



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
THURSDAY 23 JANUARY 2020  
1.00pm**

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

Date: 23 January 2020

Time: 1.00pm

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## Certificate of Qualified Advice

### Background

To comply with section 65 of the *Local Government Act 1993* (Tas):

1. A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
  - (a) the general manager certifies, in writing -
    - (i) that such advice was obtained; and
    - (ii) the general manager took the advice into account in providing general advice to the council or council committee; and
  - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

### Certification

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the agenda item.



**Shane Eberhardt**  
**obo Michael Stretton**  
**Chief Executive Officer**

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## AUDIO STREAMING and RECORDING

Audio recordings of the Council Meeting, available via YouTube on Meeting days and retained for a minimum of six months can be found at <https://www.launceston.tas.gov.au/Council/Meetings/Listen>

## RULES FOR PUBLIC COMMENT ON AGENDA ITEMS

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.
- Please see the form called *Notice of Intention to Speak* (available outside the Council Chambers).
- Write your name and address against the Agenda Item to which you wish to speak.

Please note the following important information:

- Each item on the Agenda includes a Recommendation prepared by a Council Officer.
- When invited by the Meeting's Chairperson, please move to the microphone in the public gallery and state your name and address.
- You may speak for up to two minutes, either for or against the Recommendation.
- You may not ask questions or enter into debate with Councillors or Council Officers.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.
- The Chairperson may direct you to stop speaking if you do not follow these rules, or if your statement repeats points that have already been made.
- Audio from our Council Meetings is streamed live via YouTube.

Your respectful contribution is welcome and appreciated

## 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.

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10 December 2019

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 Regulations) 2015* which states:

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

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

I request that you make the necessary arrangements for the Ordinary Meetings of Council to be convened on the following Thursdays for 2020:

23 January	6 February	20 February	5 March
19 March	2 April	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 in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely



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

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

**2 MAYORAL ACKNOWLEDGEMENTS**

**3 DECLARATIONS OF INTEREST**

*Local Government Act 1993 - section 48*

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

**4 CONFIRMATION OF MINUTES**

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

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 12 December 2019 be confirmed as a true and correct record.

**5 DEPUTATIONS**

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

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**6 PETITIONS**

*Local Government Act 1993 - sections 57 and 58*

**6.1 Petition Receipt - Stop the Relocation of Metro Bus Stop into Ainslie Grove, South Launceston**

**FILE NO:** SF1076/SF0622/SF0097

**AUTHOR:** Anthea Rooney (Committee Clerk)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**DECISION STATEMENT:**

To receive a petition submitted by Mr Daniel Young and Mrs Louise Young regarding stopping the relocation of a Metro bus stop into Ainslie Grove, South Launceston.

**RECOMMENDATION:**

That, pursuant to section 58(2) of the *Local Government Act 1993 (Tas)*, Council receives the petition regarding stopping the relocation of a Metro bus stop into Ainslie Grove, South Launceston submitted by Mr Daniel Young and Mrs Louise Young.

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**REPORT:**

A paper petition containing 29 signatures was received from Mr Daniel Young and Mrs Louise Young. This petition meets the general requirements of section 57(2) of the *Local Government Act 1993 (Tas)* (the Act).

The petition states:

*We petition the Council in accordance with section 57 of the Local Government Act 1993 (Tas) to stop the proposed relocation by Metro of the existing Gascoyne Street stop into and opposite the existing stop in the small residential thru street of Ainslie Grove South Launceston due to the very serious safety concerns of local residents/ratepayers.*

This petition has been forwarded to Michael Newby (Manager Infrastructure and Assets) for action. As required under section 60(2)(b) of the Act, a report will be brought back to Council within 42 days for Council to determine any action to be taken in respect of the petition.

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**6.1 Petition Receipt - Stop the Relocation of Metro Bus Stop Into Ainslie Grove, South Launceston ...(Cont'd)**

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The General Manager of the Organisational Services Network will give reasonable notice to Mr and Mrs Young of when the Council is to consider this petition.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024  
Priority Area 8 - A secure, accountable and responsive Organisation  
Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders  
Key Directions -  
1. To develop and consistently use community engagement processes

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



Michael Stretton - Chief Executive Officer

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- 6.1 **Petition Receipt - Stop the Relocation of Metro Bus Stop Into Ainslie Grove, South Launceston ...(Cont'd)**
- 

**ATTACHMENTS:**

1. Petition Extract - Stop the Relocation of Metro Bus Stop into Ainslie Grove, South Launceston
-

**Attachment 1 - Petition Extract - Stop the Relocation of Metro Bus Stop into Ainslie Grove, South Launceston**

14-Fmx-013 | Version 14/01/2019

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**Paper Petition**

Petition to: STOP THE RELOCATION OF METRO BUS STOP INTO AINSLIE GROVE

(write the name/subject matter of your petition)

**To the Councillors and General Manager of the City of Launceston**

We petition the Council in accordance with the *Local Government Act 1993* (Tas) to -  
(make a clear and concise statement identifying the subject matter and the action requested)

TO STOP THE PROPOSED RELOCATION BY METRO OF THE EXISTING GASCOYNE
STREET STOP INTO AND OPPOSITE THE EXISTING STOP IN THE SMALL
RESIDENTIAL THRU STREET OF AINSLIE GROVE SOUTH LAUNCESTON DUE TO THE
VERY SERIOUS SAFETY CONCERNS OF LOCAL RESIDENTS/RATEPAYERS.

**Signatories to the petition**

Name	Address	Signature
Kalpana Das	1/114A Weedon Ave	<i>Kalpana</i>
Emma Ralston	2/114A Weedon Ave	<i>Emma</i>
Sophie Radin	19 Weedon Ave	<i>Sophie</i>
Seannette Harland	39 Gascoyne Street	<i>Seannette Harland</i>
Tom DART	37 Gascoyne St km	<i>Tom</i>
GARY QUANTRELL	37 GASCOYNE ST.	<i>G. Quantrell</i>
Waverley McIlroy	7 Weedon Ave	<i>Waverley</i>
Trista Little	5 Weedon Ave	<i>T. Little</i>
MARIL PRATT	2 WEEDON AVE	<i>M. Pratt</i>
Anthony Taylor	19 Gascoyne st	<i>Anthony</i>
Sascha Tyberick	15 Gascoyne St	<i>Sascha</i>
Virginia Taylor	15 Gas 11	<i>Virginia</i>
MILT DOZAKS	5 FORSYTH PI	<i>M. Dozaks</i>

People who sign this petition should be aware that the personal information they provide above (name, address and signature) will be published in the agenda of the Council Meeting at which this petition is tabled, and so will be publicly available. Information about City of Launceston's management of personal information is available at [www.launceston.tas.gov.au](http://www.launceston.tas.gov.au).

Use copies of this page for additional signatures.

14-Fmx-013 | Version 14/01/2019

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4 of 5

Petition to: STOP THE RELOCATION OF METRO BUS STOP INTO AINSLIE GROVE

(copy the name/subject matter of your petition from page 1)

### To the Councillors and General Manager of the City of Launceston

We petition the Council in accordance with the *Local Government Act 1993* (Tas) to -

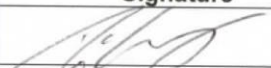
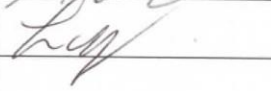
(copy the statement from page 1)

TO STOP THE PROPOSED RELOCATION BY METRO OF THE EXISTING GASCOYNE
STREET STOP INTO AND OPPOSITE THE EXISTING STOP IN THE SMALL
RESIDENTIAL THRU STREET OF AINSLIE GROVE SOUTH LAUNCESTON DUE TO THE
VERY SERIOUS SAFETY CONCERNS OF LOCAL RESIDENTS/RATEPAYERS.

Statement specifying the number of signatories to the petition:

29

Full name, address and signature of the person/s lodging the petition:

Name	Address	Signature
DANIEL YOUNG	7 AINSLIE GRV	
LOUISE YOUNG	7 AINSLIE GRV	

People who sign this petition should be aware that the personal information they provide above (name, address and signature) will be published in the agenda of the Council Meeting at which this petition is tabled, and so will be publicly available. Information about City of Launceston's management of personal information is available at [www.launceston.tas.gov.au](http://www.launceston.tas.gov.au).



- PROPOSED LOCATION**
- NO SPEED BUMPS, FAST THRU STREET
  - 6.74m ROAD WIDTH (30% LESS ROOM)
  - 1.55m FOOTPATH (64% LESS ROOM)
  - NO NATURE STRIP
  - HIGH LEVEL OF CONCEALED DRIVEWAYS

- CURRENT LOCATION**
- LEVEL ACCESS
  - SPEED BUMP TO SLOW TRAFFIC
  - 9.61m ROAD WIDTH
  - 4.25m FOOTPATH/NATURE STRIP
  - FEWER CONCEALED DRIVEWAYS

**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.)*

**7.1 Mr Stuart Loone (Programs Manager) - Theatre North**

**Mr Loone will provide Council with an update on Theatre North's 2020 program and the Princess Theatre.**

**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.)*

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**8.1.1 Public Questions on Notice - Mr Gabriel Barnes - Annual General Meeting - 5 December 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, asked at the Annual General Meeting on 5 December 2019 by Mr Gabriel Barnes, have been answered by Mrs Leanne Hurst (General Manager Community and Place Network).

**Questions:**

With reference to the Annual Financial Report and Building Surveying Services unit:

1. How many staff are referred to in Expenses?

**Response:**

*Staffing costs are in representation of the demand for the service, and are costed in accordance with Full Cost Attribution principles. The Council currently has 1.65 FTE Building Surveyors and 0.85 FTE Support Staff, or 2.5 FTEs.*

2. Can Council explain the rather substantial \$14,000 increase in full cost attribution expenses between the 2017/2018 year and the 2018/2019 year?

**Response:**

*The methodology adopted for the allocation of expenses between materials, services and full cost attribution in each particular year has resulted in movements between these classifications.*

*With reference to Question 3, a fuller picture of the total operational costs can be obtained by comparing the sum of each year's expenditure (including employee benefits, materials and services, depreciation and full cost attribution). Overall expenditure in 2018/2019 increased by \$2,000 as compared to 2017/2018.*

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**8.1.1 Public Questions on Notice - Mr Gabriel Barnes - Annual General Meeting - 5 December 2019 ...(Cont'd)**

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3. Considering the material and services costs total of only \$51,000 during the year or \$980 per week in business overhead and on-costs, is the Council confident that it has identified and reported all costs associated with the operation of the Building Surveying Service Significant Business Activity?

**Response:**

*A fair representation of materials and services costs is reflected in the Significant Business Activity Statement. These costs represent a reasonable share of costs incurred, and include costs such as office rental, based on Launceston office rental market research.*

*Actual Income and Expenditure for the Building Surveying and Certification Significant Business Activity Statement was externally audited as part of City of Launceston's financial statements, which the auditor checked for completeness, amongst other matters. No matters were identified by the auditor with regard to either the 2018/2019 or 2017/2018 financial years.*

With reference to the \$19,000 loss in the 2017/2018 year and another \$14,000 in the 2018/2019 year - a total of \$33,000, I ask the following questions:

4. As part of the Building Surveying Service, is it the Council's policy to undertake direct marketing of its building surveying service on building sites where they are not the building surveyors and outside of the Launceston City Council with offers to undertake building surveying work at (and I quote) ... *a cheaper price than your current building surveyor?*

**Response:**

*To the best of the Council's knowledge signs are only placed on sites where City of Launceston Building Surveying Services are engaged as the Building Surveyor and with the approval of the Builder.*

*The Council does not have a policy or offer to "undertake building surveying work at a cheaper price than your current building surveyor".*

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**8.1.1 Public Questions on Notice - Mr Gabriel Barnes - Annual General Meeting - 5 December 2019 ...(Cont'd)**

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5. Can the Council confirm if their annually published fees and charges are applied to all building surveying activities or are they only a guide and staff can offer discounts to developers at their discretion?

**Response:**

*Annually published fees are applied.*

6. Can the Council confirm it charged a service fee of approximately \$5,000 to provide building surveying and inspection services for the new Parkside Caravan Park at St Helens with 20 cabins, a 100 seat restaurant and associated infrastructure and buildings when private building surveyors quoted between \$25,000 and \$28,000 to do the same job? Keep in mind we have a financial loss in the activity.

**Response:**

*The Council is unable to discuss individual projects, however, it is important to note that some quotes are assessment only with inspections charged separately.*

7. It is annoying enough paying rates to the Council, who, in turn uses ratepayer funds to subsidise a discount service in direct competition against Launceston small businesses, but can the Council explain why it seems to be acceptable for Launceston ratepayers to be subsidising builders and developers in other Council areas with heavily discounted and subsidised fees?

**Response:**

*Please note a deficit was not intended nor budgeted for.*

*Whilst not apparent in the published Financial Report, the Budget for 2018/2019 was revised based upon the actual income and expenditure for 2017/2018. Both the 2017/2018 results and supporting methodology were independently audited. It should be noted that the Independent Auditor concluded "no matters were identified from the procedures performed which represent non-compliance with Full Cost Attribution Principles".*

*Thus, it can be implied an independent audit of the 2017/2018 figures has reinforced the credibility of the 2018/2019 budgeting process including revisions in budgeting for an overall surplus in 2018/2019.*

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**8.1.1 Public Questions on Notice - Mr Gabriel Barnes - Annual General Meeting - 5 December 2019 ...(Cont'd)**

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*A predominant issue in 2018/2019 being that actual income did not meet an adjusted income target in 2018/2019. The anticipated number and breakdown of the Building Surveying and Certification Application income is the most difficult item to budget for, as it would be for any Surveyor.*

*Whilst a surplus is prevalent for the first half of 2019/2020, it is recognised the current market environment within the region makes it difficult to forecast with any certainty.*

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**8.1.2 Public Questions on Notice - Mr Christopher Green - Annual General Meeting - 5 December 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following question, asked at the Annual General Meeting on 5 December 2019 by Mr Christopher Green, has been answered by Ms Tracy Puklowski (General Manager Creative Arts and Cultural Services Network).

**Questions:**

1. Where has the tapestry gone that used to be displayed in the entrance to the Council Chambers?

**Response:**

*The tapestries that were displayed in the entrance to the Council Chambers have been moved to the entrance near the Chief Executive Officer's area, in Customer Service. This move allowed for other items to be displayed allowing the public more access to collections.*

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**8.1.3 Public Questions on Notice - Mr Patrick Beere - 12 December 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, submitted to Council in writing on 12 December 2019 by Mr Patrick Beere, have been answered by Mrs Leanne Hurst (General Manager Community and Place Network).

**Questions:**

1. With regard to the National Trust classified trees at 54 Ann Street, Launceston - what are the *certain protections* included in the Council's Development Application which will afford protection to those classified trees?

**Response:**

*The Vegetation Management plan will clearly outline the protection of the trees on site for the duration of the building process.*

2. The Council's arborist was engaged to mark out a tree protection zone (TPZ) to protect the classified trees on 54 Ann Street:
  - (a) When was the TPZ marked out?
  - (b) Who was advised that the TPZ was marked out?
  - (c) Who is ensuring that the TPZ is being undisturbed by adjacent development?

**Response:**

- (a) *The TPZ was marked out on 6 December 2019*
  - (b) *The Planning Department and the Compliance Team were both notified of the zones being marked out.*
  - (c) *An Arborist engaged by the proponent will be responsible to monitor and provide updates on the TPZ exclusion requirements as per the Permit conditions.*
- 

**ATTACHMENTS:**

1. Public Questions on Notice - Mr Patrick Beere - 12 December 2019
-

Attachment 1 - Public Questions on Notice - Mr Patrick Beere - 12 December 2019

Name: PATRICK DEERE

Address (a): PO Box 7538 LAUNCESTON

Are you a Resident or Ratepayer Launceston City Council?

Yes  No

Question(s) for Council (a):

Q1: - RE: National Trust classified trees at 54 Ann Street Launceston.

Q1 - What are the "certain protections" included in the Council's development application approval, which will afford protection to those classified trees?

Q2 - The Council's arborist was engaged to mark out a tree protection zone (TPZ) to protect the classified trees on 54 Ann Street.

Q2(a) When was that TPZ marked out?

Q2(b) Who was advised that the TPZ was marked out?

Q2(c) Who is ensuring that the TPZ is being undisturbed by adjacent development?

FILE No.	SF6381/DA0339/2019			
EO		OD	Box	
RCVD		12 DEC 2019		LCC
Doc No.				
Action Officer	Noted	Replied		
A. ROONEY				

Quest. on Notice.

Signature: [Handwritten Signature]

**8.1.4 Public Questions on Notice - Mrs Glenda King - Council Meeting -  
12 December 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, asked at the Council Meeting on 12 December 2019 by Mrs Glenda King, have been answered by Leanne Hurst (General Manager Community and Place Network).

**Questions:**

1. [concerning breaches of the permit issued on 5 September 2019] Has the Council imposed fines on the developer for these breaches and if not, why not? Can the General Manager confirm whether the conditions of the previously approved Development Application and its permit, ie. no further work on the site until the fence is rebuilt, is being fully implemented or have variations to this permit been agreed to with the developer.

**Response:**

*The appropriate enforcement action has been undertaken in regards to the breaches on site. The condition of no demolishing works are to be undertaken prior to the construction of the new fence still stands.*

2. [given the high level of community interest in the brick wall] Could the General Manager advise if the report that was used to justify the unsafe nature of the wall and hence its demolition under the *Building Act* section 214 emergency works is available for public reference?

**Response:**

*The engaged Building Surveyor provided a recommendation for the Scott Street corner of the remaining fence to be removed due to the structural integrity of the wall. The engaged Builder also provided a recommendation for removal due to structural integrity.*

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**8.1.4 Public Questions on Notice - Mrs Glenda King - Council Meeting -  
12 December 2019 ...(Cont'd)**

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3. [in relation to discussions with the developer and Council Officers regarding the wall to be rebuilt] Can the General Manager please explain:
- (a) how this new all design, with its pedestrian gate, meets the requirement of Condition 3, particularly in relation to replacing the wall that ran continuously across both properties from the driveway opening to the Scott Street boundary that was, in other words, fully intact for the entire length of the frontage; and
  - (b) how the design agreed to is visually consistent with the remnant sections of the original brick fence which has been demolished and which contained no pedestrian gate into that original wall or the remnant section; and
  - (c) how Condition 3 can be waived or amended by Council Officers when our Councillors voted unanimously for Condition 3 as part of the permit with the intent, both actually and in spirit, to ensure the original wall was rebuilt and, if such a variation is allowed, then should it not come back to this chamber for ratification?

**Response:**

*The permit condition required the erection of a contiguous wall from the Scott Street boundary to the existing driveway opening. The plans provided by the property owner show a widening of the driveway by some 600m and the inclusion of a pedestrian gate to serve 14 St Georges Square, East Launceston.*

*In accordance with section 56 of the Land Use Planning and Approvals Act 1993, the property owner has made application to amend permit DA0339/2019 to provide for the widened driveway.*

*The permit condition required the design of the new fence to be visually consistent with the remnant sections of the original wall. It specifically did not require the new wall to be a replica. The inclusion of a pedestrian gate is neither inconsistent with the remaining sections of the wall, nor with the concept of contiguous.*

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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, submitted in writing to the Council on 7 January 2020 by Mr Ray Norman, have been answered by Tracy Puklowski (General Manager Creative Arts and Cultural Services), Nathan Williams (Manager Finance) and Leanne Purchase (Manager Governance). The questions as submitted by Mr Norman are attached to this Agenda Item. A number of recurrent themes have been identified in the submitted questions and the following statement addresses them.

Many of Mr Norman's questions seek an assessment of his views and a direct response is neither appropriate nor provided for by regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015*.

**Response:**

*Tracy Puklowski (General Manager Creative Arts and Cultural Services), Nathan Williams (Manager Finance) and Leanne Purchase (Manager Governance)*

*Currently QVMAG operates as a unit of the City of Launceston. The institution's strategic direction is currently determined by the Chief Executive Officer, the General Manager of QVMAG, and Councillors.*

*The individual and collective functions of Councillors are prescribed by section 28 of the Local Government Act 1993 (Tas). For convenience, this section of the legislation is reproduced here (in part):*

**28. Functions of councillors**

- (1) *A councillor, in the capacity of an individual councillor, has the following functions:*
    - (a) *to represent the community;*
    - (b) *to act in the best interests of the community;*
    - (c) *to facilitate communication by the council with the community;*
    - (d) *to participate in the activities of the council;*
    - (e) *to undertake duties and responsibilities as authorised by the council.*
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- (2) *The councillors of a council collectively have the following functions:*
- (a) *to develop and monitor the implementation of strategic plans and budgets;*
  - (b) *to determine and monitor the application of policies, plans and programs for –*
    - (i) *the efficient and effective provision of services and facilities; and*
    - (ii) *the efficient and effective management of assets; and*
    - (iii) *the fair and equitable treatment of employees of the council;*
  - (c) *to facilitate and encourage the planning and development of the municipal area in the best interests of the community;*
  - (d) *to appoint and monitor the performance of the general manager;*
  - (e) *to determine and review the council's resource allocation and expenditure activities;*
  - (f) *to monitor the manner in which services are provided by the council.*

*Section 65 of the Local Government Act 1993 (Tas) requires the General Manager (Chief Executive Officer) to ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.*

*City of Launceston's Register of Delegations consists of instruments of delegation and a summary list. In the lead up to the effective date for the organisational alignment project, the matter of delegated authority was given priority to ensure that the Council had the appropriate instruments of delegation in place by 9 December 2019 (the effective date of organisational change). The writer was provided with a copy of those instruments on 10 December 2019. The updated summary list was not available at close of business 2019. It will be completed and published online by 31 January 2020. Council Officers are aware of the requirements of section 22(4) of the Local Government Act 1993 (Tas).*

*Since late 2018 the General Manager (Director) and staff of QVMAG have been focused on improving a range of museum activities, commensurate with museum best practice and the role of a museum in the 21<sup>st</sup> Century. This has included ensuring that museum policies and processes are up to date and fit for purpose, ensuring that museum storage spaces are clean and safe, that the museum's collections are well understood and that information about them is created and kept in a manner that is consistent, reliable and that supports the eventual digitisation of these assets.*

*Addressing this important work has required the following:*

- *A clean up of storage spaces at the museum. This resulted in the disposal of some old and damaged exhibition furniture. Any exhibition furniture that was in usable condition but surplus to requirements was offered to other museums, as is best industry practice. At no stage have any other museum assets (particularly collection assets) been disposed of, contrary to the writer's assertion. The writer would be aware that best collection management practice encourages the regular appraisal of collections and allows for occasional deaccessioning of material deemed no longer in line with the collection policy. However, this should in no way be confused with any disposal of non-collection assets.*
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- *The audit of QVMAG collections, which is a necessary and overdue project. Information relating to the collections has been captured in varying ways over the years. It is vital that all data relating to museum collections is captured in a manner that is consistent and accurate. 'Clean' data will allow for the eventual digitisation of the collections, which supports greater access. Digital access to the collections has far-reaching benefits for the general public and the research community alike.*

*The collection audit is a significant project which has required spaces at the Art Gallery to be used in different ways. Rather than undertaking this work behind closed doors, QVMAG is making it public. This innovative approach is again geared towards enhanced access and understanding of the collections. It also enables staff to plan for a rehang of the museum's galleries, another project that is well overdue. Static collection hangs framed by 'colonial' and 'federation' purviews might resonate with some segments of society, but the museum has a responsibility to reflect more experiences and voices. Change is necessary.*

*It has been acknowledged that having a museum as a unit of a local authority does bring some constraints and that the size and scope of QVMAG places an uneven burden on the City of Launceston and its ratepayers. It is therefore, timely and necessary, to consider what governance structure will best position QVMAG to grow and develop, to operate in a more commercially positive manner and to draw on skills and knowledge held in the community. Community consultation and working with the museum's existing and various advisory groups will be an important aspect of this process. This is an important body of work and the City of Launceston is committed to undertaking it in a rigorous manner.*

*In relation to the funding that QVMAG derives from Council, there is not an undisclosed levy/charge specifically directed towards the QVMAG. QVMAG is funded through the Council's documented and disclosed rate, fees and charges and operational grant funding revenue. A total of \$2.35m of revenue resulted from QVMAG's recurrent operational budget in the 2019 financial year. These figures are derived from the publicly available QVMAG Annual Report on the Council's website.*

*As part of the current funding agreement, the QVMAG is working with the State government to develop a new set of performance indicators. Information about grants is detailed in the QVMAG Annual Report.*

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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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**Questions:**

1. Is it acknowledged and recognised that there is a perception that the City of Launceston's 'Councillors' are the QVMAG's Trustees/Councillors/Governors by default and as a consequence all materials - objects, works of art, specimens, cultural and intellectual property, historic material, etc. - held in the QVMAG's collections are under the Councillor's/Trustee's custody in both 'law' and 'lore' and that you are not delivering on the trust invested in you?
  - 2(a) Consequent to this, is it acknowledged that the determination of QVMAG policies is an 'obligation' that falls to Trustees/Councillors/Governors?
  - 2(b) Do you acknowledge that QVMAG policies are outdated, outmoded and fail to meet current 'best practice' standards?
  - 3(a) Consequent to these considerations, is it acknowledged that the determination of QVMAG 'strategic directions' is a matter that falls exclusively to Trustees/Councillors/Governors?
  - 3(b) That this is so albeit that 'management' may provide logistic support and 'expert advice' under section 65 of the Local Government Act, nevertheless, do you acknowledge any 'lack of adequacy' you are receiving and have received, in regard to advice relevant to the QVMAG's strategic directions and policies?
  4. Is it acknowledged that the determination of QVMAG 'policies strategic directions' are matters that the GM/CEO, beyond providing/facilitating 'expert advice' under section 65 of the Act, has no role to play?
  5. Is it acknowledged that the determination of QVMAG 'policies strategic directions' are matters that the GM/CEO, beyond garnering/providing/facilitating 'expert advice' under section 65 of the Act, has no direct personal expertise relevant to cultural and/or scientific institution and thus personally has no role to play in policy determination?
  - 6(a) Do you, as QVMAG Trustees, acknowledge that as an 'art gallery and museum' the QVMAG is a complex multi-dimensional operation and thus the 'expert advice' provided under section 65 of the Act, has been proven to be less than 'expert' and over a rather long period of time?
  - 6(b) Moreover, as ratepayers and taxpayers, Launcestonians/Tasmanians do you acknowledge that they are not receiving the cultural, social and economic dividends/rewards commensurate with their long-term investment?
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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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- 7(a) Do you, as QVMAG Trustees, acknowledge that the QVMAG has received substantial gifts, donations and sponsorships over a very long period of time, from Launcestonians and others, all of whom have made their contributions on trust?
- 7(b) Moreover, as 'Trustees' do you acknowledge that you are not meeting your obligations to all those to whom you owe an obligation, given what they have invested in the institution? That is donors, sponsors, scholars, researchers, owners of cultural and intellectual property - the QVMAG's Community of Ownership and Interest (CoL) see <http://thequeensmusingplace.blogspot.com/p/definition.html> and Reference 4.
- 8(a) Do you acknowledge that the Council's GM/CEO compares the QVMAG with - the TMAG, SAM, NTMAG, et al - that are all purposeful institutions that have standalone 'governance bodies' populated by appointed experts relevant to the institution's 'purpose and strategic direction'?
- 8(b) Do you acknowledge that as elected representatives in local governance you may lack the appropriate 'expertise' and are likewise ill equipped to fulfil your 'Trusteeship role' for an institution such as the QVMAG?
- 8(c) Do you acknowledge that senior management in local governance is not inherently qualified to provide a 'governance function' for an institution such as the QVMAG, or indeed a governance function of any kind, given that it would be fundamentally in conflict with their 'management function'?
- 8(d) Furthermore, do you acknowledge that a GM/CEO cannot be held accountable for their actions, her/his misdemeanours or those of her/his underlings given their capacity to use - misuse(?) - the self-preserving 'emergency powers' afforded them under Section 62 of the Act and also that you collectively and serially have failed, and serially, to hold management accountable?
- 9(a) Will you, in the cause of transparency, inform the QVMAG's (CoL) what formal representations you have made to the State Government and/or any other funding agency, public or private, towards improving the QVMAG's performance outcomes and/or its 'cultural tourism' relevance?
- 9(b) Likewise, will/can you provide a timeframe within which these representations took place in the calendar year 2019 - or earlier?
- 10(a) Do you acknowledge that the Council conscripts recurrent funding for the QVMAG via an undisclosed levy/charge within each and every one of the City's rate demands?
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- 10(b) Will you, provide an estimate of the average percentage of a rate demand that this 'levy/charge' represents?
- 11(a) Will you, in the cause of transparency, disclose what percentage of the QVMAG's recurrent operational budget that is derived from 'earned income'?
- 11(b) Will you disclose the number of, and the and size of, project grants the QVMAG sought and/or won in the past two calendar years?
- 12(a) Do you acknowledge that the 'advice mechanism' put in place by Council some time ago has been rendered dysfunctional by Council's management in that for a range of reasons the 'QVMAG Advisory Committee' has not met sufficiently and consequently has not reported appropriate policy development despite the GM saying 2 January 2019 that "[the QVMAG] strategy [is] the biggest and most influential things [council] is working on at the moment" and Council's being promised that "a report [on a cultural policy being] due by the end of May 2018"? ... [Ref 1] <https://www.examiner.com.au/story/5831340/the-year-ahead-for-city-of-launceston-council-to-be-big/> ... [Ref 2] <https://www.examiner.com.au/story/5267843/city-of-launcestons-cultural-policy-confusion>.
- 12(b) Moreover, do you acknowledge that the QVMAG's CoL - ratepayers, taxpayers, donors, scholars et al - have been poorly serviced and less than adequately rewarded, despite rate and tax payers 'conscripted investment' in the institution over time?
13. Do you acknowledge that as the QVMAG's 'default trustees' by-and-large you have been disengaged for all practical purposes and that you have functionally abdicated, and thus have put aside your obligations as trustees and exposed the institution to risk at many levels?
14. Do you acknowledge that as the QVMAG's 'default trustees' you have failed to appropriately protect the cultural, social and economic assets invested in the QVMAG as an institution, its collections and the 'property' - cultural, intellectual, economic – held in trust, invested in, the institution on trust?
- 15(a) Do you acknowledge that as the QVMAG's 'default trustees' you have made no discernible attempt to address the clear and obvious QVMAG 'policy shortfalls' in 2019 and indeed over many years?
- 15(b) Moreover, do you acknowledge that, collectively and individually, you have sanctioned management usurping your governance role in regard to 'policy and strategic directions' relative to the QVMAG?
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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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- 15(c) And furthermore, do you acknowledge that as a consequence of your serial disengagement as 'trustees' you have deliberately, or inadvertently, underwritten the institution's 'purposelessness'?
- 15(d) And similarly, do you acknowledge the possibility that you are exposing, and have exposed, the institution and its collections to serious but avoidable risks?
- 16(a) Do you acknowledge that for the life of this Council, you as the QVMAG's 'default trustees' have failed to ensure that the QVMAG as an institution has a 'purposeful strategic direction' in place that articulates 'performance indicators' relevant to community investments in the institution?
- 16(b) Moreover, as trustees, do you understand that there is trust that is invested in you that you and that have failed to acknowledge that and deliver upon it?
- 16(c) Do you acknowledge that your actions, past and present, have mitigated against being the 'research facilitator' it might and could be?
- 17(a) Do you acknowledge that you are seen as being oblivious to QVMAG asset disposals and careless of where any income coming from it might be directed?
- 17(b) Likewise, do you acknowledge that such 'asset disposals' might happen without your knowledge and approval?
- 17(c) Indeed, do you acknowledge that this is a dereliction of trust that falls to you?
18. Do you acknowledge that you have commissioned several consultants and that you have not shared their 'expert advice' with either your constituency or the institution's CoL - ratepayers, taxpayers, donors, scholars et al?
- 19(a) Do you acknowledge that GM/CEO Stretton's 'Strategic Realignment Plan' has by-and-large been devised and implemented in isolation from the community and yourselves as the City's 'governors'?
- 19(b) Likewise, do you acknowledge that 'the plan', as reported in the press, flags changes to the QVMAG's "governance" and that too appears to have been developed in isolation from the community and yourselves as the QVMAG's Trustees/Governors?
- 19(c) Moreover, do you acknowledge that ratepayers, taxpayers, donors and others with 'investments' in the institution - social, cultural and economic - have largely been excluded from whatever planning processes that have been employed and that have led to, a 'strategic position' being arrived at notwithstanding the fact that 'policy and strategic positioning' is wholly the business of governance - yourselves - and is not within management's purpose or raison d'être?
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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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20(a) Do you acknowledge that at the close of business 2019 the City of Launceston did not have, and concerningly could not provide, a 'Register of Delegated Authorities' as required by the Local Government Act?

20(b) Likewise, do you acknowledge that this is not a matter of bureaucratic discretion?

20(c) Given the facts, what actions are you proposing and in what timeframe?

21. Do you acknowledge that as 'Trustees' you have aimed at positioning yourselves, collectively and individually, beyond criticism and critique and thus by-and-large you have positioned yourselves beyond accountability?

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**ATTACHMENTS:**

1. Public Questions on Notice - Mr Ray Norman - 7 January 2020
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**Attachment 1 - Public Questions on Notice - Mr Ray Norman - 7 January 2020**

Please find below a series of questions I wish to be put to the City of Launceston's Councillors for the first scheduled council meeting for 2020.

**From:** Ray Norman <[raynorman7250@bigpond.com](mailto:raynorman7250@bigpond.com)>

**Date:** 7 January 2020

**Subject:** FW: QUESTIONS ON NOTICE

<https://lcc63.blogspot.com/2020/01/questions-addressed-to-mayor-and.html>

## QUESTIONS ADDRESSED TO MAYOR AND COUNCILLORS

The questions here have been framed, amongst other things, against the background of the GM/CEO's '*press statements*' back in August 2019 and in *The Examiner* –**26/12/2019**

<https://www.examiner.com.au/story/6544967/city-of-launceston-councils-2019-in-review/> –

and where the GM/CEO said in August:

*"A review of QVMAG would determine if it is best to transition away from operational models to a more "contemporary" **management** model.*

*"**This could involve governance being provided by a board and leadership is provided by a general manager who can focus more exclusively on the business of the museum and art gallery,**" the OAP said. A similar review would be undertaken for the Inveresk Precinct as a whole.*

*A range of structural changes to **QVMAG's interim operation** to enable the organisation to use its resources more effectively.*

*"These changes are consistent with a new leadership model which provides the opportunity for the **general manager to be strategically focused,** and creates clearer career development pathways especially in the curatorial area," the OAP said.*

***QVMAG is Australia's largest regional museum and gallery. It is visited by 140,000 people annually who spend about \$32.8 million.***

*The collection is valued at more than \$235 million, putting QVMAG in the same league as the Tasmanian Museum and Art Gallery worth \$408 million, **South Australia Museum worth nearly \$300 million and the Northern Territory Museum and Art Gallery worth \$120 million.***

*The OAP estimates the current director is only able to spend about three days per week on QVMAG business.*

*"This is very little time when compared with other directors of art galleries," the OAP said.*

*"The OAP notes that people work at QVMAG because they are passionate about what they do. However, they need support and direction to be successful.*

***"Old ways need to give way to contemporary practice and for museums and art galleries to be successful, they need to be run as an effective business."***

At the outset, it needs to be said that this press statement seems to point to a number of misunderstandings of '*the facts*' or surreptitiously management is overreaching and exceeding its authority. I therefore

address the questions below to *'the councillors'* in their capacity as *'QVMAG Trustees'* albeit that this may be by default.

The questions are as follows:

- **[A]** Is it acknowledged and recognised that there is a perception that the City of Launceston's **'Councillors'** are the QVMAG's Trustees/Councillors/Governors by default, and as a consequence, all materials – *objects, works of art, specimen's, cultural & intellectual property, historic material etc.* – held in the QVMAG's collections are under the Councillor's/Trustee's custody in both *'law'* and *'lore'* and that you are **not** delivering on the trust invested in you?
- **[A]** Consequent to this, is it acknowledged that the determination of QVMAG policies is an *'obligation'* that falls to Trustees/Councillors/Governors? **[B]** Do you acknowledge that QVMAG policies are outdated, outmoded and fail to meet current *'best practice'* standards?
- **[A]** Consequent to these considerations, is it acknowledged that the determination of QVMAG *'strategic directions'* is a matter that falls **exclusively** to Trustees/Councillors/Governors? **[B]** That this is so albeit that *'management'* may provide logistic support and *'expert advice'* under **SECTION 65** of the Local Govt. ACT, nevertheless, do you acknowledge any *'lack of adequacy'* you are receiving, and have received, in regard to advice relevant to the QVMAG's strategic directions and policies?
- **[A]** Is it acknowledged that the determination of QVMAG *'policies strategic directions'* are matters that the GM/CEO, beyond providing/facilitating *'expert advice'* under **SECTION 65** of the Act, has **no role** to play?
- **[A]** Is it acknowledged that the determination of QVMAG *'policies strategic directions'* are matters that the GM/CEO, beyond garnering/providing/facilitating *'expert advice'* under **SECTION 65** of the Act, has no direct personal expertise relevant to cultural and/or scientific institution and thus personally has **no role** to play in policy determination?
- **[A]** Do you, as QVMAG Trustees, acknowledge that as an *'art gallery and museum'* the QVMAG is a complex multi-dimensional operation **and thus** the *'expert advice'* provided under **SECTION 65** of the Act, has been proven to be less than *'expert'* and over a rather long period of time? **[B]** Moreover, as ratepayers and taxpayers, Launcestonians/Tasmanians do you acknowledge that they are **not receiving** the cultural, social and economic dividends/rewards commensurate with their long-term investment?
- **[A]** Do you, as QVMAG Trustees, acknowledge that the QVMAG has received substantial gifts, donations and sponsorships over a very long period of time, from Launcestonians and others, all of whom have made their contributions on trust? **[B]** Moreover, as *'Trustees'* do you acknowledge that you are **not** meeting your obligations to all those to whom you owe an obligation, given what they have invested in the institution? *That is donors, sponsors, scholars, researchers, owners of cultural and intellectual property – the QVMAG'S Community of Ownership & Interest (COI) see <http://thequeensmusingplace.blogspot.com/p/definition.html> and REFERENCE 4.*
- **[A]** Do you acknowledge that council's GM/CEO compares the QVMAG with – *the TMAG, SAM, NTMAG, et al* – that are all purposeful institutions that have standalone *'governance bodies'* populated by **appointed** experts relevant to the institution's *'purpose and strategic direction'*? **[B]** Do you acknowledge that as **elected** representatives in local governance you may lack the appropriate *'expertise'* and are likewise ill equipped to fulfil your *'Trusteeship role'* for an institution such as the QVMAG? **[C]** Do you acknowledge that senior

management in local governance is not inherently qualified to provide a '*governance function*' for an institution such as the QVMAG, or indeed a governance function of any kind, given that it would be fundamentally in conflict with their '*management function*'? [D] Furthermore, do you acknowledge that a GM/CEO cannot be held accountable for their actions, her/his misdemeanours or those of her/his underlings given their capacity to use – *misuse(?)* – the self-preserving '*emergency powers*' afforded them under SECTION 62 of the Act and also that you collectively and serially have failed, and serially, to hold management accountable?

- [A] Will you, in the cause of transparency, inform the QVMAG's (COI) what formal representations you have made to the State Govt. and/or any other funding agency, public or private, towards improving the QVMAG's performance outcomes and/or its '*cultural tourism*' relevance? [B] Likewise, will/can you provide a timeframe within which these representations took place in the calendar year 2019 – or earlier?
- [A] Do you acknowledge that council conscripts recurrent funding for the QVMAG via an undisclosed levy/charge within each and every one of the city's rate demands? [B] Will you, provide an estimate of the average percentage of a rate demand that this '*levy/charge*' represents?
- [A] Will you, in the cause of transparency, disclose what percentage of the QVMAG's recurrent operational budget that is derived from '*earned income*'? [B] Will you disclose the number of, and the and size of, project grants the QVMAG sought and/or won in the past two calendar years?
- [A] Do you acknowledge that the '*advice mechanism*' put in place by Council some time ago has been rendered dysfunctional by council's management in that for a range of reasons the '*QVMAG Advisory Committee*' has not met sufficiently and consequently has not reported appropriate policy development despite the GM saying January 2 2019 that "*[the QVMAG] strategy [is] the biggest and most influential things [council] is working on at the moment*" and council's being promised that "*a report [on a cultural policy being] due by the end of May 2018*"? ... [REF-1]... <https://www.examiner.com.au/story/5831340/the-year-ahead-for-city-of-launceston-council-to-be-big/> ... [REF-2]... <https://www.examiner.com.au/story/5267843/city-of-launcestons-cultural-policy-confusion/>
- [B] Moreover, do you acknowledge that the QVMAG's COI – *ratepayers, taxpayers, donors, scholars et al* – have been poorly serviced, and less than adequately rewarded, despite rate and tax payers '*conscripted investment*' in the institution over time?
- [A] Do you acknowledge that as the QVMAG's '*default trustees*' by-and-large you have been disengaged for all practical purposes and that you have functionally abdicated, and thus have put aside your obligations as trustees and exposed the institution to risk at many levels?
- [A] Do you acknowledge that as the QVMAG's '*default trustees*' you have failed to appropriately protect the cultural, social and economic assets invested in the QVMAG as an institution, its collections and the '*property*' – *cultural, intellectual, economic* – held in trust, invested in, the institution on trust?
- [A] Do you acknowledge that as the QVMAG's '*default trustees*' you have made no discernible attempt to address the clear and obvious QVMAG '*policy shortfalls*' in 2019, and indeed over many years? [B] Moreover, do you acknowledge that, collectively and individually, you have sanctioned management usurping your governance role in regard to '*policy and strategic directions*' relative to the QVMAG? [C] And furthermore, do you acknowledge that as a consequence of your serial disengagement as '*trustees*' you have deliberately, or inadvertently, underwritten the institution's '*purposelessness*'? [D] And

similarly, do you acknowledge the possibility that you are exposing, and have exposed, the institution and its collections to serious but avoidable risks?

- **[A]** Do you acknowledge that for the life of this council, you as the QVMAG’s ‘*default trustees*’ have failed to ensure that the QVMAG as an institution has a ‘*purposeful strategic direction*’ in place that articulates ‘*performance indicators*’ relevant to community investments in the institution? **[B]** Moreover, as trustees, do you understand that there is trust that is invested in you that you and that have failed to acknowledge that and deliver upon it? **[C]** Do you acknowledge that your actions, past and present, have mitigated against being the ‘*research facilitator*’ it might and could be?
- **[A]** Do you acknowledge that you are seen as being oblivious to QVMAG asset disposals and careless of where any income coming from it might be directed? **[B]** Likewise, do you acknowledge that such ‘*asset disposals*’ might happen without your knowledge and approval? **[C]** Indeed, do you acknowledge that this is a dereliction of trust that falls to you?
- **[A]** Do you acknowledge that you have commissioned several consultants and that you have not shared their ‘*expert advice*’ with either your constituency or the institution’s COI – *ratepayers, taxpayers, donors, scholars et al*?
- **[A]** Do you acknowledge that GM/CEO Stretton’s ‘*Strategic Realignment Plan*’ has by-and-large been devised and implemented in isolation from the community and yourselves as the city’s ‘*governors*’? **[B]** Likewise, do you acknowledge that ‘*the plan*’, as reported in the press, flags changes to the QVMAG’s “*governance*” and that too appears to have been developed in isolation from the community and yourselves as the QVMAG’s Trustees/Governors? **[C]** Moreover, do you acknowledge that ratepayers, taxpayers, donors and others with ‘*investments*’ in the institution – *social, cultural & economic* – have largely been excluded from whatever planning processes that have been employed, and that have led to, a ‘*strategic position*’ being arrived at notwithstanding the fact that ‘*policy and strategic positioning*’ is wholly the business of *governance–yourselves* – and is not within management’s purpose or *raison d’être*?
- **[A]** Do you acknowledge that at the close of business 2019 the City of Launceston did not have, and concerningly could not provide, a ‘*Register of Delegated Authorities*’ as required by the Local Govt. Act? **[B]** Likewise, do you acknowledge that this is not a matter of bureaucratic discretion? **[C]** Given the facts, what actions are you proposing and in what timeframe?
- **[A]** Do you acknowledge that as ‘*Trustees*’ you have aimed at positioning yourselves, collectively and individually, beyond criticism and critique and thus by-and-large you have positioned yourselves beyond accountability?

Quite some time ago, Margaret Mead, American cultural anthropologist, said, “*Never doubt that a small group of thoughtful, committed, citizens can change the world. Indeed, it is the only thing that ever has.*” Here, now, via Local Governance, and in Launceston, change is required and I trust that in answering the questions above that might be realised and that a start can be achieved.



**REFERENCE 1: Consultancy data**

The council is implementing changes to its reporting systems to make information about its use of external consultants available. The change came after repeated requests for *The Examiner* for the data. Data on external consultants engaged by the council had not been previously recorded, Mr Stretton said. In 2019, the council has used external consultants to look into free parking, shopping in the city,

organisational restructure, building heights, and has requested an external consultant be used for a review into Cityprom **DEC 26 2019** <https://www.examiner.com.au/story/6544967/city-of-launceston-councils-2019-in-review/>

**REFERENCE 2: Cultural strategy**

One of the most exciting things the City of Launceston council plan to do this year is [develop its cultural strategy](#). The council's general manager Michael Stretton the strategy is one of the biggest and most influential things it is working on at the moment. The strategy looks at the way the Queen Victoria Museum and Art Galley can evolve and how it could be the centre of the North's creative culture and arts scene. .... "There is a real opportunity for us to grow arts and culture as an economic driver for the Northern region and that's why we see the cultural strategy as being so important," Mr Stretton said. One of the most exciting things the City of Launceston council plan to do this year is [develop its cultural strategy](#). **JAN 2 2019** <https://www.examiner.com.au/story/5831340/the-year-ahead-for-city-of-launceston-council-to-be-big/>

**REFERENCE 3: EXECUTIVE SUMMARY 2018/19 CoL ANNUAL PLAN** ... I am delighted to present the City of Launceston's Annual Plan for 2018/19. This plan sets the strategic direction for the Council over the coming 12 months in accordance with the overall community vision as laid out in the Greater Launceston Plan..... The past year has seen incredible development for the City of Launceston. There is a real sense of confidence across the city. It is the responsibility of this Council to harness that confidence and enthusiasm so that the wider community will benefit from the economic growth we are now witnessing..... And while the past year has been an exciting one for the City, 2018/19 will see even more growth as a number of important projects come on line, such as Brisbane Street Mall redevelopment, Riverbend Park, and the new University of Tasmania northern campus, as well as a number of private developments..... The future looks brighter than ever with an estimated \$800 million worth of projects on the City of Launceston's books over the coming decade. With that in mind, it is paramount that the Council has a clear and defined strategic direction to ensure we not only balance the region's assets and look to leverage exciting new opportunities for residents and businesses alike..... Operationally, the key deliverables for the City of Launceston over the next 12 months will be a new Long-Term Financial Plan, a Strategic Asset ..... Management Plan, as well as a four-year pathway for the incoming Council, which will be decided by the Launceston electorate at the October Local Government Elections..... The Annual Plan is projected to achieve a small underlying surplus of \$186,000, which is an excellent result given the loss of \$1.3 million in revenue from TasWater distributions together with other operational cost impacts for the year. Always front of mind for the Council is the need to keep rate increases to the minimum level possible, and at the same time deliver on the services expected by our community. Unfortunately cost escalation is an ongoing reality that all businesses have to manage and this Annual Plan has been prepared on the basis of an increase in the general rate of 2.8% plus a \$4 per household cost for landfill tokens..... This document is extremely important as a key strategic focal point for the organisation's departments and is used as an integral part of the Council's corporate reporting system both to the Aldermen and the community. .... I would like to thank the Council staff for their dedication and commitment to delivering this Annual Plan on behalf of the community. I commend the 2018/19 Annual Plan to you all. .... Michael Stretton General Manager

**REFERENCE 4: Community of Ownership & Interest**

**DEFINITION:**

- Community of Ownership and Interest: (*compound noun/proposition*) an all-inclusive collective/community of people, individuals and groups, who in any way have multi layered relationships with a place or cultural landscape and/or the operation of an institution, organisation or establishment – *typically a network*.
- Usage and context: cultural geography; civic and environmental planning; and community administration
- REFERENCE: Dr Bill Boyd, SCU et al

**Links** 1 ... <http://thequeensmusingplace.blogspot.com/p/definition.html> ... 2 ...  
<http://qv7250ownership.blogspot.com/>

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

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

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**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.)*

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Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 9 - Planning Authority.

## **9 PLANNING AUTHORITY**

### **9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling**

**FILE NO:** DA0609/2019

**AUTHOR:** Duncan Payton (Town Planner)

**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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#### **DECISION STATEMENT:**

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

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

Applicant:	Cumulus Studio
Property:	16 St Georges Square, East Launceston
Zoning:	Inner Residential
Receipt Date:	7/11/2019
Validity Date:	11/11/2019
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	24/01/2020
Representations:	21

#### **PREVIOUS COUNCIL CONSIDERATION:**

D110/98 - Extensions to dwelling  
DA0038/2007 - Extensions to dwelling  
DA0403/2014 - Boundary adjustment  
DA0607/2014 - Construction of a dwelling (5 Scott Street)  
DA0315/2015 - Construction of a dwelling (5 Scott Street)  
DWY0050/2018 - New driveway crossover  
DA0136/2018 - Subdivide land into two lots  
DA0115/2019 - Demolition of dwelling and front fence and construction of two dwellings (withdrawn)  
DA0339/2019 - Demolition of dwelling at 16 St Georges Square, East Launceston

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**STANDARDS REQUIRING COUNCIL DISCRETION**

- 11.4.1 Setback from a frontage for single dwellings
- 11.4.2 Site coverage and rear setback for single dwellings
- 11.4.3 Building envelope for single dwellings
- 11.4.5 Privacy for single dwellings
- E6.5.1 Car parking numbers
- E7.6.2 Scenic management 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 DA0609/2019 - Residential - construction of a dwelling at 14-16 St Georges Square, East 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. Cover Page, prepared by Cumulus Studio, drawing no. J19644 - SK01, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
  - b. Site Plan, prepared by Cumulus Studio, drawing no. J19644 - SK02, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
  - c. Ground Floor Plan, prepared by Cumulus Studio, drawing no. J19644 - SK03, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019, AMENDED PLAN REQUIRED.
  - d. First Floor Plan, prepared by Cumulus Studio, drawing no. J19644 - SK04, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019, AMENDED PLAN REQUIRED.
  - e. External Elevations, prepared by Cumulus Studio, drawing no. J19644 - SK05, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019, AMENDED PLAN REQUIRED.
  - f. External Elevations, prepared by Cumulus Studio, drawing no. J19644 - SK06, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019, AMENDED PLAN REQUIRED.
  - g. Existing Site Sun Diagrams, prepared by Cumulus Studio, drawing no. J19644 - SK07, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
  - h. Existing Site Shadow Perspectives, prepared by Cumulus Studio, drawing no. J19644 - SK08, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
  - i. Proposed Site Sun Diagrams, prepared by Cumulus Studio, drawing no. J19644 - SK09, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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- j. Proposed Site Shadow Perspectives, prepared by Cumulus Studio, drawing no. J19644 - SK10, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.

**2. AMENDED PLANS REQUIRED**

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

- a. Relative levels at ground level at each of the four main corners of the proposed dwelling; and
- b. corrected building envelopes on the elevation plans.

**3. SUPERVISION BY PROJECT ARBORIST**

The Project Arborist shall:

- a. Prior to the commencement of works, provide the Manager City Development with written certification that all tree protection measures, as described in the Vegetation Management Plan, are correctly installed;
- b. During construction of the dwelling and all associated site works, not less than daily, cause all tree protection measures to be inspected and rectified as may be required;
- c. Keep and maintain a written and photographic record of all inspections and any required maintenance or rectification. Such record shall be made available to the Manager City Development upon request.
- d. Report all significant breaches of the tree protection measures to the Manager City Development on the day (or next working day) on which such breach is observed.

**4. PROTECTION OF ST GEORGES SQUARE FRONTAGE FENCE**

The masonry fence on the St Georges Square frontage, as required by DA0339/2019 shall be erected prior to the commencement of works and reasonable care shall be taken to protect the fence from damage during the construction of the approved dwelling. Any and all damage sustained during the construction process shall be repaired, prior to occupancy of the dwelling, to maintain a visually consistent fence.

**5. 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.

**6. NON REFLECTIVE EXTERIOR FINISH**

All external cladding and roofing of the building(s) must be of a non-reflective nature and must be finished in muted colours to the satisfaction to the Council.

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**7. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

**8. SITE LANDSCAPING PLAN**

Prior to the commencement of works, a landscape plan must be submitted for approval by the Manager, City Development. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- a. Major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
- b. Existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity); and
- c. Any stabilisation works required as a result of tree or vegetation removal; and
- d. All proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- e. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and
- f. Any screen planting (where required).

Once approved, the plan will be endorsed and will form part of the permit. The landscaping must be:

- g. Installed in accordance with the endorsed plan; and
- h. Completed within three months of the use commencing; and
- i. Maintained and not be removed, destroyed or lopped without the written consent of the Council.

**9. SITE LANDSCAPING**

Future landscaping of the site must have regard to the vegetation management plan and not adversely impact upon the tree protection zone of the sequoia trees on the adjacent site (54 Ann Street).

**10. PROTECTION OF EXISTING TREES**

Existing trees on the subject land, other than those within the proposed building footprint, must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**11. VEGETATION MANAGEMENT PLAN**

Prior to the commencement of works, a site Vegetation Management Plan identifying tree protection areas for all trees to be retained on the subject site, including such tree protection area extending from the sequoia trees on the adjoining property (56 Ann Street) and addresses any works adjacent to or within any tree protection areas on the subject site, must be prepared by a suitably qualified person and submitted for the approval of the Manager City Development. Once approved the plan will be endorsed and will form part of the permit. The Management Plan must include the following:

- a. The fencing of tree protection and porous car parking areas for the duration of the works. Fences must be constructed of cyclone wire or similar strength material at a minimum height of 1.5m from natural ground level; and be firmly attached to a removable concrete or similar base. Tree Protection fencing must have signage stating 'Tree Protection Fence'.
- b. A layer of organic wood chips or mulch around each tree in the tree protection zones with a thickness no greater than 100mm.
- c. Supplemental watering to root zones within the tree protection areas to reduce the impact of construction. Where irrigation is not accessible, Rainbird gel tubes and plastic sleeves (or similar) must be installed under the mulch ring on the northern side of each tree and be maintained for 12 months.
- d. Remedial arboriculture works and other tree management techniques for all retained trees at commencement and conclusion of the construction works as required. Such remedial works may include pruning, removal of dead and dying limbs, canopy development and pest and disease management. These works must be undertaken by a competent and qualified Arborist in accordance with *Australian Standard AS4373 - Pruning of amenity trees*.
- e. Stormwater or sediment must not be diverted from or to a tree protection area.
- f. Details of how the existing trees must be protected from damage in accordance with *Australian Standards 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

**12. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

The developer is liable for all costs associated with damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. 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.

**13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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

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

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

**14. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

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

**15. VEHICULAR CROSSINGS**

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

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

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

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

**16. 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

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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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.

**17. 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.

**18. NO BURNING OF WASTE**

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

**19. DEMOLITION**

The Developer must:

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

**Notes**

- A. *All building and demolition work is to comply with the Building Act 2016 and the National Construction Code*  
*Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.*
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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**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 DA0609/2019. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's Planning Staff can be contacted on 6323 3000.*

*This permit takes effect after:*

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

*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.*

**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.*

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**F. Appeal Provisions**

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

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

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

**G. Permit Commencement**

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

**H. Suitably Qualified Person**

*For the purpose of this permit, means a person who, in the opinion of the planning authority, has acquired through training, qualification (minimum Australian Qualification Framework Level 5, Diploma of Horticulture (Arboriculture)) and/or equivalent experience, the knowledge and skills enabling that person to perform the tasks required by AS4970-2009. This person shall be known as the Project Arborist.*

**I. Fireplace/Woodheater Use**

*Use of the fireplace/woodheater will be subject to the Environmental Management and Pollution Control (Smoke) Regulations 2019 or as superseded.*

**J. Heat Pump Use**

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

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

It is proposed to construct a two storey, five bedroom, single dwelling with attached double garage on the site of the existing five bedroom, two storey, single dwelling, recently approved for demolition.

The proposed dwelling will have a ground floor footprint of 351m<sup>2</sup> on the 692m<sup>2</sup> lot.

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject site, 16 St Georges Square, East Launceston is located on the western side of St Georges Square between Scott Street, to the north and Ann Street, to the south. Opposite the site, to the east is the large public park, St Georges Square. This parkland is bisected by High Street and features many mature exotic trees. It is a popular recreational area, with many people also taking advantage of the High Street food vans. There is also a busy take away food shop on this section of the Square, north of the subject site, whilst on the southern end of the square are the ABC offices, a butcher, cafe and a florist/gift shop.

To the north, west and south, the site is surrounded by single dwellings. The dwellings to the west and south are, like the subject site, developed on land subdivided over time from the adjoining Torkington (previously Fairview) historic home.

The streetscape at this end of St Georges Square is largely framed or influenced by the substantial brick wall, being remnants (including reconstructed sections) of the original wall enclosing the early Fairview estate. The visual impact of the dwellings behind the wall is significantly muted by the dominant presence of the wall itself and the surrounding mature vegetation.

The recent partial demolition of the wall to facilitate its repair has left a dramatic hole in the streetscape which was considered likely to be exacerbated by the demolition of the dwelling, if undertaken prior to the reconstruction of the wall. Consequently, the demolition permit is conditioned to require the construction of a replacement fence, visually consistent with the remnant sections of the wall.

Whilst some dwellings in the area are relatively new, the character of the area is clearly residential in a setting of established parks and gardens and mature trees, including the two significant sequoia trees in the garden of the heritage listed Torkington (56 Ann Street) which are clearly visible landmarks from multiple view-points.

**3. PLANNING SCHEME REQUIREMENTS****3.1 Zone Purpose****11.0 Inner Residential Zone****11.1.1 Zone Purpose Statements**

11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

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

11.1.1.3 To allow increased residential densities where it does not significantly affect the

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

existing residential amenity, ensure appropriate location of parking, and maintain vehicle and pedestrian traffic safety.

11.1.1.4 To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.

11.1.1.5 To provide for development that provides a high standard of amenity and contributes to the streetscape.

**Consistent**

The proposed construction of a two storey, five bedroom dwelling on the site of the existing two storey, five bedroom dwelling, is consistent with the purpose of the zone to provide for development that provides a high standard of amenity and contributes to the streetscape.

**11.4 Development Standards**

**11.4.1 Setback from a frontage for single dwellings**

Objective:

To ensure that the setback from frontages:

- (a) assist in the establishment of the streetscape character;
- (b) enhance residential amenity;
- (c) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and
- (d) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.

**Consistent**

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

A1 Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback from a frontage that is:

- (a) no less than 4.5m from a primary frontage; and
- (b) no less than 3m to a frontage other than a primary frontage; or
- (c) a distance which is no more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or
- (d) no less than the existing dwelling setback if less than 4.5m.

**Relies on Performance Criteria**

The proposed dwelling has a setback from the St Georges Square frontage ranging between 2.7m and 4.2m and, notwithstanding the existing dwelling similarly does not meet the prescribed setback, relies upon the performance criteria.

P1 The setback from frontage must:

- (a) provide transitional space between the road and private dwelling allowing mutual passive surveillance;
- (b) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site;
- (c) provide measures to ensure that noise generated by traffic will not adversely impact on residential amenity and vehicular egress provides for the safe use of the road; and
- (d) have regard to streetscape qualities or assist the integration of new development into the streetscape.

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

**Complies**  
 The proposed setback of the new dwelling is compatible with that exhibited by the existing dwelling and is similarly compatible with a number of dwellings within the immediate area. Notably, all of the dwellings on this side of St Georges Square have a front setback of less than the prescribed 4.5m.

The substantial brick fence, required by DA0339/2019 to replace the original, demolished for safety reasons, will ensure that traffic noise does not adversely impact upon residential amenity. Vehicular ingress and egress will be consistent with the existing safe road usage.

The transitional space between the road and the private dwelling will allow for limited mutual passive surveillance, similar to that previously existing, through the double width driveway access and from the upper storey of the dwelling.

11.4.2 Site coverage and rear setback for single dwellings

**Objective:**  
 To ensure that the location and extent of building site coverage:

- (a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity;
- (b) assists with the management of stormwater;
- (c) provides for setback from the rear boundary; and
- (d) has regard to streetscape qualities.

**Consistent**  
 The proposal complies with the applicable acceptable solutions or performance criteria.  
 A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.

**Relies on Performance Criteria**  
 The proposed site coverage is 50.72% and relies upon performance criteria.  
 P1 Site coverage must:

- (a) provide for useful areas of open space for gardens and outdoor recreation purposes;
- (b) allow areas to be retained for the absorption of rainwater into the ground; and
- (c) have regard to streetscape qualities.

**Complies**  
 The proposed dwelling will be located behind a substantial brick fence, pursuant to DA0339/2019, and site coverage will not impact upon the streetscape quality. Notably, the proposed site coverage is not inconsistent with the range of site coverage in the immediate area.

Useful areas of open space are available in the northern courtyard and the landscape space to the west and south of the proposed dwelling, which also provide for the absorption of rainwater.

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

It is noted that the adjacent St Georges Square is also available as an open space area for recreation, albeit not private.
A2 A rear setback of no less than 4m, unless the lot is an internal lot.
<b>Complies</b> A rear setback of 4.4m is provided.

**11.4.3 Building envelope for single dwellings**

Objective: To ensure that the siting and scale of single dwellings: (a) allows for flexibility in design to meet contemporary dwelling requirements; (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and (c) has regard to streetscape qualities.
<b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.
A1 All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes: (a) determined by a setback of no less than 3m from side boundaries and no less than 4m from the rear boundary and a building height of no more than 5.5m; or (b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to a building height of no more than 8.5m above natural ground level (see Figures 11.4.3 A and 11.4.3 B); and walls are setback: (i) no less than 1.5m from a side boundary; or (ii) less than 1.5m, provided the wall is built against an existing boundary wall or the wall or walls have a total length of no greater than 9m or one third of the boundary with the adjacent property, whichever is the lesser.
<b>Relies on Performance Criteria</b> The proposed dwelling, similar to the existing dwelling, is not contained within the prescribed building envelope and relies upon performance criteria.
P1 The siting and scale of single dwellings must be designed to: (a) ensure there is no unreasonable loss of amenity on adjoining lots by: (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than three hours between 9.00am and 5.00pm on 21 June or by increasing existing overshadowing where greater than above; (ii) overlooking and loss of privacy; and (iii) visual impacts when viewed from adjoining lots: and (b) take into account steep slopes and other topographical constraints; and (c) have regard to streetscape qualities.

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

**Complies**

Whilst the proposed dwelling protrudes beyond the envelope prescribed by the acceptable solution slightly more than the existing dwelling, this is largely as a result of the level parapet replacing the skillion roof line and it is not considered that this represents an unreasonable loss of amenity to the adjoining lots.

Sunlight to habitable rooms and private open space on adjoining lots is not reduced to less than three hours between 9.00am and 5.00pm on 21 June as a result of this proposal. There is no unreasonable increased overlooking or loss of privacy. Whilst the upstairs living room window and open deck, which potentially overlook the newly created vacant lot, are located less than the prescribed 3m from the boundary, this is less than the current potential overlooking from existing windows and it is proposed to lessen this further by requiring a suitable privacy screen at the edge of the deck. Any future development proposal for the vacant lot to the north (14 St Georges Square) would be likely to build close to the boundary and to not include significant windows along its southern wall.

Visual impact on the adjoining lots is significantly mitigated by the substantial boundary wall between the site and 5 Scott Street and the established vegetation on the boundaries with 54 Ann Street and 18 St Georges Square.

Streetscape qualities are likely to be enhanced by the use of a muted colour scheme to replace the existing stark white visage set amongst a streetscape of predominately earth colours.

**11.4.4 Frontage setback and width of garages and carports for single dwellings**

**Objective:**

To ensure that the location and size of garages or carports:

- (a) do not dominate the facade of the dwelling or dominate the streetscape;
- (b) do not restrict mutual passive surveillance of the road and dwelling; and
- (c) provides for safe vehicular access to and egress from the site.

**Consistent**

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

A1 Garages or carports within 12m of the frontage whether free-standing or part of the dwelling:

- (a) must have a total width of openings facing the primary frontage of no greater than 6m or half the width of the frontage, whichever is the lesser; and
- (b) must have:
  - (i) a setback from frontage measured to the door, post or supporting column no less than required for a single dwelling in 11.4.1 A1; or
  - (ii) a setback from the primary frontage no less than 0.5m if the ground slopes up or down for 10m from the frontage at more than 1:5.

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

**Complies**

It is proposed to increase the existing crossover to a width of 6m to match the 6m width of the garage.

11.4.5 Privacy for single dwellings

**Objective:**

To ensure that the location and design of windows of habitable rooms, balconies, decks, roof gardens, parking spaces and carports maintain residential amenity by minimising the potential for overlooking between neighbours.

**Consistent**

The proposal complies with the applicable acceptable solutions or performance criteria. A1 Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level greater than 1m above natural ground level must have a side setback of no less than 3m and a rear setback of no less than 4m.

**Relies on Performance Criteria**

The proposed open roof deck on the northern side of the upper level is setback from the northern boundary some 2.6m and relies upon performance criteria.

P1 The potential for direct overlooking from balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) with a finished surface or floor level more than 1m above natural ground level on one lot to the habitable rooms and balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation or offset or by use of solid or translucent screening.

**Complies**

The adjoining lot to the north (14 St Georges Square) is currently vacant. The design of any future dwelling for this lot will have regard to the location of this deck.

A2 Windows of habitable rooms which have a floor level greater than 1m above natural ground level must:

- (a) have a side setback of no less than 3m; or
- (b) be offset no less than 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or
- (c) have a window sill height of no less than 1.7m.

**Relies on Performance Criteria**

The window proposed in the upstairs living room is setback from the northern boundary less than 3m and has a sill height of less than 1.5m. As the adjoining lot is vacant, there are no windows to habitable rooms from which it may be offset. Performance criteria are relied upon.

P2 The potential for direct overlooking from windows of habitable rooms with a finished surface or floor level more than 1m above natural ground level on one lot to the windows of habitable rooms, balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation and offset or by use of solid or translucent screening.

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

**Complies**

Given that the adjoining lot is yet to be developed and that the southern wall of any such building is unlikely to contain windows to habitable rooms, it is considered reasonable to conclude that direct overlooking from this living room window can be appropriately mitigated through appropriate design of any future dwelling on 14 St Georges Square.

11.4.6 Frontage fences for single dwellings

**Objective:**

To ensure that the height and design of frontage fences:

- (a) provides adequate privacy and security for residents while allowing for mutual passive surveillance of the road and dwelling; and
- (b) enhances streetscapes.

**Consistent**

Whilst the proposal does not propose any change to the front fence required by DA0339/2019, it is proposed to include appropriate conditions to confirm that the fence must be in place and ensure its protection during construction, and repair if necessary.

11.4.22 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 proposal complies with the applicable acceptable solutions or performance criteria.

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.

**Complies**

No cut, fill or retaining walls in excess of 600mm are proposed within 900mm of a boundary.

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;



**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

- (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**

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

Objective:

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

**Consistent**

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

A1 The number of car parking spaces must:

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

**Relies on Performance Criteria**

The table requires the provision of one car parking space per bedroom or two spaces per three bedrooms. Thus, with five bedrooms proposed, the table expects the provision of four car parking spaces. The proposal provides only two car parking spaces, the same as provided by the existing five bedroom dwelling. Performance criteria are relied upon.

P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:

- (a) the availability of off-road public car parking spaces within reasonable walking distance;
- (b) the ability of multiple users to share spaces because of:
  - (i) variations in car parking demand over time; or
  - (ii) efficiencies gained by consolidation of car parking spaces;
- (c) the availability and frequency of public transport within reasonable walking distance of the site;
- (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;
- (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;
- (f) an assessment of the actual car parking demand determined in light of the nature of the use and development;
- (g) the effect on streetscape; and
- (h) the recommendations of any traffic impact assessment prepared for the proposal; or

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

<p>P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the intensity of the use and car parking required;</li> <li>(b) the size of the dwelling and the number of bedrooms; and</li> <li>(c) the pattern of parking in the locality; or</li> </ul> <p>P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p><b>Complies</b></p> <p>The proposed dwelling contains the same number of bedrooms as the dwelling it replaces. The previous dwelling had only two car parking spaces and clearly relied upon on-street parking to meet any short-fall that may have been encountered from time to time. It is proposed to maintain this practice and as such there will be no impact on the streetscape. Clearly, to provide additional car parking on site would increase the scale of the dwelling and potentially require additional openings in the fence.</p> <p>It is noted that extensive traffic reports were prepared to demonstrate the availability of on-street parking to support a proposed cafe development to the north of the subject site. Whilst these reports were not prepared in regard to this proposal, their conclusion that there is available on-street parking in the area supports the supposition that the continued provision of only two off-street car parking spaces for this five bedroom dwelling is sustainable.</p>

**E6.6 Development Standards**

**E6.6.1 Construction of parking areas**

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

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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

**E7.0 Scenic Management Code**

E7.1 The purpose of this provision is to:

- (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and
- (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and
- (c) ensure that vegetation is managed for its contribution to the scenic landscape.

**Consistent**

The siting and design of the proposed dwelling is consistent with the purpose of the code in that it will be relatively unobtrusive and compliment the visual amenity of the locality and significant vegetation - particularly the adjoining sequoia trees - will be managed for its contribution to the scenic landscape.

**E7.6 Development Standards**

**E7.6.2 Scenic management areas**

Objective:

The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.

**Consistent**

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

A1 No acceptable solution.

**Relies on Performance Criteria**

P1 Development (not including development that involves only the clearance or removal of vegetation, or subdivision) must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;
- (b) the impact on skylines, ridgelines and prominent locations;
- (c) the nature and extent of existing development on the site;
- (d) the retention or establishment of vegetation to provide screening;
- (e) the need to clear existing vegetation;
- (f) the requirements for any hazard management;
- (g) the need for infrastructure services;
- (h) the specific requirements of the development;
- (i) the location of development to facilitate the retention of trees; and
- (j) design treatment of development, including:
  - (i) the bulk and form of buildings including materials and finishes;
  - (ii) any earthworks for cut or fill;
  - (iii) the physical (built or natural) characteristics of the site or area;
  - (iv) the nature and character of the existing development; and
  - (v) the retention of trees.

9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

**Complies**

(a) The subject site is within the Central Hills Precinct Scenic Management Area: This precinct encompasses the residential area located along the ridge line to the east of the central Launceston area. The precinct is dominated by skyline development and forms the principle backdrop for South Launceston, Newstead and central Launceston.

The Management Objectives of this precinct are:

*Maintain and enhance vegetation:*

The site currently contains a number of trees and shrubs around the perimeter of the existing dwelling. Whilst it is proposed to remove some 7.3m of the existing tree line along the southern boundary, to make provision for the proposed double garage, a significant new tree is proposed in the northern courtyard.

The permit, if granted, will include a condition requiring a vegetation management plan to ensure the protection of the existing trees, other than those removed for the garage, and specifically to ensure the protection of the root system of the historic sequoia trees on the adjoining land at 54 Ann Street.

A condition will also be included requiring the provision of a landscape plan, to the approval of the Manager, City Development, to confirm the retention of existing vegetation and additional plantings consistent with the vegetation management plan.

*Development should blend with existing development by its location, form, scale and exterior:*

The height and scale of the proposed development is consistent with the dwelling it seeks to replace and those in the immediate area. The proposed parapet in lieu of the existing skillion roof furthers its compatibility with the mix of single and double storey dwellings in the vicinity. The somewhat muted colour scheme furthers this compatibility and may be considered more compatible than the current white facade.

*Encourage driveways to be inevident:*

The proposal to widen the existing driveway from 5.4m to 6.0m will not make the driveway any more evident than it currently is. The muted colours of the dwelling may contribute to a lessening of its visual impact.

*Increased residential density is encouraged only where development does not adversely interrupt the existing or historic pattern of development:*

The proposal to replace the existing two storey, five bedroom dwelling with a new two storey, five bedroom dwelling, does not alter the residential density of the area.

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

- (b) The impact on skylines, ridgelines and prominent locations:  
The brick wall was the dominant feature in the landscape and streetscape in this area and whilst the demolition and replacement of the dwelling with another of similar bulk and scale will be noticed, it will not be obtrusive. Once replaced in accordance with DA0339/2019, the eye will be drawn to the prominence of the wall and the sequoia trees in the background rather than to the remnant white structure or the new dwelling in its muted colour scheme.
- (c) The nature and extent of existing development on site:-  
The site is currently fully developed by the existing residence and the replacement of this with a similarly scaled dwelling will have limited impact.
- (d) The majority of the existing vegetation on site will be retained and importantly, appropriate protection measures are in place to ensure the protection of the adjoining sequoia trees.
- (e) The site currently contains a two storey dwelling that will be demolished in accordance with DA0339/2019, prior to the proposed development. The replacement solid fence will also be in place prior to the commencement of this development.
- (f) There are no relevant hazard management requirements.
- (g) The site is currently fully serviced.
- (h) The specific requirements of the development:  
As the site is effectively fully developed, the proposed development requires the demolition of the whole of the existing structure to facilitate the development of the new dwelling.
- (j) the design treatment of the development including the bulk and form of buildings, including materials and finishes:  
The proposed building is to be a substantial structure drawing on the bulk, form, materials and finishes of a number of existing buildings in the area.

Having regard to the relevant prescribed matters, above, it is considered that the development of the proposed two storey building in the current proposed form, scale and finish, will be unobtrusive in the landscape and compliment the character of the area.

**4. REFERRALS**

REFERRAL	COMMENTS
	<b>INTERNAL</b>
Infrastructure Services	Conditional consent provided with recommended conditions.
Environmental Health	Conditional consent provided with recommended conditions.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

REFERRAL	COMMENTS
	<b>EXTERNAL</b>
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 16 November to 2 December 2019. Twenty-one 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.

A meeting of the representors was held on Monday, 6 January 2020 to discuss and clarify the issues and concerns raised.

<p><b>Issue 1:</b>  <b>Protection of the heritage listed sequoia trees on the adjoining site, Torkington, at 54 Ann Street.</b></p>
<p><b>Response 1:</b>  <i>Appropriate conditions, regarding the protection of the root system of the adjacent sequoia trees, were applied in the permit, DA0339/2019, for the demolition of the existing dwelling on the subject site.</i></p> <p><i>It is proposed to include those conditions in any permit issued for the construction of a dwelling on this site.</i></p> <p><i>It is noted that, at the time of writing, whilst an appropriate tree protection zone had been marked out by the Council's arborist, the proponent's vegetation management plan had been returned for amendment to fully address the matters required by the conditions of DA0339/2019.</i></p>
<p><b>Issue 2:</b>  <b>Retention or restoration of the brick wall fronting St Georges Square. The proposed new fence looks different to what was there and includes a widened crossover and pedestrian gateway.</b></p>

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

**Response 2:**

*It is noted that the brick wall that previously stood on the St Georges Square frontage of the site was largely demolished on safety grounds pursuant to the Building Act 2016. Furthermore, notwithstanding its age and historical connection with the historical Torkington property, it was not heritage listed in its own right.*

*Notwithstanding this, when considering the potential impact upon the streetscape of the proposed demolition of the existing dwelling, it was considered appropriate to include a condition in DA0339/2019, planning approval for the demolition of the dwelling, such that a contiguous fence, to a design consistent with the remnant sections of the original wall, be constructed prior to the demolition of the dwelling. Such design plans were to be approved by the Manager City Development.*

*The use of the words 'consistent with' clearly acknowledges that what is sought is something that appears similar and not something that seeks to be a replica. The proponent has submitted plans for a new fence, to a design considered consistent with the remnant sections of the original wall.*

*The inclusion of a pedestrian gate is not inconsistent with the various breaks in the remnant sections of the original wall across the broader St Georges Square frontage. Nor is such a pedestrian gate considered to be inconsistent with the requirement for a contiguous fence. The gate forms an integral component of the fence and continuity is not lost.*

*The proposed new fence was required, by DA0339/2019, to run from the edge of the existing driveway opening to the Scott Street boundary. The proponent advises that the current proposal seeks to widen the driveway from its existing 5.4m to 6m. The proponent has sought approval, pursuant to s.56 of the Act, to amend the relevant condition of DA0339/2019 to allow the driveway width to be widened by 600mm.*

*All representors to DA0339/2019 have a right to appeal, the decision in regard to the amendment, to the Resource Management and Planning Appeals Tribunal.*

**Issue 3:**

**Potential for the new dwelling to overshadow neighbours.**

**Response 3:**

*The shadow drawings provided by the applicants demonstrate that from 9.00am of 21 June there will be no change to the shadow passing over the south-eastern corner of 5 Scott Street.*

*Shadowing into Torkington may change marginally, however, it will not reach the dwelling and is surpassed by the shadows currently thrown by the sequoia trees. Shadowing into the adjoining property to the south, 18 St Georges Square will not occur until after midday and will remain largely consistent with the existing overshadowing from boundary trees.*

9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

<p><b>Issue 4:</b>  <b>Development at 16 St Georges Square is over intensification of development and is not consistent with the pattern of development in the immediate area and will be detrimental to the character of the area.</b></p>
<p><b>Response 4:</b>  <i>The site currently contains a single dwelling approved for demolition. The proposal seeks to replace that dwelling with a single dwelling on largely the same footprint.</i></p>
<p><b>Issue 5:</b>  <b>Is there a management plan for the trees and vegetation on the site and surrounding properties? Removal of an evergreen tree in the south-west corner will impact on Torkington.</b></p>
<p><b>Response 5:</b>  <i>As noted above, a vegetation management plan was required by DA0339/2019 and must be provided before works on the site, approved by that permit, commence.</i></p> <p><i>A similar condition is proposed to be included in the permit if the proposed dwelling is approved. There is no current proposal to remove the evergreen tree in the south-west corner of the site. If removed in the future, it will be subject to the relevant provisions of the planning scheme.</i></p>
<p><b>Issue 6:</b>  <b>The plans state that the drawings show design intent only. How do we know what will actually be built?</b></p>
<p><b>Response 6:</b>  <i>The permit, if issued, will require the development to be in accordance with the endorsed plans. Variation from that proposed and approved, shall require further approval or amendment to the permit. Representors are given a right of appeal in regard to any amendment to the permit.</i></p>
<p><b>Issue 7:</b>  <b>Removal of trees, including the adjoining mulberry tree is contrary to Council's recently declared climate emergency for Launceston.</b></p>
<p><b>Response 7:</b>  <i>There is no scope within the planning scheme for regard to be given to a declaration of climate emergency.</i></p> <p><i>The removal of the mulberry tree is not a component of this application.</i></p>
<p><b>Issue 8:</b>  <b>Compliance with setbacks - note error in depiction of rear setback.</b></p>
<p><b>Response 8:</b>  <i>The proposal plans do incorrectly indicate the prescribed building envelope in regard to the rear setback. The owners of both properties adjoining that boundary were aware or made aware of this minor error at the beginning of the exhibition process and were not disadvantaged. The proposed dwelling is correctly sited on the proposal plans and the minor error with regard to the depiction of the building envelope is not considered significant.</i></p>



**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

<p><b>Issue 9:</b>  <b>Impact of raised floor level above the current slab height results in increased house bulk impacting on neighbouring amenity.</b></p>
<p><b>Response 9:</b>  <i>The proposed dwelling rises to the same height as the existing dwelling. The increased bulk is a result of the existing skillion roof line, falling north to south, being replaced with a level parapet.</i></p> <p><i>This means that an additional triangle of wall, some 13m long and up to 1.2m high (around 9m<sup>2</sup>) will be visible to St Georges Square and the residents of 5 Scott Street, above the substantial boundary wall currently separating the two properties.</i></p> <p><i>Any impact on neighbouring amenity as a result of the additional bulk, some 4.5m from the boundary and viewed over the top of the existing boundary wall of over two metres, is not considered to be unreasonable.</i></p>
<p><b>Issue 10:</b>  <b>There is only minimal mention of any landscaping and no mention of changes to ground level which may impact on the boundary wall and impact on amenity.</b></p>
<p><b>Response 10:</b>  <i>The proposal is for the construction of a single dwelling and landscape plans are not usually required. It is significant to note that a vegetation management plan will be required. A condition is proposed seeking the provision of a landscape plan consistent with the vegetation management plan.</i></p>
<p><b>Issue 11:</b>  <b>Insufficient car parking is provided to meet the requirements of the planning scheme.</b></p>
<p><b>Response 11:</b>  <i>The provision of car parking is addressed earlier in this report and it is considered that the provision of two car parking spaces addresses the relevant performance criteria having regard to the constraints of the site and the availability of car parking within the area.</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.

**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - 14-16 St Georges Square, East Launceston (*electronically distributed*)
  2. Plans to be Endorsed - 14-16 St Georges Square, East Launceston (*electronically distributed*)
  3. Representations - 14-16 St Georges Square, East Launceston (*electronically distributed*)
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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls****FILE NO:** DA0594/2019**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Gordon Arthur Scrim
Property:	7 My Street, East Launceston
Zoning:	Inner Residential
Receipt Date:	31/10/2019
Validity Date:	25/11/2019
Further Information Request:	05/11/2019
Further Information Received:	25/11/2019
Deemed Approval:	23/01/2020
Representations:	Four

**PREVIOUS COUNCIL CONSIDERATION:**

DA0606/2018 - Residential - Demolition of existing dwelling, construction of a dwelling and new crossover.

DA0606/2018.A01 - Residential - Demolition of existing dwelling, construction of a dwelling and new crossover.

**STANDARDS REQUIRING COUNCIL DISCRETION**

11.4.2 Site coverage and rear setback for single dwellings

11.4.22 Earthworks and retaining walls

11.4.3 Building envelope for single dwellings

**RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0594/2019 Residential - Construction of two retaining walls at 7 My Street, East Launceston subject to the following conditions:

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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**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. New retaining wall/Site plan, Prepared by Johnstone, McGee and Gandy, Drawing No. S01, Scale 1:200@A3, Revision No.B, Dated 30/10/2019.
- b. North Elevation, Prepared by Gillian van der Schans, Drawing No. 76129, Scale 1:100@A3, Revision No.1, Dated 25/11/2019.
- c. Section through both walls, Prepared by Johnstone, McGee and Gandy, Drawing No. S04, Scale not stated, Revision No.A, Dated 30/10/2019.

**2. LEGAL TITLE**

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

**3. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

**4. SITE LANDSCAPING**

The landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed within three months of the use commencing; and
- c. The proposed tree species to reach a mature height of 1.7m above the finished ground level of the upper tier/lower floor level.
- d. Maintained as part of residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

**5. PROTECTION OF EXISTING TREES**

Prior to the issue of the Building Approval a management plan, prepared by an arborist, must be provided to the Council to detail measures which will protect to walnut tree along the northern boundary fence. The tree must be satisfactorily protected both by the design of the development and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

**6. PRIVACY SCREEN**

A privacy screen of at least 1.7m high above the finished ground level must be erected along the north boundary from the western end of the retaining wall to the wall of the dwelling to ensure reasonable privacy for the adjoining property.

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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**7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

The developer is liable for all costs associated with damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. 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.

**8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

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

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

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

**9. SINGLE STORMWATER CONNECTIONS**

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

**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**

The construction of the development allowed 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,

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin, or otherwise.

**12. NO BURNING OF WASTE**

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

**13. DEMOLITION**

The Developer must:

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

**Notes****A. All 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.*

**B. General**

*This permit was issued based on the proposal documents submitted for DA0594/2019. You should contact Council with any other use or developments, as they may require the separate approval of Council. The Council's Planning Staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. *The 14 day appeal period expires; or*
  - b. *Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
  - c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
  - d. *Any other required approvals under this or any other Act are granted.*
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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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*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.*

**C. 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.*

**D. Appeal Provisions**

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

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

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

**E. 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.*

**F. Conditions of previous approval**

*The conditions imposed upon DA0606/2018 and DA0606/2018.A01 remain valid.*

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

The application proposes the construction of two retaining walls which are associated with the redevelopment of the site. Approval was granted to demolish the existing dwelling and to construct a new dwelling in January 2019.

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## **9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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Prior to the previous application, works had occurred to replace the retaining wall along the rear boundary in-conjunction with the owner of 19 Welman Street. The work involved replacement of a bluestone wall with a lower height wall topped with a colorbond clad fence. This resulted in a steep drop in the ground level at the rear of the site.

Simultaneously, works had commenced to reinforce a second retaining wall with steel posts installed. The owner had explained that these would be infilled with panels to the height of the existing wall. The area between the location of new dwelling and retaining wall is to be backfilled to the natural ground line.

The walls of the current application are to provide a levelled area of private open space at the same level of the lower ground floor.

The lower of the proposed walls is 3.5m off the rear boundary. As noted above, posts were initially driven with works to replace a failing rear boundary retaining wall and fence. The owner maintained it was required to 'support the existing concrete wall that is crumbling and leaning downhill'. During the processing of the previous application, following neighbour concern of the height of the steel supports, the owner stated the tops would be cut off to the level of the existing wall. The full height of the posts is now to form an approximate 900mm wide tier and increase the ground line by a maximum height of 1.4m.

The upper level wall is 900mm away from the lower wall and will have a height of between 900mm to 1,300mm resulting from the slope of the land.

## **2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The property is located on the hill face to the east of the city centre, south of Windmill Hill, and on the lower side of My Street. Building works for the new dwelling are underway. The site has an overall fall of approximately 7m, the fall steeper at the rear.

Surrounding land is developed and used for residential purposes, primarily of single dwellings and in a variety of forms. Being so close to the city centre a number of properties, especially fronting the street below of Welman Street, are substantial properties of heritage significance constructed around the turn of the 1900 century.

## **3. PLANNING SCHEME REQUIREMENTS**

### **3.1 Zone Purpose**

#### **11.0 Inner Residential Zone**

##### **11.1.1 Zone Purpose Statements**

11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.



**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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

11.1.1.3 To allow increased residential densities where it does not significantly affect the existing residential amenity, ensure appropriate location of parking, and maintain vehicle and pedestrian traffic safety.

11.1.1.4 To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.

11.1.1.5 To provide for development that provides a high standard of amenity and contributes to the streetscape.

**Consistent**

The proposal meets the zone intent by further enhancing the residential use of the serviced inner city site.

**11.3 Use Standards**

11.3.1 Hours of operation

Objective:

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

**Consistent**

Clause 11.3.1 - 11.3.5 do not apply to the use of Residential - single dwelling.

**11.4 Development Standards**

11.4.1 Setback from a frontage for single dwellings

Objective:

To ensure that the setback from frontages:

- (a) assist in the establishment of the streetscape character;
- (b) enhance residential amenity;
- (c) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and
- (d) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.

**Consistent**

The proposed retaining walls are at the rear of the site and will not impact on the streetscape

11.4.2 Site coverage and rear setback for single dwellings

Objective:

To ensure that the location and extent of building site coverage:

- (a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity;
- (b) assists with the management of stormwater;
- (c) provides for setback from the rear boundary; and
- (d) has regard to streetscape qualities.

**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

<p><b>Consistent</b> The proposed development will enhance the outdoor area for recreation and landscaping.</p>
<p>A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.</p>
<p><b>Complies</b> The roofed space will not increase and the site cover remains in compliance with A1.</p>
<p>A2 A rear setback of no less than 4m, unless the lot is an internal lot.</p>
<p><b>Relies on Performance Criteria</b> The lower retaining wall is not parallel to the rear boundary and is setback between 3.5m - 4m from the rear boundary. The development must be assessed against the performance criteria.</p>
<p>P2 The location of buildings in relation to the rear boundary must: (a) allow for adequate visual separation between neighbouring dwellings; (b) maximise solar access to habitable rooms; and (c) facilitate provision of private open space.</p>
<p><b>Complies</b> The lower retaining wall is existing but its height is to be increased by up to 1.4m. This is partially a result of reduced ground level caused by the replacement rear boundary wall.  To ensure there is adequate visual separation between dwellings, plantings are proposed along the rear boundary. As the site is to the east of the rear neighbour the vegetation should not block solar access to the adjoining dwelling nor their open space.  The provision of planting will address the performance criteria.</p>

11.4.3 Building envelope for single dwellings

<p>Objective: To ensure that the siting and scale of single dwellings: (a) allows for flexibility in design to meet contemporary dwelling requirements; (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and (c) has regard to streetscape qualities.</p>
<p><b>Consistent</b> The proposal is associated with a contemporary dwelling in an older established residential area of the city where residential amenity can be protected.</p>
<p>A1 All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes: (a) determined by a setback of no less than 3m from side boundaries and no less than 4m from the rear boundary and a building height of no more than 5.5m; or (b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to a building height of no more than 8.5m above natural ground</p>

**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

level (see Figures 11.4.3 A and 11.4.3 B); and walls are setback:

- (i) no less than 1.5m from a side boundary; or
- (ii) less than 1.5m, provided the wall is built against an existing boundary wall or the wall or walls have a total length of no greater than 9m or one third of the boundary with the adjacent property, whichever is the lesser.

**Relies on Performance Criteria**

The proposed lower wall is to be setback between 3.5m not 4m and does not meet a) nor all the elements of b). The performance criteria must be addressed against the encroachment to the rear boundary and as both walls are within 1.5m of the northern side boundary.

P1 The siting and scale of single dwellings must be designed to:

- (a) ensure there is no unreasonable loss of amenity on adjoining lots by:
  - (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than three hours between 9.00am and 5.00pm on 21 June or by increasing existing overshadowing where greater than above;
  - (ii) overlooking and loss of privacy; and
  - (iii) visual impacts when viewed from adjoining lots: and
- (b) take into account steep slopes and other topographical constraints; and
- (c) have regard to streetscape qualities.

**Complies**

The proposal should:

- (a) ensure there is no unreasonable loss of amenity on adjoining lots by:
    - (ii) *overlooking and loss of privacy; and*
    - (iii) *visual impacts when viewed from adjoining lots: and*

The amenity of the rear lot will be protected in relation to (a) (ii) and (iii) by the planting of vegetation along the rear boundary to minimise overlooking between properties. A condition will be applied for the proposed tree species to reach a mature height of 1.7m above the finished ground level of the upper tier. The encroachment on the northern boundary would allow someone to look over the fence. This is already the situation for 9 My Street. A 1.7m high (measured from the higher ground level) fence/screen in the vicinity of the walls is necessary.

    - (iii) *visual impacts when viewed from adjoining lots: and*

The retaining walls will be most visible from the dwelling to the rear. The proposed vegetation will minimise any impacts.
  - (b) The site is steep and therefore more difficult to provide for contemporary needs and requirements. The proposed retaining walls are intended to improve the functionality of the site without impacting on the streetscape, Tiering of the rear yard allows a useable area of space without impacting too greatly on neighbours to meet (b) and is similar to the tiering of the rear of 9 My Street.
  - (c) *have regard to streetscape qualities*
- The encroachments will not impact on the streetscape.

**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

11.4.4 Frontage setback and width of garages and carports for single dwellings

Objective:

To ensure that the location and size of garages or carports:

- (a) do not dominate the facade of the dwelling or dominate the streetscape;
- (b) do not restrict mutual passive surveillance of the road and dwelling; and
- (c) provides for safe vehicular access to and egress from the site.

**Consistent**

The application does not include a garage or carport.

11.4.5 Privacy for single dwellings

Objective:

To ensure that the location and design of windows of habitable rooms, balconies, decks, roof gardens, parking spaces and carports maintain residential amenity by minimising the potential for overlooking between neighbours.

**Consistent**

The proposal is not considered to significantly impact on the amenity of adjoining properties.

A1 Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level greater than 1m above natural ground level must have a side setback of no less than 3m and a rear setback of no less than 4m.

**Complies**

The proposal does not include a balcony, deck, roof garden, parking space or carport.

A2 Windows of habitable rooms which have a floor level greater than 1m above natural ground level must:

- (a) have a side setback of no less than 3m; or
- (b) be offset no less than 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or
- (c) have a window sill height of no less than 1.7m.

**Complies**

There are no additional windows proposed.

11.4.6 Frontage fences for single dwellings

Objective:

To ensure that the height and design of frontage fences:

- (a) provides adequate privacy and security for residents while allowing for mutual passive surveillance of the road and dwelling; and
- (b) enhances streetscapes.

**Consistent**

A front fence is not proposed.

## 9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)

### 11.4.7 Site coverage

Objective:

To:

- (a) ensure that the site coverage of residential development and ancillary buildings respects the character of the surrounding area;
- (b) reduce the impact of increased stormwater runoff on the drainage system; and
- (c) provide for landscaping and private open space.

**Consistent**

Clauses 11.4.7 to 11.4.20 do not apply to the development of a Residential - single dwelling.

### 11.4.21 Outbuildings and swimming pools

Objective:

To ensure that outbuildings and swimming pools:

- (a) do not detract from the character of the surrounding area;
- (b) are appropriate to the site and respect the amenity of neighbouring lots; and
- (c) dwellings remain the dominant built form.

**Consistent**

No outbuildings or swimming pools are proposed.

### 11.4.22 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 application is for two retaining walls to primarily raise the ground level at the rear of the new dwelling to that of the lower floor level.

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 walls are to be built up to the northern side boundary and 2.4m off the southern side. Each will have a maximum height of around 1.3m -1.4m depending where the measurement is taken from. The walls do not meet A1 (a), (b) and (c) and the performance criteria must be addressed.

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:

**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

- (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 site falls approximately 7m over its depth with the rear half of the steeper than the more level area adjoining the street. The owner wishes to have a level outdoor area at the same level as the lower floor level of the dwelling. The provision of such a space is a preferred solution of providing residential open space. The development is considered to address (a) and (e).

Construction of two retaining walls minimises the depth and scale of work needed to provide the level area. The lesser height of each wall also reduces the visual scale of the work especially relative the properties below the site along Welman Street. The tiers provide levels for landscaping to further minimise any visual impact of the work. (b) is considered to be met.

The nature and orientation of the works, relative to adjoining sites, will not cause overshadowing. During the construction stage and until the vegetation is established, there may be overlooking to land below the site and neighbouring sites. The setback of the lower wall from the rear is within the 4m setback requirement but the 900mm depth of the tier is not sufficient for it to be used for any purpose which should limit use of space too close to the boundary. The main area of space created by the upper tier is suitably to minimise overlooking upon the rear neighbours. Screening required along the northern side boundary will minimise overlooking and privacy issues to that neighbour(c).

The walls are to be constructed with steel posts infilled with timber beams and are engineer designed. There should therefore be minimal impacts on adjoining structures to met (d) to (f). Drainage for walls must comply with the necessary plumbing requirements along to minimise erosion, complying with (g) and (h).

**11.4.24 Lot size and dimensions**

**Objective:**

To ensure the area and dimensions of lots are appropriate for intended use of the lots.

**Consistent**

The application does not include any subdivision.

**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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

E6.1 The purpose of this provision is to:

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

**Consistent**

The proposed retaining walls will not require any additional parking and no further assessment of the code will be undertaken.

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	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 30 November to 16 December 2019. Three representations were received with four signatures. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)

<p><b>Issue 1:</b>  <b>Potential drainage and erosion concerns resulting from the fall of the land through the site and the existence of old mains drains across 5 My Street.</b></p>
<p><b>Response 1:</b>  <i>The concerns primarily result from the current approval and building. These are matters to be dealt with by the building surveyor. The writer has previously dealt with a similar issue.</i></p>
<p><b>Issue 2:</b>  <b>The proposed walls continue to impact on the roots of a walnut tree on the adjoining property.</b></p>
<p><b>Response 2:</b>  <i>A condition to protect the roots will be recommended for inclusion on the permit.</i></p>
<p><b>Issue 3:</b>  <b>The area of the lot is not consistent between the real estate documents and the previous plans and therefore the accuracy of the measurements is queried.</b></p>
<p><b>Response 3:</b>  <i>The accuracy between the stated documents is not relevant. The measurements are taken as stated.</i></p>
<p><b>Issue 4:</b>  <b>The rooms shown on the lower level are different from the previous plans and a wall shown on the previous plans is stated as new.</b></p>
<p><b>Response 4:</b>  <i>The plans are consistent.</i></p>
<p><b>Issue 5:</b>  <b>The raised ground level will be very close to the top of the boundary fence with 9 My Street.</b></p>
<p><b>Response 5:</b>  <i>The owner wishes to retain privacy between properties and is aware that if a Permit is issued it will require a screen to 1.7m above the new finished ground level.</i></p>
<p><b>Issue 6:</b>  <b>Loss of privacy to 19 Welman Street.</b></p>
<p><b>Response 6:</b>  <i>Vegetation is proposed within the new garden tiers to provide privacy between properties.</i></p>
<p><b>Issue 7:</b>  <b>The rear boundary wall is not as high as the previous structure.</b></p>
<p><b>Response 7:</b>  <i>The works of the rear boundary wall/fence was not undertaken through a planning approval and was a matter between property owners. A failing section of concrete, above the bluestone boundary wall had been removed and not replaced. This resulted in the new boundary fence not being as high as previously. This is not a matter for consideration as part of this application.</i></p>



**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

<p><b>Issue 8:</b>  <b>The statements of the owner of the intent of the works are inconsistent.</b></p>
<p><b>Response 8:</b>  <i>The plans detail the extent of the work proposed, the statements of the owner are not matters to be addressed by the planning scheme.</i></p>
<p><b>Issue 9:</b>  <b>Land stability concerns from filling of the land. Why can't steps provide access to the rear yard.</b></p>
<p><b>Response 9:</b>  <i>The works are designed by an engineer and the site is not identified on the relevant maps as having land stability issues. The application has to be assessed on what is submitted.</i></p>
<p><b>Issue 10:</b>  <b>The new dwelling will impact on the values and privacy of the rear property.</b></p>
<p><b>Response 10:</b>  <i>These are not matters to be considered for this application. The house has already been assessed as compliant and is approved.</i></p>
<p><b>Issue 11:</b>  <b>The owner of 19 Welman Street states there was not notification of either the proposed demolition in 2010 or of the previous application.</b></p>
<p><b>Response 11:</b>  <i>The Council's records have the owners details as the real estate agent who manages the property. Notifications were sent to the Real Estate company. The owner does not want to alter the address so notices will continue to go to the Real Estate.</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.

**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - 7 My Street, East Launceston (*electronically distributed*)
  2. Plans to be Endorsed - 7 My Street, East Launceston (*electronically distributed*)
  3. TasWater SPAN - 7 My Street, East Launceston (*electronically distributed*)
  4. Representations - 7 My Street, East Launceston (*electronically distributed*)
-

**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling****FILE NO:** DA0702/2019**AUTHOR:** Maria Chledowska (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Metier Planning and Development
Property:	8 Lord Street, Launceston
Zoning:	General Residential
Receipt Date:	6/12/2019
Validity Date:	9/12/2019
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	20/01/2020 (Extension of time until 23/01/2020)
Representations:	15

**STANDARDS REQUIRING COUNCIL DISCRETION**

9.4 Demolition

**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 DA0702/2019 for Residential - demolish existing dwelling at 8 Lord Street, Launceston subject to the following conditions:

**1. ENDORSED PLANS**

The 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. Planning Submission, 8 Lord Street, Launceston, Demolition of a Single Dwelling prepared by Metier Planning and Development, dated 05/12/2019.

**2. LEGAL TITLE**

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

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**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling  
...(Cont'd)**

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**3. HOURS OF DEMOLITION**

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

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

**4. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

The developer is liable for all costs associated with damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. 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.

**5. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

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

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

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

**6. SOIL AND WATER MANAGEMENT PLAN**

Prior to the commencement of the demolition 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.

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## **9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling ...(Cont'd)**

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### **7. CAPPING OF SERVICES**

Unused service connections must be capped for possible future use, or permanently sealed with concrete plugs and the disused portion of pipe filled with an approved medium. The location of any capped services must be located on a site plan and provided to the Council.

### **8. DEMOLITION**

The Developer must:

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

### **Notes**

#### **A. General**

*This permit was issued based on the proposal documents submitted for DA0702/2019. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

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

*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.*

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**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling  
...(Cont'd)**

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

**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

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

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

The proposal is for the demolition of the existing single storey dwelling at 8 Lord Street, Launceston.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject site, 8 Lord Street, Launceston is located on the north-western side of the street, between Frankland and French Streets. The site is within a well-established residential area predominantly developed with single dwellings. The area has been subject to redevelopment in recent years, especially dwellings at the northern side of French Street. As a result, the surrounding residential area is characterised by different architectural styles from different periods. At present the area between St John, Frankland, High and Howick Streets, where the subject site is located, does not contain heritage listed properties, either upon local or state heritage registers.

The local heritage listing is currently under review in accordance with the Local Heritage Study 2006. The subject site is not recommended for a heritage listing as an individual property or one located within the proposed heritage precincts in the future.

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**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling  
...(Cont'd)**

The site is a rectangular shape and area of 797m<sup>2</sup>. It slopes towards the south-west with a fall of average 14% with the steeper rear section. Vegetation includes exotic shrubs and fruit trees that are subject to the recent clearing.

The site contains a single dwelling constructed in 1915 which is vacant and in poor condition.

**3. PLANNING SCHEME REQUIREMENTS**

<p><b>Part C - Special Provisions</b></p> <p><b>9.4 Demolition</b></p> <p>9.4.1 Unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority having regard to: Approval for the proposed demolition is not sought as part of another development, nor is it prohibited by any other provision of the planning scheme.</p> <p>Despite the comprehensive submissions by representors addressing the historic merit of the dwelling, the building has not been heritage listed and the provisions of the Historic Cultural Heritage Code do not apply.</p> <p>Consequently, the proposed demolition is assessed pursuant to clause 9.4, providing the permit authority with the discretion to approve or refuse, having regard to the purpose of the General Residential zone and the purpose of the Parking and Sustainable Transport code. There are no other relevant zones or codes, nor any applicable local area objectives, desired future character statements or specific area plans.</p> <p>(a) the purpose of the applicable zone;</p>
<p><b>Complies</b></p> <p>The subject site is in the General Residential zone, which has five purpose statements at clause 10.1.1:</p> <p><i>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.</i></p> <p>The proposal seeks demolition of a dwelling that is in poor condition and beyond practical repair. The demolition of the dwelling would allow a further development to resume the residential use of the site.</p> <p><i>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</i></p> <p><i>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.</i></p>

**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling  
...(Cont'd)**

<p>The General Residential zone provides for limited discretionary non residential uses. Any proposal for a non residential use would be publicly advertised. Residential amenity would be considered during assessment of a proposed non residential use. Adjoining neighbours would have an opportunity to comment on a proposal.</p> <p><i>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</i></p> <p><i>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.</i></p> <p>Any future development is required to address the existing neighbourhood. The proposed demolition will create a residential lot in the attractive location, with all infrastructure available, located less than 200m from a bus stop and 400 from a public reserve.</p>
<p>(b) any relevant local area objective or desired future character statement of the applicable zone;</p>
<p><b>Complies</b> The General Residential zone does not have any local area objectives or desired future character statements.</p>
<p>(c) the purpose of any applicable code; and</p>
<p><b>Complies</b> There are no other applicable codes except the Parking and Sustainable Transport Code which applies to all use and development. In this case, the proposed demolition will not impact upon car parking arrangements on the site and detailed consideration of this code is not necessary.</p>
<p>(d) the purpose of any applicable specific area plan.</p>
<p><b>Complies</b> No specific area plans apply to the site.</p>

**3.1 Zone Purpose**

10.0 General Residential Zone

<p>10.1.1 Zone Purpose Statements</p> <p>10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</p> <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</p> <p>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</p> <p>10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.</p>
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**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling  
...(Cont'd)**

**Consistent**  
The proposal is to demolish a vacant dwelling where no alternative use or development is proposed at this stage. The demolition will allow for a residential use of the site.

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure and Assets Network	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit
<b>EXTERNAL</b>	
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 11 December 2019 to 2 January 2020. Fifteen 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.

A meeting with representors was offered, however, no representors attended.

**Issue 1:**  
**Lack of assessment of the heritage/architectural values of the property. Is this property on any heritage list or proposed to be listed? Most of the representors are of the opinion that the application does not consider heritage and architectural values of the building including its history and the former ownership. One representor mentioned the Robert Nettlefold versus Hobart City Council precedent in RMPAT (2000) and Supreme Court (2001). 'An applicant requested permission to demolish a historic building not on a heritage register. Both bodies dismissed the application'.**

9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling  
...(Cont'd)

**Response 1:**

*The existing dwelling is not heritage listed and no heritage provisions currently apply to the building or to the area as a precinct. The local heritage list is currently under the review. There are heritage precincts proposed within the City of Launceston and the addition of new individual properties. This review is based on the Launceston Heritage Study, 2006 by Paul Davies. The subject site is outside of any proposed heritage precinct and an individual listing is not recommended. The dwelling has an attractive street appeal but in the absence of planning heritage recognition, there is no requirement for the application to assess heritage values of the dwelling. In regard to the Robert Nettlefold versus Hobart City Council case it should be highlighted that the proposal was to demolish an existing building and replace it with a seven space private car park in the Central Service Zone under a former City of Hobart Planning Scheme 1982. It was considered that the proposal did not comply with the purpose of the zone and the objectives of the relevant precinct. The site was recommended for the heritage listing that was under the review at that time. In this case, the proposed demolition at 8 Lord Street, Launceston is within the General Residential, complies with the zone purpose and there is no intent to include the site on any heritage register.*

**Issue 2:**

**There are no plans provided for future development of the site. It is not desirable to have a vacant block sitting in the current streetscape. How the neighbours will know what will replace the dwelling?**

**Response 2:**

*It is preferred that demolition of a building forms part of a proposal for redevelopment of the site as this generally provides some indication of the potential impacts on streetscape and amenity. Nevertheless, the scheme specifically provides for the approval of demolition in isolation of any other development. Such approval is at the discretion of the planning authority having regard to the purpose of the applicable zones and codes. The assessment in this report concludes that the proposed demolition of the existing dwelling is consistent with the relevant purpose statements. Future development of the site will be subject to the planning use and development standards and depending on the compliance with these standard it can be permitted (no permit required), permitted (permit required) and discretionary. If an application is discretionary than public advertising has to occur.*

**Issue 3:**

**Reasons for the demolition are insufficient. The subsidence, lack of maintenance and fire damage evidenced in the application photos do not demonstrate adequate reasons for demolishing the dwelling instead of restoring and rebuilding. The proponent does not establish that this house is in imminent danger of collapse.**

**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling  
...(Cont'd)**

**Response 3:**

*In accordance with the report supporting the proposed demolition, the current owner purchased the house with intention of the restoring it. However, a detailed assessment of the condition of the building revealed that the building is in such state that the restoration is not practical. The site inspection conducted by two Planning Officers confirmed that the dwelling, despite the interesting and attractive façade, is in a poor condition. The external wall to the south of the dwelling is bowed and timber works internal and external appeared to have rotted or perished to an extent where replacement would be necessary. The basement and ground floor appear unsafe to enter. In the present state, the dwelling is not habitable. While the restoration of the dwelling would be a preferable option, there are no planning provisions that require owners to repair and restore the existing dwellings. If the dwelling were in immediate state of collapse then a building emergency order to demolish the building would be issued by a Building Surveyor.*

**Issue 4:**

**Impact on the streetscape. The house presents well to the street in a neighbourhood, which consists of many cottages of a similar vintage.**

**Response 4:**

*It is confirmed that the dwelling presents well to the street and it is compatible with the surrounding residential development. Although the removal of the dwelling would have a visual impact on the streetscape, it would also create a vacant residential lot. Future redevelopment of the site has a potential to be sympathetic with the historic neighbourhood. There are examples of such redevelopments on the northern side of French Street and in other areas of Launceston.*

**Issue 5:**

**Support the proposed demolition as long as it can be stipulated that any further development on the site should be a replacement house on the same scale.**

**Response 5:**

*It is expected that any future development would be compatible with the surrounding dwellings and comply with the planning provisions.*

**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.

**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling  
...(Cont'd)**

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**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - 8 Lord Street, Launceston (*electronically distributed*)
  2. Plans to be Endorsed - 8 Lord Street, Launceston (*electronically distributed*)
  3. Representations - 8 Lord Street, Launceston (*electronically distributed*)
-

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots**

**FILE NO:** DA0679/2019

**AUTHOR:** Duncan Payton (Town Planner)

**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Harrison Group of Companies
Property:	90-110 Cimitiere Street Launceston, Willis Street Car Park 8-10 Boland Street, Launceston, 10 Willis Street Launceston, 2 Willis Street, Launceston, 4 Willis Street, Launceston, 8 Willis Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	2/12/2019
Validity Date:	5/12/2019
Further Information Request:	N/A
Further Information Received:	08/01/2020
Deemed Approval:	24/01/2020
Representations:	None

**PREVIOUS COUNCIL CONSIDERATION:**

A number of development approvals have been issued for the site, encompassing, amongst others, the construction of the Centerlink building on Boland Street, the establishment of Hogs Breath Cafe in the Vertical Retort building on Willis Street, extensions to the Horizontal Retort building for Port of Launceston offices.

Most recently:

DA0305/2019 - construction of multi-storey carpark and subdivision - withdrawn following THC refusal.

DA0306/2019 - construction of art gallery and restaurant, six storeys to a height of 23.74m in the gasometer structure.

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- 9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**
- 

## **STANDARDS REQUIRING COUNCIL DISCRETION**

- 15.4.1 Building height, setback and siting
- 15.4.11 Frontage and access
- E13.6.3 Lot size and dimensions and frontage
- E13.6.4 Site coverage
- E13.6.5 Height and bulk of buildings
- E13.6.6 Site of buildings and structure
- E13.6.8 Roof form and materials
- E13.6.9 Wall materials
- E2.5 Use Standards
- E2.6.1 Subdivision
- E2.6.2 Excavation
- E4.5.1 Existing road accesses and junctions

## **RECOMMENDATION:**

That Council, having recognised:

- that the development application, with the exception of matters relating to the Heritage Code satisfies the requirements of the Launceston Interim Planning Scheme 2015 and, that if modifications to bring the proposal into compliance with those code provisions could be made, the Council would grant a permit subject to the conditions set out in Attachment 3 - Proposed Future Permit Conditions (ECM Document Set ID No. 4866080); and
- that the Tasmanian Heritage Council has provided notice that the development application must be refused, pursuant section 39(6)(c) of the *Historic Cultural Heritage Act 1995* and the Council is, therefore, required to refuse the application pursuant to section 39(10) of that legislation.

determines in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and section 39(10) of the *Historic Cultural Heritage Act 1995* to refuse development application DA0679/2019 for Vehicle Parking - construction of a multi-storey carpark; and Subdivision - boundary adjustment and subdivision into three lots at 90-110 Cimitiere Street, 2, 4, 6, 8, 10 and 12 - 18 Willis Street and 8 and 10 Boland Street.

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**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

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**REPORT:**

**1. THE PROPOSAL**

It is proposed to subdivide the subject land such that 730m<sup>2</sup> would be taken from CT156397/0 and added to CT175929/2. The resulting 6,118m<sup>2</sup> lot would then be divided into three lots: Lot 1 of 2,248m<sup>2</sup> being the site of the proposed car park development; Lot 2 of 1,110m<sup>2</sup> being the site of the previously approved (DA0306/2019) gallery and restaurant redevelopment of the gasometer; and Lot 3 of 2,760m<sup>2</sup>, taking in the frontages of Willis and Cimitiere Streets, remaining for the time being as ground level car parking and a vacant section of the Horizontal Retort building.

The proposed car park, centrally located at the rear (western side) of the old gasworks site, is a concrete structure, providing 288 parking bays over seven levels, including roof parking, with a total height of 22.3m and a footprint on the site of some 1,668m<sup>2</sup> or 74.2%. Access to the car park is gained from Cimitiere and Willis Streets and two egresses are provided to Willis Street.

**BACKGROUND**

The current proposal is a modified version of DA0305/2019, previously refused by the Tasmanian Heritage Council (THC) largely on the grounds that its size and bulk represented an overdevelopment of the site and was not compatible with the historic cultural heritage significance of the site.

Following refusal by the THC, the application was withdrawn, by the applicant, prior to determination by the planning authority, who would have been bound, by section 39(10) of the *Historic Cultural Heritage Act 1995*, to refuse the granting of a permit. The applicant's withdrawal was to enable further analysis of what changes might be possible to the design and supporting arguments to address the stated concerns of the THC. Council Officers provided similar input to highlight potential issues surrounding scale, bulk and design that may benefit from further assessment.

The proponents have maintained that there is no scope for further reduction in the size and scale of the structure, as 288 parking bays is considered to be the minimum for the project to remain viable.

The current proposal (DA0679/2019) was submitted with the proposed car park structure being the same size and bulk, but with some detail changes to soften the visual impact from off-site. A heritage impact assessment (HIA) was also provided along with the applicant's submission to support the proposal.

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**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

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The new proposal was placed on public exhibition and no representations were received. The THC refused the revised proposal, having formed the view that:

*The application in its current form would introduce a building of a massing and form that will to an unacceptable degree detract from the historic cultural heritage values of the Launceston Gas Works complex, and the degree of impact is directly related to the height of the proposed building and its close proximity to two of the heritage buildings at the place. The Heritage Council also considers that the external treatment of the proposed building does not to a sufficient degree positively reflect the built character of the surrounding heritage structures.*

The THC further noted that they remained supportive and sympathetic to the redevelopment of the site, including the development of a car park facility, provided such redevelopment has regard to the reasons for refusal and any further advice provided in the pre-application process. Similarly, Council Officers have sought to discuss options and opportunities for sympathetic development with the proponent.

Notwithstanding the following assessment with regard to the provisions of the planning scheme, the planning authority is bound to refuse the proposal pursuant to the requirements of section 39(10) of the *Historic Cultural Heritage Act 1995*.

Draft conditions of approval are included in the Attachments for consideration in the event that a mediated solution is reached in further discussion between the parties.

## **2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject site is part of the heritage listed gasworks site. The site contains the framework of the gasometer, part of the Horizontal Retort building and a small disused workshop building on the Cimitiere Street frontage. The remainder of the site is currently used as a public and private car park administered by Care Park.

The site has a little over 100m frontage to Cimitiere Street and 50m frontage to Willis Street.

A recent proposal to redevelop the existing gasometer structure to provide a six level gallery and restaurant has been approved and its development is perhaps somewhat reliant upon the proposed subdivision of the site to provide a title of some 1,110m<sup>2</sup> for the gallery.

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**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

To the north and east of the proposed car park is the Horizontal Retort building currently used as the offices of the Port Authority and the Vertical Retort, currently housing a restaurant. To the north-west is the Centerlink and Medicare building. To the west are various businesses fronting Tamar Street and the Milledge complex of office and retail space. To the south, is the gallery site and further south, over Cimitiere Street, is the Albert Hall and the City Park.

Notwithstanding the existence of the City Park opposite, the site projects a commercial character whilst retaining the essence of the industrial feel of the old gasworks.

**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 proposed development of a seven level car park to provide 288 parking bays centrally within the developing university precinct and within reasonable walking distance of the city is considered to be consistent with the purpose of the Urban Mixed Use zone.

Specifically, the proposal satisfies the purpose statement at 15.1.1.1: *to provide for integration of residential, retail, community services and commercial activities in urban locations* and statement 15.1.1.4(b): *to create appropriate provision for car parking, pedestrian access and traffic circulation.*

The proponents submitted a traffic impact assessment (TIA), prepared by a suitably qualified person, Traffic and Civil Services, to demonstrate the appropriateness of the parking, access and traffic circulation.

Additionally, it is an established and accepted fact that, heritage values notwithstanding, the broader area is undergoing change in both its purpose and character, with the progressive move of the University of Tasmania - Launceston campus, from Newnham to the City site encompassing both the Inveresk and Willis Street sites.

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

Indeed, multiple developments have been undertaken, or proposed, within the surrounding area. For example, the Centerlink building in Boland Street; the Verge Hotel currently being constructed with Tamar and Cimitiere Street frontages; the Fragrance Hotel proposed for Tamar and Cimitiere Streets; the recently approved gallery and restaurant redevelopment of the gasometer; the adjoining office development of Mill Edge Lane; various approvals for apartment and office redevelopment at the Boland Street cottages site; and the anticipated development of several multi-storey university buildings on and around the Willis Street site. Arguably, there are under-utilised sites in Tamar Street, and adjoining the subject site that will, in time, come under further development pressure.

This range of development underway and proposed in the surrounding area, with its range of bulk, height and purpose, will undoubtedly change the dominant character of the area today and clearly highlights the potential of the current proposal to meet the likely demand for, and the zone purpose to provide, car parking.

**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.
<b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.
A1 Commercial vehicles must only operate between 6.00am and 10.00pm.
<b>Complies</b> No commercial vehicles are proposed outside the prescribed hours.

**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.
<b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.
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.
<b>Complies</b> There are no adjoining or immediately opposite sensitive uses. The proposed car park is open to the environment and will not include air conditioning, heating or the like. Mechanical plant for lift operation will not impact upon nearby sensitive uses.

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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.
<b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.
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.
<b>Complies</b> The site does not adjoin the zones listed at (a) and direct light from the proposed car park shall be contained on the site.

15.3.4 Noise level

Objective: To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.
<b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.
A1 Noise generated by a use on the site must: (a) not exceed a time average A-weighted sound pressure level (L <sub>aeq</sub> ) 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.
<b>Complies</b> The proposed use as a car park will generate traffic noises consistent with normal vehicular use and is unlikely to surpass the noise from the nature and volume of traffic using Cimitiere Street.

**15.4 Development Standards**

15.4.1 Building height, setback and siting

Objective: To ensure that building bulk and form, and siting: (a) is compatible with the streetscape and character of the surrounding area; (b) protects the amenity of adjoining lots; and (c) promotes and maintains high levels of public interaction and amenity.
<b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

<p>A1 Building height must be no greater than:</p> <ul style="list-style-type: none"> <li>(a) 12m; or</li> <li>(b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The proposed seven level car park building has a height of some 22.3m and relies upon the performance criteria.</p>
<p>P1 Building height must be compatible with the streetscape and character of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the height of buildings on the site, adjoining lots and adjacent lots;</li> <li>(c) the bulk and form of existing and proposed buildings;</li> <li>(d) the apparent height when viewed from roads and public places; and</li> <li>(e) any overshadowing of adjoining lots or public places.</li> </ul>
<p><b>Complies</b></p> <p>The building height is compatible with the streetscape and character of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site: The site is generally level, with a gentle fall to the north.</li> <li>(b) the height of buildings on the site, adjoining land and adjacent lots: The existing gasometer framework has a height of 20m and is proposed to be developed to a height of 23.73m. The adjoining lot to the north-east contains the Vertical Retort, with a height of 29m. Adjacent (nearby) sites include the Albert Hall at 23m and the Verge Hotel (under construction) also at 23m. Other tall buildings have been proposed in the surrounding area. The balance of the buildings in the area range between one and three storeys.</li> <li>(c) the bulk and form of existing and proposed buildings: A number of surrounding buildings present substantial bulk, including the Horizontal Retort on the adjoining site, the adjoining Vertical Retort, Centerlink and Milledge Land buildings. The Albert Hall presents a scale and bulk greater than the proposal whilst the Verge Hotel is similar in scale and bulk to the proposal.</li> <li>(d) the apparent height when viewed from roads and public places: The approved gasometer development is effectively on the Cimitiere Street frontage and presents as a tall structure now. Clearly, when constructed, the new car park building will be almost as tall as the proposed gallery and restaurant development, which when developed will obscure much of the view from Cimitiere Street. Given that view lines from roads and public places will be both distant and include other large buildings, the apparent height will not be out of place.</li> <li>(e) any overshadowing of adjoining lots or public places: The proposal is for a substantial building and as such it will cast a substantial shadow which will pass over the roof of the adjoining commercial premises fronting Tamar Street, the Milledge office building and the proposed gallery development of the gasometer. Its location centrally to this city block will mitigate overshadowing of public places.</li> </ul>

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

<p>A2 Setback from a frontage:</p> <ul style="list-style-type: none"> <li>(a) must be built to the frontage at ground level; or</li> <li>(b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.</li> </ul>
<p><b>Complies</b></p> <p>The primary frontage of Lot 1, the site proposed for the car park, is to Willis Street. As such, the frontage is considered to be the boundary with the lots in front that adjoin Willis Street.</p> <p>The adjoining lots have frontage setbacks that range between zero and some twenty metres.</p> <p>The proposed car park building is to be setback less than one metre from the title boundary with the Hogs Breath site, the historic CWS building. This setback is within the range prescribed by the acceptable solution.</p>
<p>A3 Setback from a side boundary:</p> <ul style="list-style-type: none"> <li>(a) must be built to the side boundaries at ground level; or</li> <li>(b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.</li> </ul>
<p><b>Complies</b></p> <p>The proposed car park building is to be setback some 2m from its southern side boundary and some 3m from its northern boundary. The adjoining gasometer is setback some 3.8m from its western boundary, whilst the Centerlink building on the adjoining lot to the north is built to its western boundary.</p> <p>The car park building, is thus proposed, within the prescribed range to satisfy the acceptable solution.</p>

15.4.2 Location of car parking

<p>Objective:</p> <p>To ensure that car parking:</p> <ul style="list-style-type: none"> <li>(a) does not detract from the streetscape; and</li> <li>(b) provides for vehicle and pedestrian safety.</li> </ul>
<p><b>Consistent</b></p> <p>The proposal complies with the applicable acceptable solutions or performance criteria.</p>
<p>A1 Car parking must be located:</p> <ul style="list-style-type: none"> <li>(a) within the building structure; or</li> <li>(b) behind the building.</li> </ul>
<p><b>Complies</b></p> <p>The proposal is for a multi-storey car park development and as such the car parking provided is within the building structure.</p>

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

15.4.3 Active ground floors

<p>Objective: To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.</p>
<p><b>Consistent</b> The proposal complies with the relevant acceptable solutions or performance criteria.</p>
<p>P1 New buildings must be designed to maximise interaction between the use of the building and pedestrians, having regard to:</p> <ul style="list-style-type: none"> <li>(a) an adequate level of glazing, openness and transparency on the ground floor facades to roads, malls, laneways or arcades;</li> <li>(b) the potential for security grills or screens to reduce the amenity of the building or reduce levels of interaction with the public;</li> <li>(c) screening or obscuring all mechanical plant or equipment such as air conditioning units or heat pumps so they are not recognisable or visible from ground level public view points; and</li> <li>(d) minimising the area of all blank walls, signage panels or blocked out windows on ground floor facades to roads, malls, laneways or arcades</li> </ul>
<p><b>Complies</b> The provision of active ground floors is not considered to be relevant to the development of a multi-storey car park, whose only intent is to enable people to leave their cars and interact with other premises and as such the interaction between the use of the building and pedestrians is acceptable.</p>

15.4.10 Lot size and dimensions

<p>Objective: To ensure:</p> <ul style="list-style-type: none"> <li>(a) the area and dimensions of lots are appropriate for the zone; and</li> <li>(b) adjoining land, especially residential zones, is protected from adverse impacts on amenity.</li> </ul>
<p><b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.</p>
<p>A1.1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) have a minimum area of no less than 100m<sup>2</sup>; and</li> <li>(b) be able to contain 5m diameter circle with the centre of the circle no more than 5m from the frontage; or</li> </ul> <p>A1.2 Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>(b) be required for the provision of public utilities; or</li> <li>(c) for the consolidation of a lot with another lot, provided each lot is within the same zone; and</li> </ul> <p>A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

<p><b>Complies</b> The proposed lots range between 1,110m<sup>2</sup> and 2,760m<sup>2</sup> and all can contain the requisite 5m diameter circle.</p>
<p>A2 Subdivision must not be located on the boundary of the General Residential or Inner Residential zones.</p>
<p><b>Complies</b> The site does not adjoin the specified zones.</p>

15.4.11 Frontage and access

<p>Objective: To ensure that lots: (a) provide appropriate frontage to a road; and (b) maintain laneway and rear access patterns; and (c) provide safe and appropriate access suitable for the intended use.</p>
<p><b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 5m.</p>
<p><b>Relies on Performance Criteria</b> Proposed Lot 1 has a frontage to Willis Street of only some 4m and relies upon performance criteria. Lots 2 and 3 both satisfy the requirements, as does the balance of CT156397/0.</p>
<p>P1 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right-of-carriageway, of no less than 3.6m width, having regard to: (a) the width of frontage proposed, if any; (b) whether any other land has a right-of-carriageway as its sole or principal means access over the frontage; (c) the number of immediately adjacent rights-of-carriageway; (d) the topography of the site; (e) the proposed use of the lot; (f) the construction and maintenance of the road; (g) the existing pattern of development in the surrounding area; (h) the functionality and usability of the frontage; (i) the anticipated nature of the vehicles likely to access the site; (j) the ability to manoeuvre vehicles on the site; (k) the existing pattern of laneways and rear accesses; and (l) the advice of the road authority.</p>
<p><b>Complies</b> Lot 1 has 4m frontage to Willis Street and a proposed right of way access of 5m to Cimitiere Street.</p>

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

A2 No acceptable solution.
<b>Relies on Performance Criteria</b>
P2 Each lot, or a lot proposed in a plan of subdivision, must be capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the character of the area; and (e) the advice of the road authority.
<b>Complies</b> Each proposed lot has reasonable vehicular access to its boundary or building area, having regard to the prescribed matters.

15.4.12 Discharge of stormwater

Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
<b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.
A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
<b>Complies</b> The site is within the combined service area and each lot will connect to the public stormwater system in accordance with the requirements of TasWater.

15.4.13 Water and sewerage services

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



**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

E2.0 Potentially Contaminated Land Code

E2.1 The purpose of this provision is to:

- (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

**Consistent**

A report has been provided by Mr Rod Cooper, an appropriately qualified person, from Environmental Service and Design to confirm that the proposed development will not adversely impact on human health or the environment.

E2.5 Use Standards

Objective:

To ensure that potentially contaminated land is suitable for the intended use.

**Consistent**

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

A1 The Director, or a person approved by the Director for the purpose of this Code:

- (a) certifies that the land is suitable for the intended use; or
- (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.

**Relies on Performance Criteria**

Although Mr Cooper, as a certified Site Contamination Specialist, is considered a suitably qualified person, the Director has not approved others for the purpose of this clause and performance criteria are relied upon.

P1 Land is suitable for the intended use, having regard to:

- (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or
- (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or
- (c) a plan to manage contamination and associated risk to human health or the environment that includes:
  - (i) an environmental site assessment;
  - (ii) any specific remediation and protection measures required to be implemented before any use commences; and
  - (iii) a statement that the land is suitable for the intended use.

**Complies**

The environmental site assessment, prepared by Mr Cooper, demonstrates that, subject to appropriate management measures, the site does not present a risk to human health or the environment. Were the proposal to be approved, a condition requiring compliance with Mr Cooper's recommendations is recommended.

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

**E2.6 Development Standards**

**E2.6.1 Subdivision**

<p>Objective: To ensure that subdivision of potentially contaminated land does not adversely impact on human health or the environment and is suitable for its intended use.</p>
<p><b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.</p>
<p>A1 For subdivision of land, the Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment, that will ensure the subdivision does not adversely impact on health or the environment and is suitable for its intended use.</p>
<p><b>Relies on Performance Criteria</b> Although Mr Cooper, as a certified Site Contamination Specialist, is considered a suitably qualified person, the Director has not approved others for the purpose of this clause and performance criteria are relied upon.</p>
<p>P1 Subdivision does not adversely impact on health and the environment and is suitable for its intended use, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use or development commences; and (iii) a statement that the land is suitable for the intended use or development.</p>
<p><b>Complies</b> The environmental site assessment, prepared by Mr Cooper, demonstrates that, subject to appropriate management measures, the site does not present a risk to human health or the environment. Were the proposal to be approved, a condition requiring compliance with Mr Cooper's recommendations is recommended.</p>

**E2.6.2 Excavation**

<p>Objective: To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.</p>
<p><b>Consistent</b> The proposal complies with the applicable acceptable solutions or performance criteria.</p>
<p>A1 No acceptable solution.</p>

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

<p><b>Relies on Performance Criteria</b></p> <p>P1 Excavation does not adversely impact on health and the environment, having regard to:</p> <ul style="list-style-type: none"> <li>(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or</li> <li>(b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or</li> <li>(c) a plan to manage contamination and associated risk to human health and the environment that includes:             <ul style="list-style-type: none"> <li>(i) an environmental site assessment;</li> <li>(ii) any specific remediation and protection measures required to be implemented before excavation commences; and</li> <li>(iii) a statement that the excavation does not adversely impact on human health or the environment.</li> </ul> </li> </ul>
<p><b>Complies</b></p> <p>The environmental site assessment, prepared by Mr Cooper, demonstrates that, subject to appropriate management measures, the site does not present a risk to human health or the environment. Were the proposal to be approved, a condition requiring compliance with Mr Cooper's recommendations is recommended.</p>

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

<p>E4.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> <li>(a) protect the safety and efficiency of the road and railway networks; and</li> <li>(b) reduce conflicts between sensitive uses and major roads and the rail network.</li> </ul>
<p><b>Consistent</b></p> <p>A traffic impact assessment, prepared by Mr Richard Burk, a suitably qualified person, of Traffic and Civil Services has demonstrated that the proposal protects the safety and efficiency of the road network.</p> <p>Appropriate conditions have been recommended by the Council's Traffic Engineer to reflect the suitable implementation of Mr Burk's recommendations.</p>

**E4.5 Use Standards**

**E4.5.1 Existing road accesses and junctions**

<p>Objective:</p> <p>To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.</p>
<p><b>Consistent</b></p> <p>The proposal complies with the applicable acceptable solutions or performance criteria.</p>
<p>A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

<p><b>Relies on Performance Criteria</b>                  The proposed car park seeks to provide 288 parking bays. Whilst the car park development itself will displace a number of parking spaces, it is anticipated that each of the three access points will experience an increase of more than forty vehicle movements per day. Performance criteria are relied upon.</p>
<p>P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature and efficiency of the access or the junction;</li> <li>(d) the nature and category of the road;</li> <li>(e) the speed limit and traffic flow of the road;</li> <li>(f) any alternative access to a road;</li> <li>(g) the need for the use;</li> <li>(h) any traffic impact assessment; and</li> <li>(i) any written advice received from the road authority.</li> </ul>
<p><b>Complies</b>                  The TIA, reviewed by the Council's Traffic Engineer, demonstrates that the anticipated increase in traffic at the applicable accesses will be safe and will not unreasonably impact on the efficiency of the roads.</p>

**E4.6 Development Standards**

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

<p><b>Objective:</b>                  To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>
<p><b>Consistent</b>                  The proposal complies with the applicable acceptable solutions or performance criteria.</p>
<p>A1 Sight distances at:</p> <ul style="list-style-type: none"> <li>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and</li> <li>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</li> </ul>
<p><b>Complies</b>                  Mr Burk's report has assessed the applicable sight distances to be compliant with the specified table.</p>

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

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

E6.1 The purpose of this provision is to:

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

**Consistent**

The proposal is for subdivision and the development of a multi storey carpark to the appropriate standards.

The purpose of the code is to ensure that appropriate levels of car parking are provided to service use and development. The purpose of the code and the proposal are consistent.

The individual standards of the code address the provision of car parking and the like for individual uses that require parking and are not considered to be applicable to the development of a multi-storey commercial car park.

**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.

**Not Consistent**

The assessment of the proposal with regard to the historic cultural heritage significance of the site and against the specifics of this code is a subjective matter, as evidenced by the refusal issued to both iterations of the proposal, by the THC, notwithstanding the assessment of its staff who found that, on balance, the proposal could be supported.

Similarly, the Council's Heritage Planner has reviewed the proposal and, on balance, found that the project could not be supported. The Council's Heritage Planner's report is included in the Attachments to this report.

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

Relevantly, section 7.5 of the Scheme states that a use or development must comply with each applicable standard in a zone or code. Compliance with the standard may be achieved through compliance with the acceptable solution or the performance criteria.

The issues raised by the Council's Heritage Planner, in the following assessment of the code standards, tend to mirror the THC reasoning for refusal and reinforce the need for the parties to further consider opportunities to modify the proposal to meet the Historic Cultural Heritage Code standards, particularly as the proposal is considered to satisfy all other relevant provisions of the Scheme.

**E13.6 Development Standards**

**E13.6.3 Lot size and dimensions and frontage**

<p>Objective: To ensure that subdivision does not impact on the historic cultural heritage significance of local heritage places and their settings.</p>
<p><b>Consistent</b> Notwithstanding the comments of the Council's Heritage Planner, it is not accepted that the subdivision of itself will detrimentally impact upon the historic cultural heritage significance of the local heritage place and its setting.</p> <p>The proposed subdivision seeks to provide, not only for the proposed car park, but also for the recently approved gallery and restaurant redevelopment of the gasometer structure. Arguably, at some point, a subdivision will be necessary if private funds are to be devoted to the gallery project which is seen as both compatible with the values and significance of the place as well as the values and purpose of the zone, the concept of heritage protection and the economic growth of the city and its tourism and hospitality industry.</p> <p>On the presumption that, until design issues with the proposed car park can be resolved to provide a structure compatible with the historic cultural heritage significance of its setting and place, the proposed car park will not achieve approval through the THC process, the subdivision is consistent with the objective.</p>
<p>A1 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p>
<p>P1 Subdivision must not unreasonably impact on the historic cultural heritage significance of local heritage places or their settings, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the cultural heritage values of the local heritage place and setting;</li> <li>(b) the historic development pattern of the area;</li> <li>(c) the separation of buildings or structures from their original setting;</li> <li>(d) the lot sizes, dimensions, frontage, access and orientation;</li> <li>(e) the suitability of the proposed lots for their intended uses; and</li> <li>(f) the removal of vegetation, significant trees or garden settings.</li> </ul>

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

**Complies**

The Council's Heritage Planner relevantly advises:

*Without any justification provided to support the need for subdivision, the subdivision proposed is considered to be detrimental in as far as it will further fragment the site and provide less secure parking for the uses established on the heritage site, as well as uses which are currently proposed and those which may be proposed in the future. Therefore, the subdivision proposed is considