provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure.

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.

11. ACCESS OVER ADJACENT LAND

Where it is necessary, for the construction of the public works, to gain access to land not in the ownership of the developer the supervising engineer must:

- a. Advise the Council 21 days before access is required onsite so that notices pursuant to the *Urban Drainage Act 2013* can be issued to the landowner, then
- b. Contact the adjacent land owners to advise them of the proposed works and assess any of their (reasonable) requirements which should be incorporated in the works and,
- c. Ensure that client provides a signed statement advising the Council that they will pay all compensation cost for the easements and the Council's out-of-pocket costs (ie. legal, valuation, etc., if any). If the compensation claims appears unacceptable then the process under the *Land Acquisition Act 1993* will be followed.

12. WORKS REQUIRED FOR EACH LOT IN A STAGE

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

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

13. 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. Compaction and soil test results for all earthworks or pavement works.
- d. An engineer's certificate that each component of the works complies with the approved engineering plans and the Council's standards.

14. EASEMENTS

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

15. COVENANTS ON SUBDIVISIONS

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- a. Such covenants or controls are expressly authorised by the terms of this permit; or
- b. Such covenants or similar controls are expressly authorised by the consent in writing of the Council.
- c. Such covenants or similar controls are submitted for and receive written approval by the Council prior to submission of a Plan of Survey and associated title documentation is submitted to the Council for sealing.

16. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the General Manager, Infrastructure and Assets Network:

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

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

17. CONVEYANCE OF ROADS

All roads in the Subdivision must be conveyed to the Council upon the issue by the General Manager Infrastructure and Asset Network, of the Certificate under Section 10(7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the subdivider.

18. COMPLETION OF WORKS

All works must be carried out to the Council's standards and to the satisfaction of the General Manager, Infrastructure and Assets Network and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of the Certificate of Practical Completion.

19. AS CONSTRUCTED PLANS

An "as constructed" plan must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

20. 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 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.

21. BURNING OF WASTE

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0472/2019. You should contact 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.*

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

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.

Note

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

REPORT:

1. Purpose of Report

At its meeting on 23 January 2020, pursuant to 43A of the *Land Use Planning and Approvals Act 1993*, Council resolved to:

1. Pursuant to the former section 33(3) and Section 34 of the *Land Use Planning and Approvals Act 1993*, initiates Draft Amendment 58 for a rezoning of land from Rural Resource to Rural Living at 40520 Tasman Highway, St Leonards (CT 164745/1).
 2. Pursuant to the former section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Mayor and the Chief Executive Officer its functions under section 35(1) of the *Land Use Planning and Approvals Act*, to certify Amendment 58 to the Launceston Interim Planning Scheme 2015; and
-

3. Pursuant to section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0472/2019 for a 30 lot subdivision, new road, drainage and electricity infrastructure at 40520 Tasman Highway, St Leonards (CT164745/1) subject to 21 conditions.

The draft amendment, planning permit and all associated documentation was placed on public exhibition and seven (7) representation were received. In accordance with sections 39(2) and 43F(6) of the former *Land Use Planning and Approvals Act 1993* (the Act), Council must, within 35 days after the exhibition period, forward to the Tasmanian Planning Commission a report comprising a copy of each representation and a statement of its opinion on the merit of each representation and any recommendations regarding the draft amendment or planning permit it considers necessary.

2. Application

The application for the amendment and planning permit was lodged in accordance with section 43A of the Act.

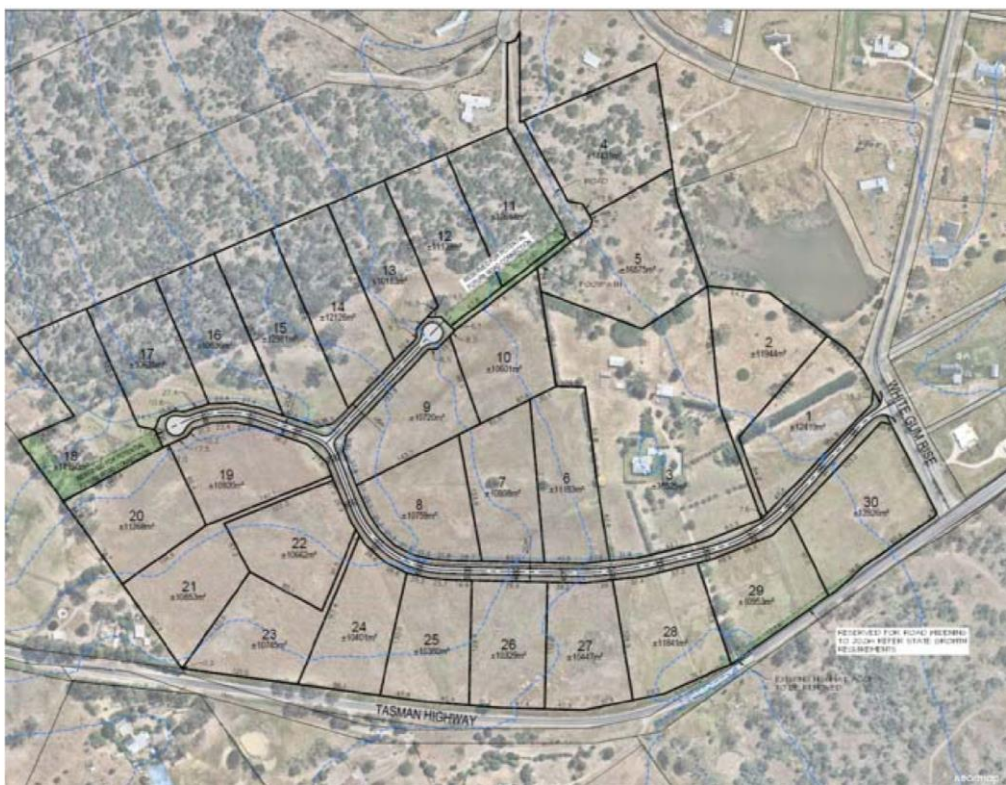


Figure 1: Proposed Plan of Subdivision (source: Planning Submission, 6ty Pty Ltd)

The proposal seeks:

- To amend the Launceston Interim Planning Scheme 2015 (the Scheme), rezoning land from Rural Resource Zone to Rural Living Zone at 40520 Tasman Highway, St Leonards; and
- A planning permit for a 30 lot residential subdivision, new road, drainage and electricity infrastructure (refer Figure 7)

3. Public Exhibition

The draft amendment was placed on public exhibition between 3 February 2020 and 2 March 2020. Seven (7) representation were received.

4. Representations

The issues raised in the representations as they relate to Draft Amendment 58 and the proposed subdivision.

The applicant also submitted a representation raising two points of concern with the conditions of Permit DA0472/2019:

1. Provision of an underground reticulated electricity system; and
2. Onsite wastewater management and conditions of the permit.

Under each section, the representations are collated under key headings. Some of the issues summarised are common across the representations where others are only raised by a single representation.

Whilst every effort has been made to accurately summarise the issues, the summaries should be read in conjunction with the representations (Attachment 1). The response to the representation by the applicant has also been provided (Attachment 2). A statement of opinion on the merit of the issues is provided, including consideration of their impact on the draft amendment or planning permit and advises if modification is required.

4.1 Representations – Key Issue Summary

Issues
Issue #1: Valid Application
Representation - 3
The landowner consent is queried pursuant to Section 43D of the Act. Queries also if any works are proposed within the bounds of the property at 22 Whisky Road, St Leonards.

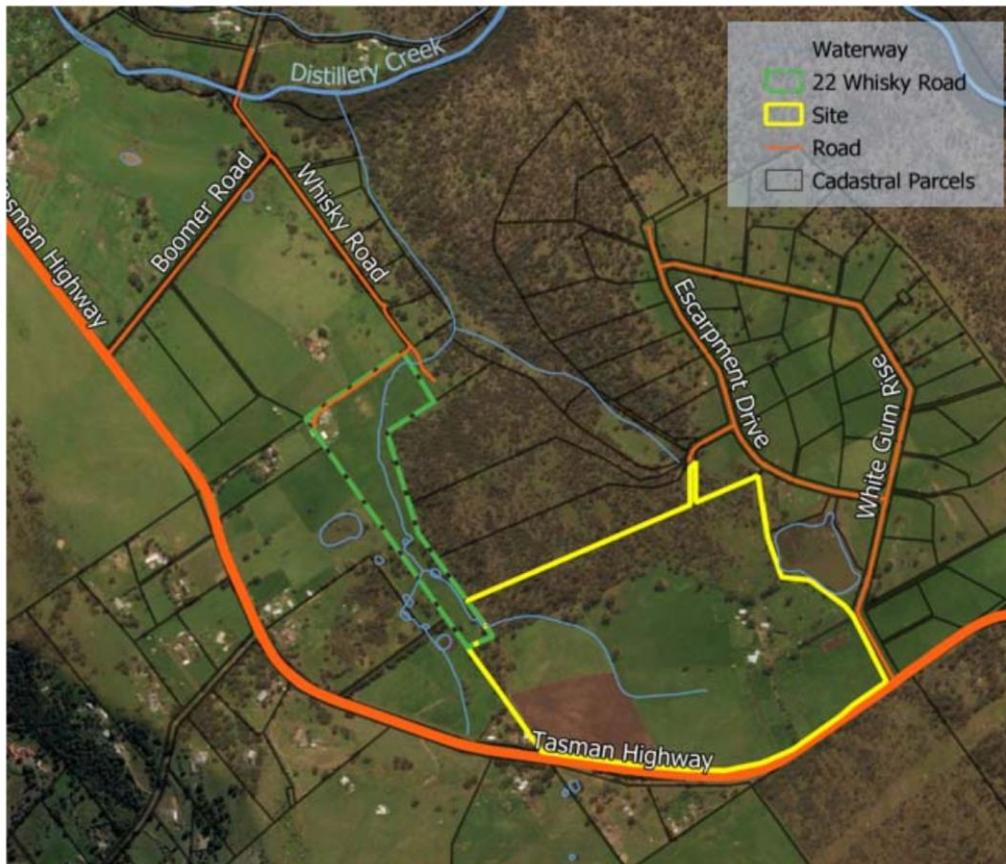


Figure 2: 22 Whisky Road in relation to the site (source: the LIST open data)

Officer Response:

The applicant is 6ty Pty Ltd. The applicant is not the landowner of the site and therefore submitted the following consents:

- Landowner permission from JCBGP Pty Ltd in accordance with Section 33(2A) and 43D(1) of the Act is dated 13 September 2019;
- Landowner permission from the Department of State Growth, in accordance with Section 43D(1) of the Act is dated 24 September 2019; and
- Road Authority (City of Launceston) consent to lodge application in accordance with Section 43(D) 1 of the Act, dated 19 September 2019.

The Planning Submission does not identify any works as part of the proposed subdivision within the bounds of the property at 22 Whisky Road, St Leonards. Therefore, consent from this property owner is required.

The application provided all necessary consents required by the Act. No change recommended.

Issue #2: Objection to Amendment

Generally the representations do not object to the rezoning of the site although there are three main specific issues raised with respect to Draft Amendment 58. The other issues are concerned with the subdivision itself or the conditions of the permit.

Officer Response:

This is noted.

The three main issues raised with respect to Draft Amendment 58 are:

- Potential impact the proposed residential uses will have on agricultural activities undertaken at 40580 Tasman Highway, St Leonards (CT 164745/1);
- Extend the area to which the Drivers Run Specific Area Plan applies to include the site; and
- Demand for rural residential land.

The issues raised in the representation concerning the subdivision are focussed broadly on:

- Traffic impacts and the intensification of an existing junction;
- Bushfire hazard management and fire-fighting water supply;
- Landslide risk and development;
- Lot size;
- Reticulated water supply;
- Onsite wastewater management;
- Stormwater discharge;
- Powerlines;
- Fencing;
- Lack of Public Transport;
- Footpath and pedestrian movement.

The abovementioned issues are addressed in further detail below under the various headings, with some matters raised in the representations prompting modification to Permit DA0472/2019. The issues raised within the representation do not warrant any recommendations.

Issue #3: Agriculture and Potential Land Use Conflict

Representor – 4

The rezoning of land at 40520 Tasman Highway, St Leonards has not considered the impact residential uses will have on the property at 40580 Tasman Highway, St Leonards (refer to Figure 3). This is a small-scale 6.269ha cropping farm that produces rye grass and clover hay, providing high-quality small bales for horses and other small-scale livestock holders.

Representation is concerned that the rezoning and application does not:

- **Protect current farming operations;**
- **Minimise impacts to the water supply;**
- **Provide considerations to protect against contamination to dam water from onsite waste management and stormwater run-off;**
- **Define a solution for the southern boundary of the subject site and our property, as a buffer between agricultural activities (e.g. spraying of grass crops, livestock, vermin control and dust); and**
- **Consider small scale farming innovation.**

The current agricultural activities will interfere with expectations of buyers purchasing a rural residential lifestyle property.

The rezoning and subdivision does not align with all aspects of the Act and does not address Key Principle D2.2 Rural Areas - Northern Tasmania Regional Land Use Strategy. The application does not comply with Section 32(1)(e).

To mitigate potential conflict, representation requests a 50m vegetative buffer zone and building exclusion zone, be added in the same way as a condition has been applied to Lots 18, 20, 21 and 23 to ensure this vegetation is not removed by future property owners.

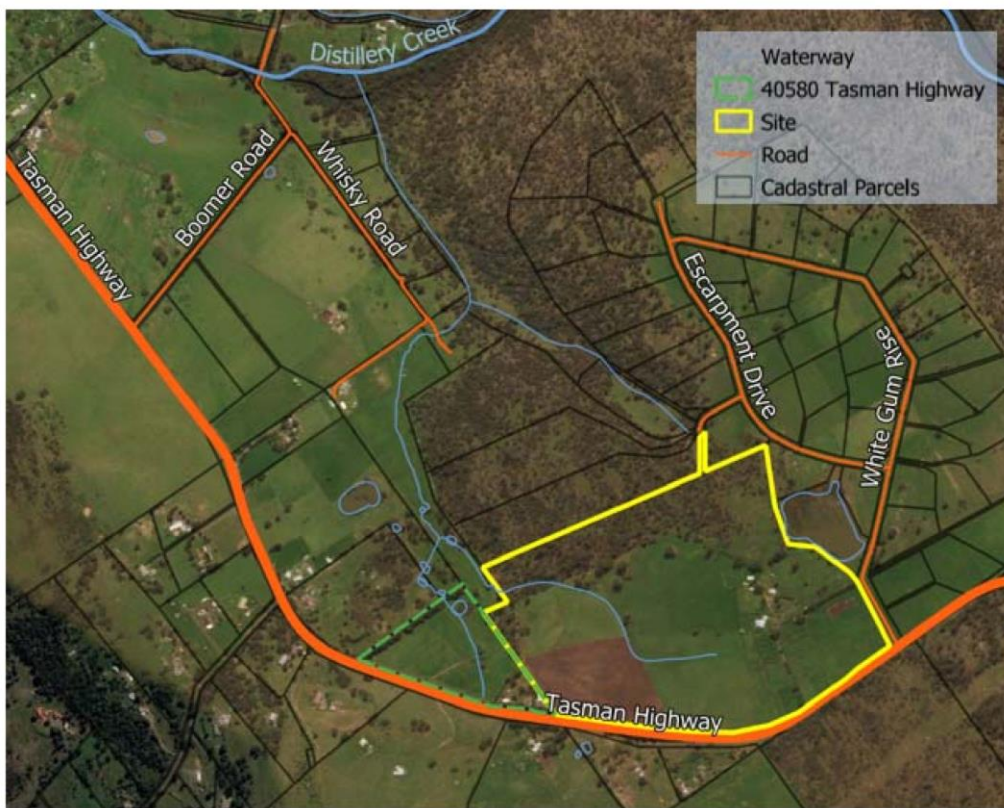


Figure 3: 40580 Tasman Highway, St Leonards, in relation to the site (source: theLIST open data)

Officer Response:

The issue raised in this representation is concerned with the potential for land use conflicts that may arise from the rezoning of land and/or subdivision on adjacent agricultural activities, in particular 40580 Tasman Highway, St Leonards.

The issues raised by the representation are considered to hold merit as it specifically relates to:

- Section 31(1) (e) and (ea) of the Act;
- Regional Land Use Strategy of Northern Tasmania (RLUS);
- the State Policy on the Protection of Agricultural Land (State Policy); and
- Schedule 1, Part 1 and Part 2 of the Act.

Pursuant to section 31(1) a draft amendment of a planning scheme, in the opinion of the

relevant decision-maker within the meaning of section 20(2A) must, as far as practicable:

(e) avoid 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 30.

The amendment must also be in accordance with the *State Policy on the Protection of Agricultural Land 2009*.

The Agenda Item 9.9 considered by Council on 23 January 2020 assessed the amendment in context of the *RLUS (as per section 300)* with respect to rural residential development and impact on agricultural uses. The abovementioned State Policy and its principles were also assessed. To determine compliance of these requirements with the Act, the Agricultural Report prepared by AK Consultants Pty Ltd dated 16 August 2019 was relied upon for the assessment of the amendment and the proposed subdivision. This report formed part of the endorsed plans and documents listed at Condition 1 of the Permit DA0472/2019.

The Agricultural Report, amongst a range of other matters, considered:

- The productive capacity of the site; and
- Potential for constraining adjacent agricultural land.

The property at 40580 Tasman Highway is referred to in the Agricultural Report. The report notes:

“West of the subject title is more land zoned as Rural Resource. In this direction there are two titles adjacent. These are both <8ha in area and have existing dwellings. While both titles are predominately managed as pasture, because of their size they have still been considered as ‘lifestyle lots’. There are a further three titles in this direction with similar characteristics.” (page 4, Agricultural Report)

The report considered the potential conflict between a future dwelling and adjacent primary industry activity. It is noted that:

“There are a range of activities associated with grazing and cropping. Learmonth et.al. (2007) detail the common range of issues associated with sensitive uses such as residential use in the Rural Resource Zone which can constrain primary industry activities (see Appendix 5). Common conflict issues associated with residential use in the ‘Rural Resource’ Zone include spray drift from chemicals which would include fungicide, herbicide, and insecticide, noise from equipment (including shooting for game control), irrigation spray drift, odours and dust.”(page 7, Agricultural Report)

To mitigate potential land use conflict and to minimise the risk of constraining existing and potential primary industry activity, the report recommends that a setback be retained between future dwellings on the site and the title to the south-east (refer to Figure 4). The report did not see it necessary to impose a setback from any other boundary of the site to manage potential land use conflicts.

Lots 18, 20, 21 and 23, have a shared boundary with the property at 40580 Tasman Highway, St Leonards. The potential for land use conflict between the future residential uses and the property at 40580 Tasman Highway is raised as a primary concern by the representation.

This issue raised has merit, especially when considered in the context of the RLUS, the State Policy and the requirements of the Act. While these matters were considered by the previous Agenda Item 9.9 of the Council meeting held on 23 January 2020, it did not specifically discuss the potential conflicts between the site and the common boundary with the abovementioned property. Therefore it is paramount that this is now duly considered by the planning authority and that the necessary steps are taken to minimise this conflict.

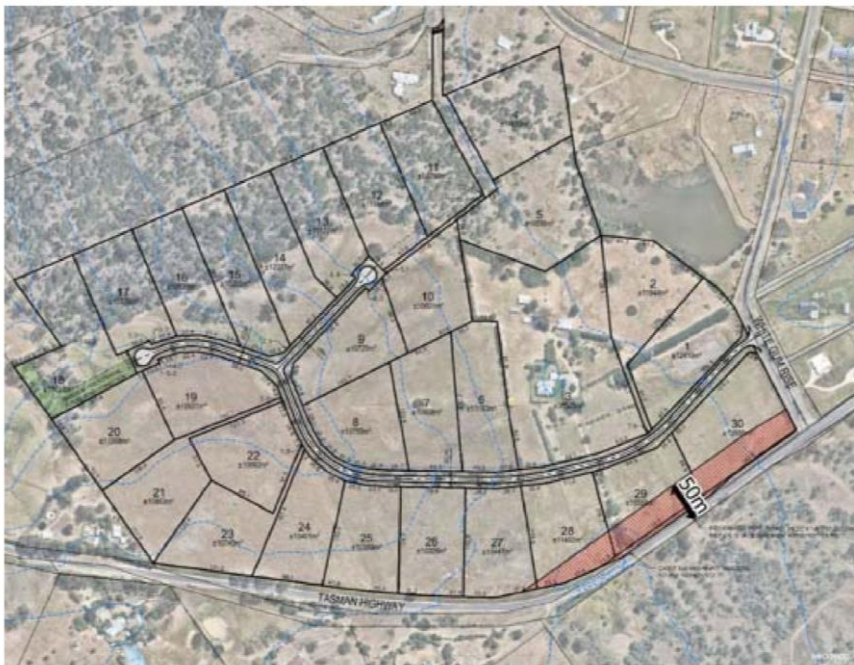


Figure 4: Recommended 50m setback from the rear boundaries of Lots 27 to 30 as shown on drawing number P01 Rev B, 6ty Pty Ltd (source: AK Consultants Pty Ltd and 6ty Pty Ltd)

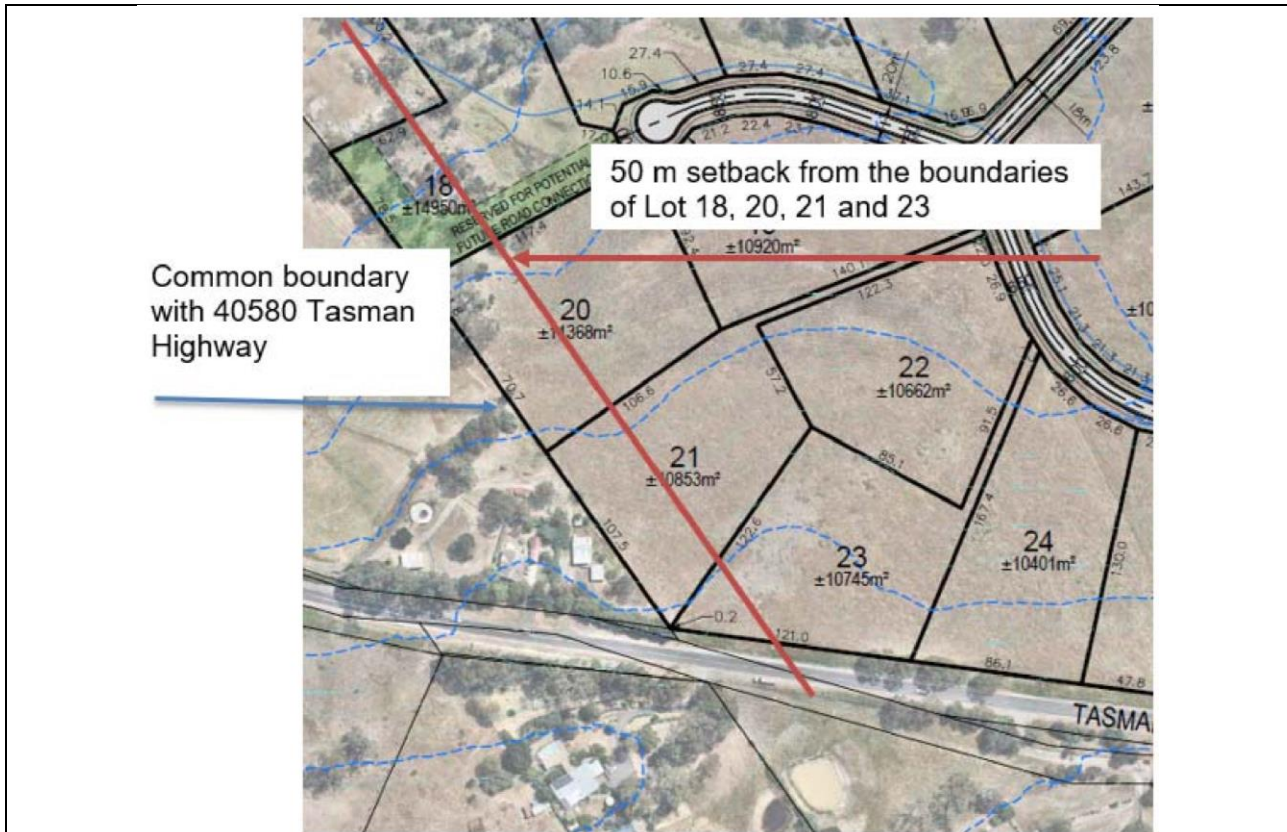


Figure 5: Approximate 50m setback from the shared boundaries of Lots 18 to 23 and the property at 40580 Tasman Highway, St Leonards (based map sourced: 6ty Pty Ltd)

The representation requests that a 50m vegetative buffer zone be included for Lots 18, 20, 21 and 23 as recommended for Lots 27, 28, 29 and 30. The Agricultural Report recommends that a minimum setback of 50m is retained between future residential uses and primary industry activities for Lots 27, 28, 19 and 30 (refer to Figure 4). The report did not state that this had to be vegetated, it instead advised that it was possible to reduce this setback further (to 40m) through the establishment of an adequately designed, implemented and maintained vegetative buffer.

In response to the representation, the applicant sought further advice from AK Consultants Pty Ltd (refer to Attachment 6).

The advice from AK Consultants is that: *“a 50m setback from the adjacent 6.269ha cropping farm to the south-west would be reasonable. This would be consistent with the setback recommended in the Agricultural Assessment relative to the farmland to the south-east”*.

The advice also suggests that this setback is most critical for Lots 20 and 21. The setback of 50m for Lots 18 and 23 are likely to be achieved due to the relationship of these lots with the property (refer to Figure 5).

A future dwelling on Lot 18 will be located in the far north-eastern corner due to the

restrictions imposed by on-site wastewater management requirements and bushfire hazard management (refer to Figure 6). A future dwelling on Lot 23 is most likely to achieve a 50m setback without any controls. For clarity to any future purchaser of the abovementioned lots, these are recommended for inclusion in Condition 4 of Permit DA0472/2019.

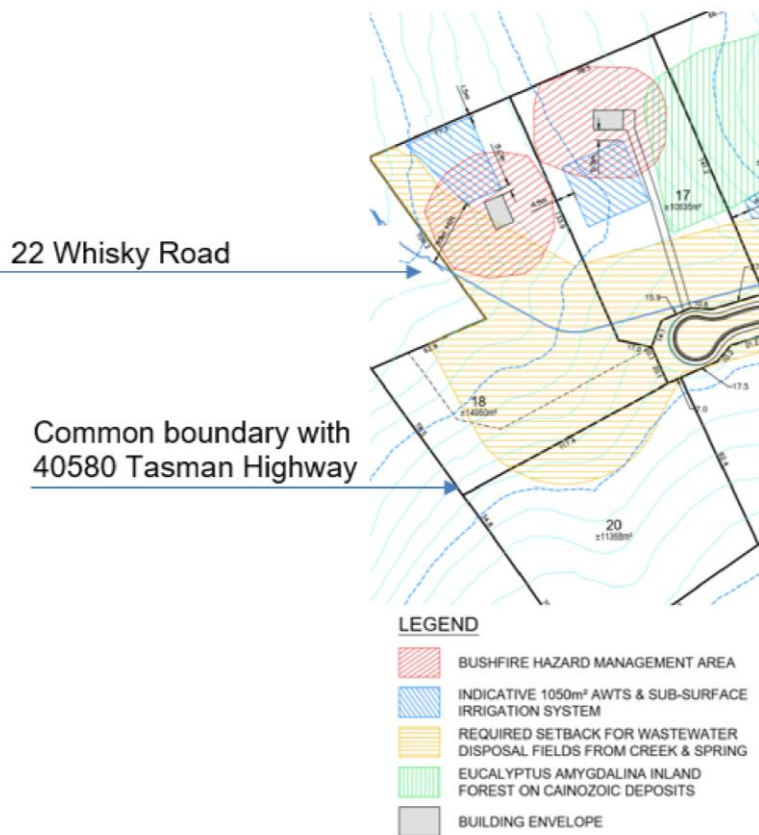


Figure 6: Excerpt from Drawing Number P07, Revision C

In future if an application proposes a dwelling on any of the proposed lots, Clause 13.4.2 A4 in the Rural Living Zone, Launceston Interim Planning Scheme 2015 will impose a setback of 200m from a sensitive use and the Rural Resource Zone to comply with the acceptable solution. Of course through the assessment process, a reduced setback is available if it can be demonstrated that the proposed sensitive use does not interfere with uses in the Rural Resource Zone as per the corresponding performance criteria P4. A similar requirement will be applied when the Launceston Draft Local Provisions Schedule as part of the Tasmanian Planning Scheme comes into effect.

Other than the endorsed documents and plans required by Condition 1, an additional condition was not imposed by Permit DA0472/2019 to require a 50m setback for Lots 27 to 30. In light of the representation, it is agreed that it is important that any prospective purchasers are made aware of this issue and the minimum setback requirement as advised by AK Consultants is applied.

Therefore, Condition 4 of Permit DA0472/2019 is recommended to be amended to

require a 'sensitive use no build area' for Lots 18, 20, 21, 23, 27 to 30. The draft Amendment 58 is unaltered.

Issue #3: Driver’s Run Specific Area Plan

Representation – 1, 3

The Driver’s Run Specific Area Plan be extended to include the site.

Officer Response:

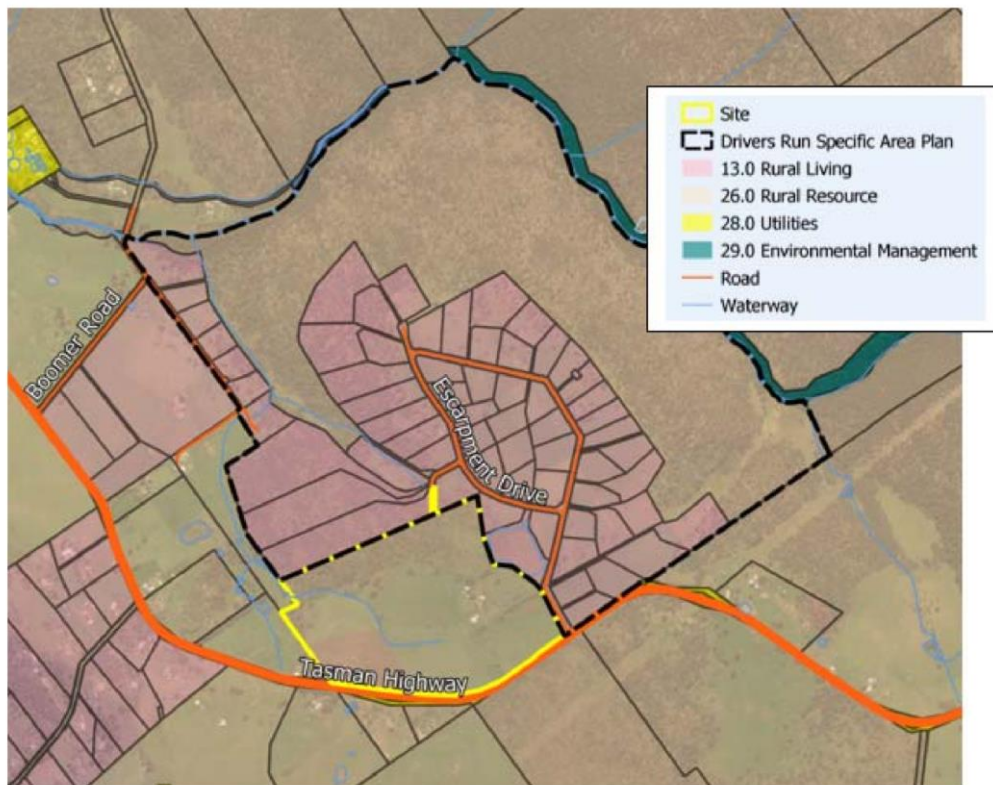


Figure 7: Drivers Run Specific Area Plan in relation to the site (source: theLIST open data)

Background

The Drivers Run Specific Area Plan in the Launceston Interim Planning Scheme 2015 was translated directly from the Launceston Planning Scheme 1996. The specific provisions introduced in the Launceston Planning Scheme 1996 was as a result of a combined scheme amendment and planning permit granted by the Tasmanian Planning Commission. This amendment came into operation on 8 February 2011. The provisions were introduced to provide specific controls for building height, onsite wastewater management, stormwater and subdivision.

The Drivers Run Specific Area Plan (SAP) applies to the area shown in Figure 7.

The SAP purpose is to:

- Provide for development of low density lots in a coordinated and environmentally sustainable manner; and
- Conserve remnant bushland to protect water quality, heritage and natural values; and

- Provide for community conservation and recreational use of the bushland.

The stated purpose is achieved by overriding the provisions in the Rural Living Zone and Rural Resource Zone. These provisions relate to:

- Use table (recreation, conservation and preservation areas);
- building height;
- on-site wastewater;
- stormwater management;
- requires 10,000litres of water for collection and use of water for single dwelling;
- vegetation removal;
- subdivision and sensitive urban design.

The provisions of the Rural Living Zone in the Launceston Interim Planning Scheme 2015 also regulate building, stormwater, water supply and subdivision density. A number of codes such as E9.0 Water Quality Code may also be applicable.

If the SAP was applied, the outcomes achieved do not differ substantially to the provisions of the Rural Living Zone and the various applicable codes. Additionally, the current drafting of the SAP is such that it would require modification as the provisions contained within could not be simply applied to the site (refer to Table 1).

Table 1: Comparison between SAP and Rural Living Zone		
	Drivers Run Specific Area Plan	Rural Living Zone
Building Height	6m or 7m where slope of land within building footprint is greater than 15%. Building height can exceed 6 or 7m where it can satisfy the corresponding performance criteria.	8m irrespective of slope. Building height can exceed 8m where it can satisfy the corresponding performance criteria.
Onsite wastewater	Waste Water Special Lots on Figure 5.2.2 must be aerated Wastewater Treatment Systems.	Discretionary permit pathway required for on-site wastewater management system as it cannot comply with the acceptable solution.
Stormwater	Must be contained within the lot although a discretionary permit pathway available to consider an alternative.	Stormwater runoff will require assessment against the performance criteria as the acceptable solution cannot be met.
Rainwater tank	Residential development for a single dwelling must have a rainwater tank of 10,000l.	No specific requirement.
Vegetation Removal	Only within the Conservation or Preservations Areas as shown on Figure 5.2.2.	This would not be applicable to the site. E8.0 Biodiversity Code regulates the removal

		of native vegetation.
Subdivision	Subdivision layout as shown in Figure F5.2.1. The corresponding performance criteria provides for a minimum lot size of 1ha.	Minimum lot size is 4ha. The corresponding performance criteria provides for a minimum lot size of 1ha.

The conclusion is formed that the extension of the SAP will not serve any particular land use outcome which differs to the Rural Living Zone.

The conditions of Permit DA0472/2019 are also such that a Section 71 Agreement is required to protect natural values identified for the site, advises potential purchasers of on-site wastewater management setback requirements and imposes minimum separation between sensitive uses and primary industry activities.

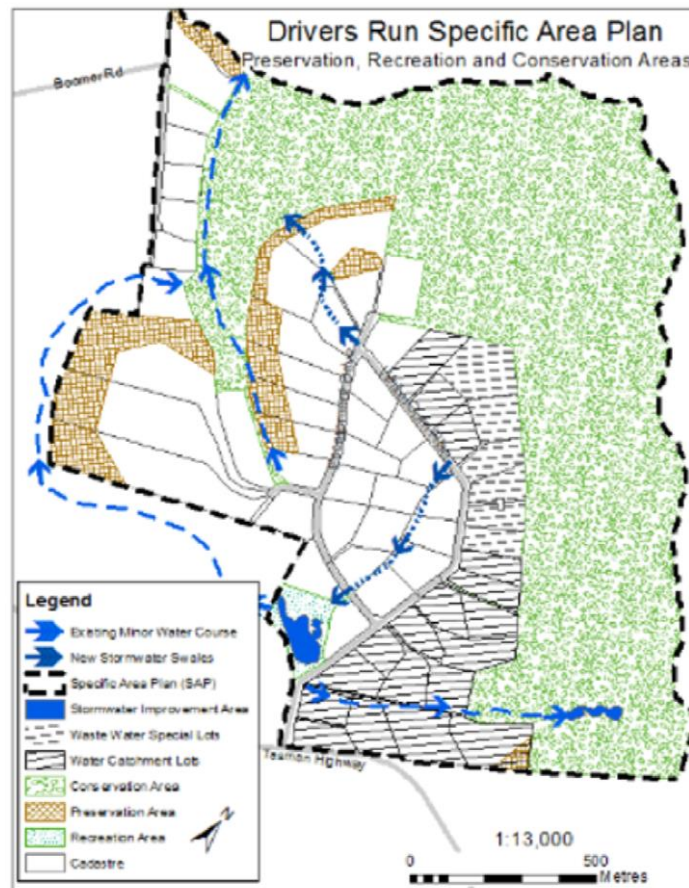


Figure 9: Figure 5.2.2, Drivers Run Specific Area Plan Launceston Interim Planning Scheme 2015.

The representation does not have merit and there is no change recommended to Draft Amendment 58 or Permit DA0472/2019.

Issue #4: Demand and Supply of Rural Residential Lots

Representation – 1, 5, 7

- Demand and supply analysis and the requirement for further residential lots is questioned.

Officer Response:

The future rural residential development of the site is strategically identified in:

- St Leonards Village – Discussion Paper (February 2018); and
- Eastern approaches Long Term Conceptual Development Plan (2010).

The Planning Submission was also supported by the Launceston Rural Residential Demand Assessment undertaken by Urban Enterprise. Additionally, Draft Amendment 58 was assessed against the requirements of the Act as detailed in Agenda Item 9.9 considered by Council at its meeting on 23 January 2020.

The issues raised within the representations do not require Draft Amendment 58 or the Permit DA0472/2020 to be modified.

Issue #5: Traffic Impact

Representation – 1, 3, 5, 6, 7

Five (5) out seven (7) of the representations raise concern with the potential traffic impacts the proposed subdivision will have on the road network in this location.

Overall the issues raised are concerned with:

- Increased vehicle movements and intensification of the existing junction with White Gum Rise and the Tasman Highway; and
- Providing an additional access and egress point, to alleviate pressure of the existing junction with White Gum Drive.

Specific concerns raised are set out below.

Number of Vehicle Movements

- Traffic count done 12 months prior to development application lodgement and there has been significant change in “Drivers Run” occupancy over that time (and will continue to increase as new residential lots are taken up).
- Assessment assumes vehicle movement at ‘peak time’ without considering ‘Drivers Run’ subdivision in vehicle movements (and the new subdivision) when fully occupied.
- Clause E4.5.1 Existing Road Access and Junctions, acceptable solution A2 is exceeded as vehicle movements are increased by 62.5%.

Sight Lines, Junction of Tasman Highway and White Gum Rise

- A large metal ‘Driver Run’ signage and the existence of the boundary fence hedging on 2 White Gum Rise impedes nearly all visual sight lines of the Tasman Highway as a vehicle is approaching the Tasman Highway intersection.

- The vehicles travelling west on the Tasman Highway also leave a shaded area and are generally accelerating as this is a downhill section after a long sight incline after transiting a series of curves through the cutting.
- Occasional sun impairment for vehicles leaving White Gum Rise onto the Tasman Highway.
- The sight distance of 300m for the right hand turn from White Gum Rise into the Tasman Highway. There is a substantial valley, drivers cannot see cars in the valley.

Additional Access

- The existing junction is already unsafe. Opportunity for a second access and egress would be considered closer to Abels Hill Road to alleviate pressure of the existing junction.

Officer Response:

The Traffic Impact Assessment (TIA) was prepared by Traffic and Civil Services with the author of the assessment being Mr Richard Burke. Mr Burke has 30 years of experience in the traffic and civil engineering discipline. He has worked in the state, local and private sectors as a Roads and Traffic Engineer in Tasmania.

The TIA prepared and submitted with the Planning Submission outlines traffic projections to 10 years beyond the opening of the development. The TIA has determined that the sight lines and traffic movement can satisfy all aspects of the E4.0 Road and Railway Assets Code.

A second access is not identified and does not form part of this application.

The TIA was circulated internally and there were no concerns raised by the Infrastructure and Asset Network of Council. The Permit DA0472/2020 has been conditioned to require that infrastructure works will be constructed to meet Council's requirements. Further consent for works from the Department of State Growth will be required where this impacts on the Tasman Highway.

The issues raised within the representations do not require Permit DA0472/2020 to be modified. The draft Amendment 58 is unaltered.

Issue #6: Visual Impact and Powerlines

Representation - 3

Lot 4, Lot 5 and Lot 11 will be served by Magpie Crescent (see Figure 10). Underground Power is requested to reduce visual impact.

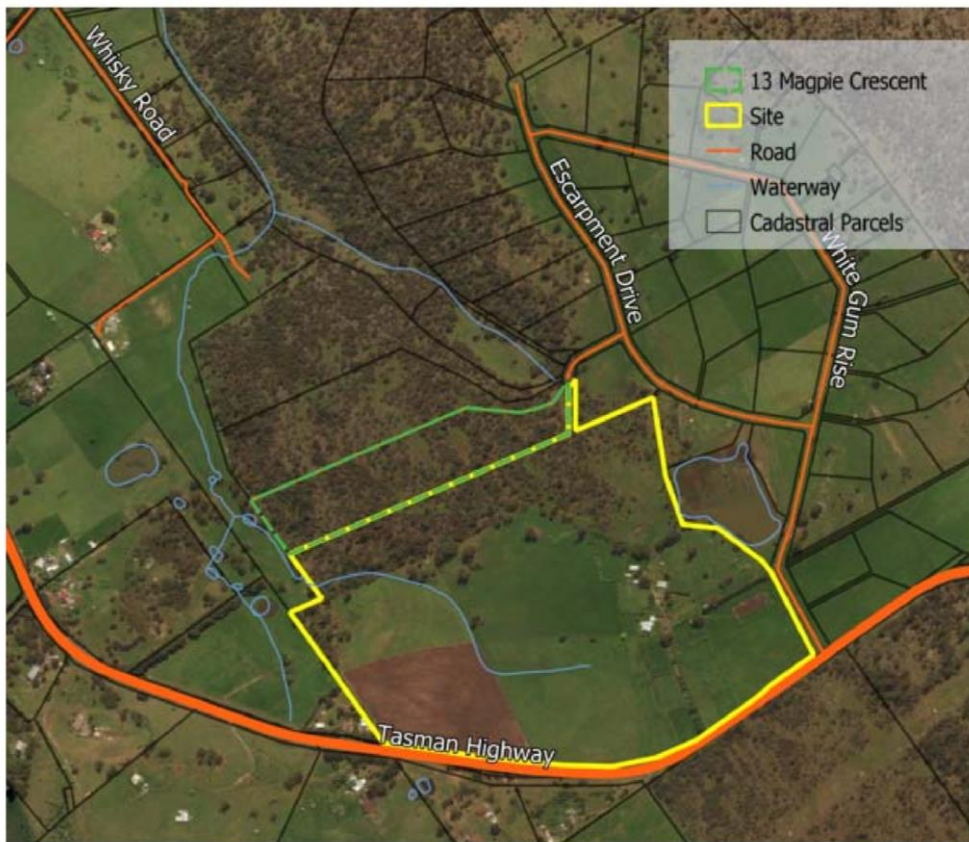


Figure 10: 13 Magpie Crescent in relation to the site (source: theLIST open data)

Representation – 2 (applicant)

Requests Condition 10 (c) (i) to be modified to not require an underground reticulated electricity system and public street lighting scheme.

Officer Response:

The application seeks to extend the overhead electricity infrastructure supply. Overhead electricity infrastructure services are established along the Tasman Highway, White Gum Rise and Magpie Crescent.

Condition 10(c)(i) requires an underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority.

In recent years, this has been a standard condition guided by the Council’s Underground Power Policy. This is dated 12 December 2007 and has not been reviewed. The representation by the applicant highlights that while this policy is in place there is no requirement in the Launceston Interim Planning Scheme 2015 that implement these principles of this policy through either the provisions of the Rural Living Zone or any other code provisions.

The Underground Power Policy states that underground services are not required where there is an existing overhead supply along the road alignment which is sufficient for the

proposed development.

Additionally, there are no specific provisions within the Launceston Interim Planning Scheme 2015 which require an application to assess the visual impact of the overhead powerlines for the site.

In absence of any direct provisions in the Scheme, Condition 10(c)(i) will be removed from Permit DA0472/2019. The draft Amendment 58 is unaltered.

Issue #7: Reticulated Water Supply

Representation – 1, 3, 5, 7

No planned allowance for a potable water reticulation and/or connection to TasWater infrastructure.

As determined within a recent RMPAT decision (6ty Pty Ltd v Northern Midlands Council (2019) TASRMPAT 29), the site is within a locality where reticulated services are available, the question of whether reticulated water services are capable of being connected to the lots should be considered as whether they are reasonably capable of being connected. Whether a service is reasonably capable of being connected to the lots will depend on the existing location of services which may be extended, the engineering issues involved in extending the services, and the cost of doing so.

TasWater set out conditions and does not highlight any unusual engineering issues.

Concerned that further expansion of the potable water reticulation is provided to the proposed subdivision that the new system will be patched in the already overstretched system as they relate to the Drivers Run subdivision.

Officer Response:

The Agenda Item 9.9 considered by Council on 23 January 2020 assessed the applications against the requirements of the performance criteria P1 of Clause 12.4.7.

TasWater was consulted with respect to the proposed subdivision which prompted an amended Submission to the Planning Authority Notice (TWDA 2019/01362-LCC). This states the following:

“TasWater does not object the proposed rezoning and considers the requirement of reticulated water to be unreasonable, due to the high cost of infrastructure for the corresponding small size of the development”.

The assessment of the application against the performance criteria P1 of Clause 12.4.7 is for the planning authority to consider. The planning authority, if determined that it is capable of being connected, then the requirements of TasWater would form part of the conditions of Permit DA0472/2019, but this is not the case in this instance.

Additionally, the application for this subdivision differs to the particular issues and attributes of the recent Tribunal decision in the case of 6ty Pty Ltd v Northern Midlands Council [2019] TASRMPAT 29 (20 December 2019).

The servicing of the subdivision will not place further strain on the existing reticulated system servicing Drivers Run.

The subdivision is not considered to be capable of being connected to the existing reticulated water system as previously determined. The issues raised within the representations do not require the draft Amendment 58 or the Permit DA0472/2020 to be modified.

Issue #8: Fire-fighting Water Supply

Representation – 1, 3, 5, 7

Representation expresses concern that in the event of bushfire a 10,000l water tank per dwelling will not adequately provide sufficient water supply. While the representation recognises the reliance upon static water supply is necessary and that the minimum requirement for a water supply is only 10,000l, there is concern that this is inefficient supply. There are eight lots adjacent to land at 13 Magpie Crescent.

Representation requests that the Section 71 Agreement required by Condition 4 be amended to require Lots 4, 11 to 18 to be provided with at least 20,000l for firefighting purposes or the provision of fire hydrants through the subdivision be made.

Concerned that the key firefighting tool, water from the fire main, could be unavailable in the time of a bushfire that threatens the subdivision if power fails. Has a desire that the current reservoir/pumping system is upgraded to provide a backup power system if a new or expanded potable water supply reticulation system is installed in the proposed subdivision.

Officer Response:

The provision beyond a 10,000L water tank per dwelling is consistent with the requirements of E1.0 Bushfire-Prone Areas Code.

Acknowledging the recent bushfire events that have occurred across Australia, the concerns raised are considered to have merit. However, there are no requirements that can be enforced which are outside of the bounds of E1.0 Bushfire-Prone Areas Code.

The applicant has advised that the landowner, *“JCBGP Pty Ltd would be agreeable to an additional clause in the Part 5 Agreement required by Permit DA0472/2019 stipulating that water storage tanks for fire-fighting purposes, provide in conjunction with future dwelling development, are to have a minimum capacity of 20,000 litres”*.

Therefore, in response to the representation and the landowner’s willingness to address this issue, it is recommended that Condition 4 of Permit DA0472/2019 be amended requiring future dwellings to have water storage tanks for fire-fighting purposes with a

minimum capacity of 20,000L.

The second issue raised by a representor is concerned with the provision of a reticulated water supply. Please refer to Issue#7.

The draft Amendment 58 is unaltered.

Issue #9: Bushfire Management Plan

Representation – 3

The submitted Bushfire Report and Hazard Management Plan by NorthBarker Ecosystem Services indicates that the proposal is compliant with Table E1: Standards for Roads.

This requires that a dead-end or cul-de-sac roads have a turning circle with a minimum 12m outer radius. The proposed subdivision plan appears to not provide such turning circles within the cul-de-sacs, and further clarification is required. Should the proposal rely upon a performance criteria, the advice of TFS would be required of the Planning Authority.

Officer Comment

The representor is correct that the Bushfire Report and Hazard Management Plan was prepared by NorthBarker Ecosystem Services (accredited). The Plan is endorsed in Condition 1(j) of Permit DA0472/2019.

The applicant has advised the following:

“The provision of slightly enlarged turning circles at the end of each cul-de-sac road (with a 12m radius) are capable of being accommodated, which involves a minor change to these features as currently shown on the proposal plan. Further details will need to be provided to Council in seeking engineering design approval for the road infrastructure”.

The provision of enlarged turning circles with a radius of 12m is required. Therefore it is recommended that Permit DA0472/2019 be modified to amend:

- Condition 2 to require an amendment to the proposed Subdivision Plan noting this requirement; and
- Condition 10(b)(iii) be amended requiring a turning circle at the end of each cul-de-sac road to have a radius of 12m.

The draft Amendment is unaltered.

Issue #10: Landslide Risk and Lot Area

Representation – 5, 7

The representor is concerned that the site is within an area as identified as Proclaimed Landslip B and therefore the lots are subject to building restrictions imposed by the *Building Act 2016 and Building Regulations 2016*.

Officer Response:



Figure 11: Medium Hazard Band (bright yellow) across the site (source: theLIST open data).

This is identified to contain low and medium landslide hazard bands. Geoton Pty Ltd prepared a landslide risk assessment (dated 17 December 2019). This assessment forms part of the endorsed documents and plans as referred to in condition 1 of the Permit DA0472/2019.

The Landslide Planning Report prepared by the Department of Premier and Cabinet identifies that the Medium landslide hazard band falls within Proclaimed Landslip B. While the terminology is similar, the Proclaimed Landslip B referred to in this report is not declared as Proclaimed Landslip B as defined by the *Mineral Resources Development Act 1995*. There is no Proclaimed Landslip B identified for the site.

The building restrictions, as raised by the representation, set out under the *Building Act 2016* and the *Building Regulations 2016* including limitations on water storage are not applicable to the site.

The hazards are supported by expert advice and have been relied upon to demonstrate compliance with the requirements of the Act including the Launceston Interim Planning Scheme 2015.

The issues raised within the representations do not require Planning Permit DA0472/2020 to be modified. The draft Amendment 58 is unaltered.

Issue #10: Onsite Wastewater Management

Representation - 1, 3, 5

The operations of onsite waste-water management systems at Drivers Run have been problematic with a number a number of systems failing and needing redesign.

Representation – 2 (applicant)

The Condition 4 of Permit DA0472/2019 requires the landowner to enter into an agreement with Council’s Planning Authority under Section 71 of the Land Use Planning and Approvals Act, which is required to confirm the following matters:

Onsite Wastewater Treatment

- i. Lots 1, 2 and 4 to 30 inclusive must utilise approved aerated wastewater treatment systems and sub-surface irrigation land application areas to manage the disposal of domestic effluent;
- ii. Installation of an approved aerated wastewater treatment system and subsurface irrigation land application area is required for any new development and/or alterations to the existing on-site waste-water management system on Lot 3;
- iii. The location of the land application area for disposal of domestic effluent on all lots (1 to 30 inclusive) must achieve the minimum setbacks specified in the Geoton Landslide Risk Assessment, Preliminary Wastewater Assessment and Preliminary Stormwater Assessment dated 9 December 2019.

The Geoton on-site wastewater assessment referred to in the condition is a preliminary assessment for subdivision approval. Site-specific assessments for each lot will be required once the actual location and size of each residential development is known.

This will include the design of an on-site wastewater system in each lot in accordance with AS/NZS 1547:2012 “On-site domestic wastewater management”.

The system and land application areas required for each lot will therefore be confirmed in obtaining future building and plumbing approvals for each lot. The requirement in the condition therefore adds unnecessarily to the statutory controls that already exist.

In the event that Condition 4(b) in Permit DA0472/2019 is retained, it should be amended to allow the provision of alternate on-site wastewater systems, land application areas and minimum setback distances based on the findings of site-specific assessments for each lot or any advancements in the available technologies.

This could be achieved with the addition of the following clause in the condition:

- iv. Alternate on-site wastewater systems, sub-surface irrigation land application areas may be provided with the prior written permission of Council

Officer Response:

The Planning Submission contained a preliminary wastewater assessment by GeoTon.

The initial report, ‘Landslide Risk Assessment, Preliminary Wastewater Assessment and Preliminary Stormwater Assessment’ was amended in response to a further information request. The amended report, dated 9 December 2019, confirms that all lots if developed for a residential use can be serviced by a wastewater management system. The assessment of the application relied on this report to demonstrate that the proposal complied with Clause 13.4.7 of the Launceston Interim Planning Scheme 2015.

Further assessment of this matter will be required once a residential use and development is proposed on a lot within the subdivision. This will require a site-specific assessment for each lot in accordance with AS/NZS 1547:2012 as highlighted by the applicant in their response to the representations.

The representation has merit. Technology advancements in onsite wastewater management is continuing to evolve. While it is important to raise awareness with the limitations of onsite wastewater management and required setbacks from drainage lines, it is acknowledged that there could be advances in treatment systems especially if some time elapses between issuing of titles and actual construction of a dwelling.

In light of the comments made by both the applicant and other representors, it is recommended to modify Condition 4, Onsite Wastewater Treatment to include an additional subclause ‘iv’ allowing an alternative to be considered if technological advances are made. The draft Amendment 58 is unaltered.

Issue #11: Lot Size

Representors – 1, 5, 7

The lots range between 1.02ha and 3.85 hectares. The acceptable solution A1.1, Clause 13.4 requires a minimum lot area of no less than 4ha.

The new lots are incompatible with ‘Drivers Run’ subdivision framework (original intent and values).

The proposed density will impact the amenity of original subdivision.

Officer Response:

Clause 13.4.4 P1.1 requires lots to have sufficient useable area and dimensions suitable for their intended use.

The application and all supporting material demonstrates that the proposed lots are capable of accommodating future dwelling. This is considered in context of all servicing requirements, separation distances from Rural Resource zoned land, protection of natural values and adequate provision of private open space and car parking.

While the application must also have regard to the existing pattern of development, the performance criteria provides a mandatory minimum lot size of 1ha. The proposed lots have all areas greater than 1ha and are comparable in size to the Drivers Run subdivision (refer to Figure 12).



Figure 12: Highlights the residential lots within the Drivers Run Specific Area Plan. Median lot size of the pink shaded parcels is approximately 1.3ha with the Mean value being 1.8ha.

The issues raised within the representations do not require Draft Amendment 58 or the Planning Permit DA0472/2020 to be modified.

Issue #12: Discharge of Stormwater

Representation: 2

Pollutants generated through buildings, roads and residential living need to be managed on-site before entering waterbodies and watercourses (protecting dams and springs).

Officer Response:

The concept plan and management of waterflows is documented in the Planning Submission and is supported by expert advice.

To manage water flows stilling zones (as shown on the Subdivision Concept, Roadside Drainage Concept Plan, Driveway Cross Section) was included with the application and is an endorsed plan identified in Condition 1(f) of Council’s Permit DA0472/2019.

Condition 10 of Permit DA0472/2019 will require engineering design approval for the road and stormwater infrastructure from the General Manager, Infrastructure and Assets Network. Condition 10 is considered appropriate with respect to managing the issues raised by the representations.

The issues raised within the representations do not require Draft Amendment 58 or the Planning Permit DA0472/2020 to be modified.

Issue #13: Flora and Fauna

Representation - Davis

Impacts the proposed development has on natural values as required by Clause 13.4.8 of the Rural Living Zone.

Officer Response:

Clause 13.4.8 relates to subdivision works rather than future dwelling development and therefore the application complies. The E8.0 Biodiversity Code did not apply in this instance.

Issues of Flora and Fauna are considered as part of the Regional Land Use Strategy of Northern Tasmania (RLUS).

To assist with achieving the intended outcomes of the RLUS, the natural values of the site are sought to be protected as per Condition 4 of Permit DA0472/2019. This requires a Section 71 Agreement to be drafted with the intent of creating no build areas for lots 13, 14, 15 and 16.

The issues raised within the representations do not require Draft Amendment 58 or the Permit DA0472/2020 to be modified.

Issue #14: Public Transport

Representation: 4, 5

A number of RLUS strategic goals are to connect community areas, including Rural Residential, with public transport networks for employment and social opportunities.

The Planning Submission for the subject site, does not provide detail on how this development will provide for public transport to people re-locating to the area.

Public transport is not provided to the Drivers Run Estate and with the increase in properties and residents in the area from this proposed development, this should be provided.

Officer Response:

There are a number of policies within the Regional Land Use Strategy of Northern Tasmania (RLUS) that require consideration of public transportation networks where new residential areas are planning. Two policies specially addressing these issues are RSN-P6 and RSN-P7.

The RLUS also identifies specific policies concerning rural residential development. These policies do not provide for any specific requirement with respect to public transportation and rural residential development.

The issues raised within the representations do not require Draft Amendment 58 or the Permit DA0472/2020 to be modified.

Issue #15: Pedestrian Network

Representation: 1, 4, 5

Increase in the number of people walking and cycling along Tasman Highway.

Without proper pedestrian easements or shared zones to protect people from traffic in a 100km, speed zone it is a safety concern that will require further consideration and planning to ensure the safety of people wanting to connect to public transport and services.

Officer Response:

The representations are concerned with the pedestrian and cycling safety utilising the existing road network extending well beyond the site. Pedestrian and cycling movements are matters to be considered in broader context and is not limited to the site. Additionally, any modification to the proposed cycling or pedestrian network involving state infrastructure will require consultation with the Department of State Growth.

The representations raise a valid point, however these issues beyond the site cannot be considered as part of this process.

The issues raised within the representations do not require draft Amendment 58 or the Permit DA0472/2020 to be modified.

Issue #16: Magpie Crescent and Access to the ‘Driver Run’ Conservation Reserves

Representation: 1, 3

It is noted that a footpath is proposed between Lots 5 and Lots 10/12. The current status of the “Reserve” (Lot 1 Escarpment Drive, St Leonards) is unknown, and should pedestrian access be provided to Magpie Crescent, it is considered that like many existing residents in the Drivers Run subdivision, access to the “Reserve” will be further intensified as informal public open space. Council is encouraged to review the status of the land, given the land ownership issues, inadequate fire management practices and general public liability of this portion of land. It is encouraged that Council consider taking over control and ownership of this area as dedicated Public Open Space, given the intensification of the residential use of the area.

Officer Response:

The footpath is provided in accordance with the requirements of Council. The access to the “Reserve” cannot be mitigated or controlled through this subdivision process.

The review of the status of this land is a matter outside of this process.

The issues raised within the representations do not require Draft Amendment 58 or the Planning Permit DA0472/2020 to be modified.

Issue #17: Nomenclature Status

Representation: 3, 5

The nomenclature status of the Drivers Run subdivision with an extra 30 residential lots, should be considered by Council, to separately name this subdivision/locality as “Drivers Run” officially, as a place, rather than a part of St Leonards. Already the subdivision is informally known as “Drivers Run”, and with 90 odd houses (including the proposed 30 lots), it in itself could be considered a hamlet.

Officer Response:

This matter is not one that directly relates to Draft Amendment 58 or Permit DA0472/2019 and should be considered outside of this application process.

The issues raised within the representations do not require Draft Amendment 58 or the Planning Permit DA0472/2020 to be modified.

Issue #18: Fencing

Representation: 3

The property at 13 Magpie Crescent will have a shared common boundary with Lot 8. Requests that no restrictive covenants be placed upon future titles of these lots, which provide that *Boundary Fences Act 1908* cannot be further considered. Concerned that if restrictive covenants imposed, fencing could be a significant cost to property owners at 13 Magpie Crescent.

Officer Response:

There will be no restrictive covenant to prevent consideration of the *Boundary Fences Act 1908*.

The issues raised within the representations do not require Draft Amendment 58 or the Planning Permit DA0472/2020 to be modified.

CONCLUSION:

The representations have been considered and it has been determined that:

- there are no reasons for Council not to proceed with the draft Amendment 58; and
- in response to the representations, that conditions of Permit DA0472/2019 (where relevant) are amended in accordance with the above discussion.

The report has provided an assessment of the representations and it is recommended that it be forwarded to the Tasmanian Planning Commission with a recommendation that it be approved with amendments to the conditions of Permit DA0472/2019.

ECONOMIC IMPACT:

The amendment to the Launceston Interim Planning Scheme 2015 and associated planning permit has been assessed against the requirements of the Act. The Launceston Interim Planning Scheme also 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 amendment to the Launceston Interim Planning Scheme 2015 and associated planning permit has been assessed against the requirements of the Act. 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 amendment to the Launceston Interim Planning Scheme 2015 and associated planning permit has been assessed against the requirements of the Act. 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:

Land Use Planning and Approvals Act 1993 (the Act)
Launceston Interim Planning Scheme 2015
Regional Land Use Strategy of Northern Tasmania (RLUS) 2018
Greater Launceston Plan (GLP) 2014
Launceston Residential Strategy (LRS) 2009-2029

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

ATTACHMENTS:

1. Locality Map - Amendment 58 - 40520 Tasman Highway, St Leonards (*electronically distributed*)
-

2. Draft Amendment 58 and Permit DA0472/2019 - Representation - 40520 Tasman Highway, St Leonards (*electronically distributed*)
 3. Draft Amendment 58 and Permit DA0472/2019 - Response to Representation - 40520 Tasman Highway, St Leonards (*electronically distributed*)
 4. Draft Amendment 58 - Certified Instrument - 40520 Tasman Highway, St Leonards (*electronically distributed*)
 5. Permit DA0472/2019 - 40520 Tasman Highway, St Leonards (*electronically distributed*)
 6. Road Authority Consent - 40520 Tasman Highway, St Leonards (*electronically distributed*)
 7. AK Consultants Addendum - 40520 Tasman Highway, St Leonards (*electronically distributed*)
-

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)

No Council Workshops have been held since the last Council Meeting

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 Adoption of the Launceston Flood Authority Rules April 2020

FILE NO: SF4493

AUTHOR: Duncan Campbell (Team Leader Legal Services)

CHIEF EXECUTIVE OFFICER: Michael Stretton

DECISION STATEMENT:

To consider the adoption of the Launceston Flood Authority Rules April 2020.

PREVIOUS COUNCIL CONSIDERATION:

Council - 19 September 2019 - Agenda Item 20.1 - Launceston Flood Authority - Rules Amendment

RECOMMENDATION:

That Council:

1. Notes its proposal made on 19 September 2019 to amend the Launceston Flood Authority Rules 2008 to be in the terms of the Draft Launceston Flood Authority Rules 2019 (ECM Doc Set ID 4090827), and
 2. Pursuant to section 32 of the *Local Government Act 1993* (Tas), makes the necessary alterations and approves the amendments required so that the rules of the Launceston Flood Authority are in the form of the Launceston Flood Authority Rules April 2020 as certified (Attachment 1, ECM Document Set ID 4273563).
-

REPORT:

On 19 September 2019, Council proposed to amend the Launceston Flood Authority Rules (the Rules). That proposal referred to the 2008 Rules without reference to the amendments to the Rules that were approved in 2014. However, the relevant public notices, discussed further below, addressed this by making clear that Council had approved amendments to the Rules in 2014.

As required by section 31 of the *Local Government Act 1993* (Tas), it was necessary for notice of the proposal to amend the Rules to be advertised in *The Examiner* newspaper and for notice to be displayed at Council's public office. Accordingly, newspaper advertisements were placed in *The Examiner* on 15 and 19 February 2020.

A notice was placed in the Council's Customer Service Centre on 17 February 2020. That notice was replaced with a second notice on 19 February 2020, which extended the period for objections to 13 March 2020, allowing for the Eight Hours Day public holiday on 9 March 2020.

A copy of the proposed amended Rules was made available to the Director of Local Government on 20 February 2020.

Both the 2008 and 2014 versions of the Rules were made available to the public as part of the notification process. Also included were the proposed amended rules considered by Council on 19 September 2019, and a version which included some minor alternations such as grammar, referencing and punctuation.

No objections have been received to the proposed amended rules.

The proposed Launceston Flood Authority Rules April 2020, included as attachment 1 and under consideration in this item, incorporate the minor alterations mentioned above and other small improvements such as referencing in respect of the Chief Executive Officer and page numbering.

This version of the Rules has been certified by a legal practitioner as being in accordance with the law and by the Chief Executive Officer as being made in accordance with the *Local Government Act 1993* (Tas).

It is recommended that Council approves the necessary alterations and amendments so that the rules of the Launceston Flood Authority are in the form of the Launceston Flood Authority Rules April 2020 as certified.

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

3. To ensure decisions are made on the basis of accurate and relevant information.

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

ATTACHMENTS:

1. Launceston Flood Authority Rules 2020 (ECM Document Set ID 4273563)
(distributed electronically)

18.2 Launceston Skyway Proposal - Cataract Gorge**FILE NO:** SF3033/SF3658/SF0838**AUTHOR:** Shane Eberhardt (General Manager Infrastructure and Assets Network)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To consider the Launceston Skyway proposal for the Cataract Gorge Reserve in accordance with the 24-HLPr-018 - Unsolicited Proposals to Develop Council Owned Property - High Level Procedure.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 12 March 2020 - Cataract Gorge Area - Development Assessment Framework.

Council - 28 November 2019 - Agenda Item 18.1 - Unsolicited Proposals to Develop Council Owned Property - High Level Procedure.

Council - 14 November 2019 - Agenda Item 6.1 - Petition - Keep Gondolas out of the Gorge.

Workshop - 7 November 2019 - Cataract Gorge Area - Development Assessment Framework.

Workshop - 15 August 2019 - Cataract Gorge Area - Development Assessment Framework.

Workshop - 20 June 2019 - Possible Gorge Project - Presentation by proponents.

Council - 26 October 2015 - Agenda Item 18.1 - Reimagining the Gorge Project.

RECOMMENDATION:

That Council, as the landowner, decides that the Launceston Skyway proposal is not supported within the Cataract Gorge Reserve based on the evaluation against the assessment criteria in 24-HLPr-018 - Unsolicited Proposals to Develop Council Owned Property - High Level Procedure.

REPORT:

An unsolicited proposal to construct and operate a commercial cable car within the Cataract Gorge Reserve was presented to the Council at a Workshop on 10 June 2019.

The proposal includes development of a base station sited at the main entrance on Basin Road, a triangle cable route approximately 1,500m long, carrying up to 24 cars supported by 13 pylons. The corner pylons are sited in the bushland covered hills above Eagles Eyrie and Alexandra lookouts. The existing chairlift would continue to operate.

In accordance with 24-HLPr-018 - Unsolicited Proposals to Develop Council Owned Property - High Level Procedure, following the Workshop on 12 March 2020 Councillors independently allocated a rating (1-10) for each of the weighted criteria. The average ratings and scores are presented in Table 1.

The Councillors determined not to score Criteria 9. It is recommended that this criteria be removed entirely from the framework given that the Council also acts a Planning Authority. The maximum possible score without Criteria 9 for an unsolicited proposal assessed against the criteria is 680.

Through the evaluation process, the Launceston Skyway proposal achieved a total average score of 170 out of 680 or 25%. Scores were provided by 11 Councillors and ranged from 106 (15%) to 253 (37%). As specified in the High Level Procedure, if a proposal achieves 69% or less, the Council is under no obligation to advance the project and the developer is to be advised in writing.

Table 1 Average evaluation scores using the weighted assessment criteria

Criteria	Weight	Rating* (1-10)	Score**
How well does the proposed development:			
1. Recognise and respond to Aboriginal cultural values, heritage and natural environment significance?	10	2.5	25
2. Align with existing community vision, values and sentiment?	9	2.5	23
3. Provide tangible community benefit, not just private commercial benefit?	9	3	27
4. Align with existing strategy, planning and direction for the site, or demonstrate an innovative new idea or approach?	8	2.9	23
5. Provide a commercial market return to Council and community via sale or lease proceeds, or other financial benefit?	8	3.1	25
6. Justify any funding contribution from any level of government?	7	1.7	12
7. Satisfy an existing community need?	6	2	12
8. Assist in the disposal of land that is surplus to requirements?	6	0.8	5
9. Comply with the planning scheme under existing provisions or an appropriate amendment?	NA	NA	NA
10. Demonstrate practical and commercial feasibility?	5	3.4	17
Total Score out of 680			170
Total Percentage			25%

* Rating from 1-10 with 1 being extremely poor, 2 very low, 3 low, 4 below average, 5 fair, 6 medium, 7 good, 8 high, 9 very high and 10 outstanding.

** Score calculated by multiplying weight by rating.

ECONOMIC IMPACT:

The proposal focuses on attracting a higher capture rate of visitors for both the gondola and chairlift. The location and prominence of the infrastructure is likely to have a significant impact on the character and natural vistas of the first basin. The proposal suits bus tourism - i.e. tourists get off the bus, go through the visitor centre, take a ride on the cable car then get back on the bus. Visitors will spend less time experiencing and connecting with the Gorge. By its nature, the proposal creates a circuit that starts and finishes at a single point, and does not facilitate access into the Gorge itself. The commercial impact of this on the restaurant, café or local guides is unknown.

The impact on access to the Gorge for other users is unknown. The proposal does not include any commitment to improving access to the Gorge itself or improving traffic management or car parking. The traffic impact assessment report states that policing the car park to ensure turnover of spaces is quick and overstays are minimised would be expected. It is unclear whether the community, through Council, would be required to fund future improvements to the car park and entry in support of the commercial proposal.

Unfortunately, the proponents have not provided business planning details that would establish the economic impact of the proposal. This makes it difficult to assess the cost-benefit to the community, including employment opportunities beyond construction, and whether this would differ from current arrangements. The current volatility of the tourism sector should also be taken into consideration.

The proponents have previously presented some executive summary details from a Deloitte Economic Access report to assess overall economic impact, but a general use restriction on this work limits reference to this information here.

The proposal does not demonstrate community benefit over commercial interest.

ENVIRONMENTAL IMPACT:

The Gorge has significant Aboriginal cultural values, heritage and natural values. The report discusses the vegetation within the tower footprints but it does not address the potential impact the proposal may have of the Aboriginal community's connection to place, landscape or riverscape. Further development of the Gorge risks further degrading the cultural values of the Gorge.

The proposal also fails to identify, recognise or respond to some of the heritage aspects identified in the Tasmanian Heritage Register listing, while acknowledging that the proposal may be incompatible with the heritage style of the immediate area.

The proposal documents contain gaps in assessing the full impact on threatened species and fails to take into account the impact of the proposal on the natural environment of the area, limiting assessment to very restricted sites, rather than the landscape values that provide both habitat and cultural connections. Additional Council cost and loss of healthy vegetation may result from the potential vegetation management that would be needed to protect private infrastructure within the Gorge on steep and difficult ground. The proposal

would cause negative impacts to environmental values in the Gorge area, which has been reserved, in part, for their protection.

SOCIAL IMPACT:

Community consultation undertaken for the Reimagining the Gorge project 2015 identified that the community has a strong sense of ownership of the Gorge and established a vision for the site that highlights cultural and natural values at its centre. Based on both formal and informal community communication, the proposal (and similar development of the Gorge) violates the sense of public ownership that a substantial portion of the community has expressed. Without any formal application or consultation process, the Council has received 44 submissions, a paper petition containing 1,352 signatures and an electronic petition containing 3,188 signatures against the proposal. The proposal is inconsistent with the vision and strategic outcomes identified in the *Reimagining the Gorge Final Plan* endorsed by Council on 14 December 2015.

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:

3. To ensure decisions are made on the basis of accurate and relevant information.

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

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

Focus Areas:

1. To promote and enhance Launceston's rich heritage, culture and natural environment.
2. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.

Strategic Priority 6: We protect our environment by caring for our unique natural assets and amenity and sensitively managing future development opportunities.

10-Year Goal: To enhance the unique natural character, values and amenity of our City by minimising the impacts of our organisations and our community's activities in the environment.

Focus Areas:

1. To reduce our and the community's impact on the natural environment.
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BUDGET & FINANCIAL ASPECTS:

The proponents have not provided the economic study to the Council but are suggesting an annual contribution of around \$300,000 under similar licence arrangements to the Chairlift. This does not include ongoing maintenance of significant trees, vegetation, weed or bushfire maintenance in the easements, car park policing and maintenance and maintenance of public amenities.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Michael Stretton - Chief Executive Officer

19 ORGANISATIONAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS**20.1 kanamaluka/Tamar Estuary River Health Action Plan****FILE NO:** SF6659**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To consider amendments to the kanamaluka/Tamar Estuary River Health Action Plan and proposed implementation arrangements.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 28 May 2018 - Tamar Estuary River Health Action Plan
Council - 4 June 2018 - Item 18.2 - Tamar Estuary River Health Action Plan
Workshop - 7 November 2019 - Kanamaluka/Tamar Estuary Discussions

RECOMMENDATION:

That Council agrees to:

1. Remove the Forster Street Storage Project from the works to be delivered under the kanamaluka/Tamar Estuary River Health Action Plan which would result in the following changes to the Plan's overall benefits:
 - The reductions of enterococci concentrations in the kanamaluka/Tamar Estuary would be in the order of 36% as compared to a 37% reduction nominated for full scope of works in the Plan; and
 - The reductions of combined system sewage load discharged to the kanamaluka/Tamar Estuary under a reduced scope of works would be in the order of 66% as compared to a 68% reduction nominated for full scope of works in the Plan;
 2. Align works that both Council and TasWater have previously planned as future works under the Launceston Sewerage Improvement Project, with the kanamaluka/Tamar Estuary River Health Action Plan projects; and
 3. Amend the City of Launceston Long Term Finance Plan to include expenditure of \$6.0M in 2022/23 and \$5.2M in 2023/24 for implementation of the kanamaluka/Tamar Estuary River Health Action Plan.
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REPORT:

The kanamaluka/Tamar Estuary Management Taskforce (TEMT) was established under the Launceston City Deal with the aim of identifying cost-effective investments to improve the health of the kanamaluka/Tamar Estuary. The TEMT identified that improving public health measures of water quality in the Launceston to Legana part of the estuary was its initial priority, with decreased pathogen concentrations identified as the primary goal.

The TEMT developed the kanamaluka/Tamar Estuary River Health Action Plan ('the Plan') in late 2017 which was endorsed by the Council at its meeting on 4 June 2018.

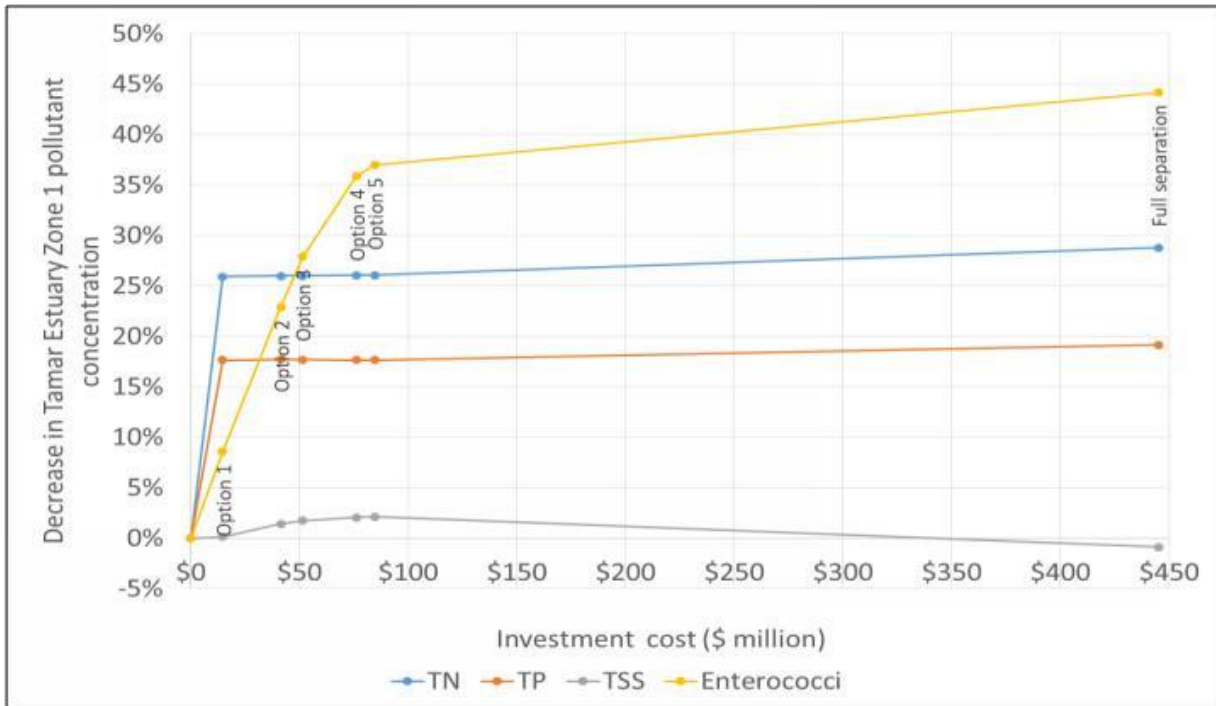
The Plan identified cost-effective actions to mitigate overflows from the City's combined sewerage and stormwater system. The actions were based off a detailed hydraulic model of the combined system and incorporated components of TasWater's Launceston Sewerage Improvement Project (LSIP). The model improved understanding of how the network functions under different rainfall conditions and identified when and where the majority of overflows occurred. A multi-criteria analysis and preliminary examination of mitigation actions identified five projects as being the most feasible in terms of practical delivery and expected return on investment (as measured by reduction of sewage to the estuary), which are shown on the following table.

Option No.	Project	Cumulative construction cost (\$M)	Cumulative sewage reductions (%)
1	West Launceston Diversion	4.6	19
2	1 + New Combined Rising Main	31.4	44
3	2 + Offline Storage at New Margaret Street Sewage Pump Station (SPS)	41.4	53
4	3 + South Launceston Diversion + Esplanade Offline Storage	66.2	66
5	4 + Offline Storage at Forster Street SPS	74.6	68

The resulting increase in flows delivered to Ti Tree Bend Sewerage Treatment Plant (Ti Tree Bend STP) is expected to reduce performance in terms of nutrient removal. It was TEMT's view that while the goal of improving public health in Zone 1 was met by the identified projects, the ecological health of the estuary was expected to decline due to increased nutrients, which is an unacceptable outcome. For this reason, the Plan includes an additional \$10M project towards upgraded nutrient treatment at Ti Tree Bend STP.

The chart below shows the expected reductions in pollutants in Zone 1 from implementing the five proposed combined system overflow projects and the upgrade of the Ti Tree Bend STP. The proposed mitigation projects would result in an approximately 70% reduction in combined system sewage load for an estimated \$84.6M total investment.

Upon completion of the Plan, both the State and Federal Governments demonstrated their commitment to addressing the health of the estuary by each agreeing to contribute \$42.5M each (total \$85M) to implement the Plan.



As owner of the combined system infrastructure, TasWater was nominated to deliver the proposed works outlined in the Plan. To further understand the requirements of the projects, TasWater engaged consultants GHD to prepare a Project Delivery Plan (PDP).

The intent of the PDP was to better understand the scope and outline activities which will be required to deliver the proposed works. A high level cost review was also incorporated as part of the PDP which indicated a potential cost increase from the \$84.6M nominated in the Plan. The cost review included consideration of construction risks, potential pipeline alignments and site logistics.

TasWater subsequently undertook a further cost estimate review which included incorporation of an increased contingency to consider project uncertainty and costs associated with project management and supervision activities which would be undertaken by TasWater. This additional work undertaken on the cost estimate (further cost detail, inclusion of added cost items, etc.) has seen a significant increase in the cost estimate.

The current estimate based on further works undertaken is in the order of \$145M.

Given this large variance in cost estimation, TasWater and City of Launceston (CoL) considered potential approaches to minimise the impact of cost increase on the project and the benefits related to the project. In order to minimise any reduction of project benefits through scope amendment, an assessment of project benefit to cost requirements was undertaken based on the assessment of project outcomes included in the original

Plan. The table below provides an overview of this benefit-cost assessment with higher scores relating to projects with greater benefits per unit of expenditure.

Benefits utilised for this work related to reductions of enterococci concentrations in the Tamar Estuary and reduction of sewage loads.

The Ti Tree Bend STP upgrade would be required regardless of benefit-cost impact due to the potential water quality impacts associated with increased flows and loads received at the Ti Tree Bend STP as a result of the other improvement works.

Propose Project Element	Scheme	Benefit %	Cost %	Benefit-Cost Score
West Launceston Diversion	Western	19%	5%	3.5
New Combined Rising Main	Western	25%	32%	0.8
Margaret Street Storage	Western	9%	12%	0.8
Forster Street Storage	City	2%	10%	0.2
South Launceston Diversion + Esplanade Storage	Eastern	13%	29%	0.4
Ti Tree Bend STP Upgrade	All	0%	12%	0.0

Assessment of the benefit-cost profiles of the individual projects also required consideration of linkages to the other projects (and particularly other projects in the same scheme).

From this assessment it was possible to establish that the Forster Street Storage project could be removed from the scope to assist in addressing budget concerns without significantly impacting on the overall project benefits.

The budget estimate impact of removing the Forster Street Storage project from the scope of works would be a reduction of \$16M, from \$145M to \$129.2M.

In terms of overall project benefits:

- The reductions of enterococci concentrations in the kanamaluka/Tamar Estuary under a reduced scope of works (removal of the Forster Street Storage) would be in the order of 36% as compared to a 37% reduction nominated for full scope of works in the Plan.
- The reductions of combined system sewage load discharged to the kanamaluka/Tamar Estuary under a reduced scope of works (removal of the Forster Street Storage) would be in the order of 66% as compared to a 68% reduction nominated for full scope of works in the Plan.

Contribution of funding by both TasWater and CoL is the preferred approach to address the potential funding gap between committed State and Federal funding and updated cost estimates. This contribution would be facilitated by aligning works that TasWater and CoL have previously planned as future works under the LSIP. These contributions have been

nominated as a planning mechanism in the expected likelihood that there is a budget shortfall (original budget to current forecast).

From the possible options to manage potential budget increases, the following approach is nominated:

- Remove Forster Street Storage Project from the scope of works.
- Estimated cost of the works is reduced from \$145M to \$129.2M.
- State and Federal Governments contribute original proposed contributions of \$42.5M each (total \$85M).
- TasWater and CoL to contribute funds based on aligned works. This contribution is estimated at \$44.2M.
- The proposed approach results in only a minor reduction in project benefit.
 - ~1% less reduction of enterococci concentrations in the Tamar Estuary when compared to the full scope proposal.
 - ~2% less reduction of combined system sewage load discharged to the Tamar Estuary when compared to the full scope proposal.
- There is a forecast cost gap between the current project estimate, the Government funding nominated and the potential TasWater/CoL contribution associated with aligned works, it is in the order of \$4.4M. As the cost estimate is still high level and cannot be confirmed until detailed site investigations are undertaken and responses from the market are received it is proposed that the identified funding gap be noted and absorbed as a cost risk for TasWater and the CoL to manage.
- Under this proposal TasWater will contribute \$33.2M and the CoL will contribute \$11M.

An annual outline of project milestones and associated annual cost forecast is provided in the following table:

Output	Performance milestones or benchmarks	Report due	Payment	Source
Western Scheme Rising Main	Commencement of Design, Investigations and Approvals	June 2020	\$1M	State Govt (\$333,000) Fed Govt (\$333,000) TasWater (\$340,000)
Ti Tree Bend Storage	Commencement of Design, Investigations and Approvals			
Western Scheme Rising Main	Completion of Design, Investigation and Approvals	June 2021	\$10M	State Govt (\$1.24M) Fed Govt (\$7.8M) TasWater (\$960,000)
Ti Tree Bend Storage	Completion of Design, Investigation and Approvals			
Ti Tree Bend Process Improvements	Commencement of Design, Investigations and Approvals			
Margaret Street Pump Station	Commencement of Design, Investigations and Approvals			
Margaret Street Storage	Commencement of Design, Investigations and Approvals			
Western Scheme Rising Main	Commencement of Construction	June 2022	\$26M	State Govt (\$8.21M)

Ti Tree Bend Storage	Commencement of Construction			Fed Govt (\$11.38M) TasWater (\$6.41M)
Ti Tree Bend Process Improvements	Commencement of Construction			
Margaret Street Pump Station	Completion of Design, Investigation and Approvals			
Margaret Street Pump Station	Commencement of Construction			
Margaret Street Storage	Continued Design, Investigation and Approvals			
Eastern Scheme Pump Station	Commencement of Design, Investigation and Approvals			
Western Scheme Rising Main	Continued Construction	June 2023	\$49M	State Govt (\$15.55M) Fed Govt (\$15.3M) TasWater (\$12.15M) CoL (\$6M)
Ti Tree Bend Storage	Completion of Construction			
Ti Tree Bend Process Improvements	Continued Construction			
Margaret Street Pump Station	Completion of Construction			
Margaret Street Storage	Completion of Design, Investigation and Approvals			
Margaret Street Storage	Commencement of Construction			
Eastern Scheme Pump Station	Completion of Design, Investigation and Approvals			
Eastern Scheme Pump Station	Commencement of Construction			
St John Street Pump Station	Completion of Construction			
Western Scheme Rising Main	Completion of Construction			
Ti Tree Bend Process Improvements	Completion of Construction			
Margaret Street Storage	Completion of Construction	June 2025	\$3.2M	State Govt (\$1.2M) Fed Govt (\$1.14M) TasWater (\$860,000)
Eastern Scheme Pump Station	Completion of Construction			
TOTALS			\$129.2M	State Govt (\$42.5M) Fed Govt (\$42.5M) TasWater (\$33.2M) CoL (\$11M)

ECONOMIC IMPACT:

Having an estuary which is free of pathogen contamination provides greater development, amenity and tourism opportunities.

ENVIRONMENTAL IMPACT:

Detailed within the report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 6: We protect our environment by caring for our unique natural assets and amenity and sensitively managing future development opportunities.

10-Year Goal: To enhance the unique natural character, values and amenity of our City by minimising the impacts of our organisations and our community's activities in the environment.

Focus Areas:

1. To reduce our and the community's impact on the natural environment.
2. To contribute to air and river quality improvements in Launceston.
3. To manage the risks of climate-related events, particularly in the area of stormwater management and riverine flooding.

BUDGET & FINANCIAL ASPECTS:

Because the Council has transferred all ownership of the combined system to TasWater, any expenditure committed to this infrastructure is operational as opposed to capital. The Council's operational budget is significantly smaller than its capital budget and therefore the proposal to expend \$6.0M in 2022/23 and \$5.2M in 2023/24 does present operational challenges which need to be managed. The challenges have now been made more difficult through the financial impacts of managing the COVID-19 pandemic will have on the organisation over the short-to-medium term. This said, the modelling in the Council's Long Term Finance Plan demonstrates that the expenditure can be accommodated, whilst retaining ability to fund our financial commitments.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

ATTACHMENTS:

1. Nil
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21 URGENT BUSINESS

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

22 CLOSED COUNCIL

No Closed Items have been identified as part of this Agenda

23 MEETING CLOSURE

UNCLASSIFIED AGENDA ITEMS:
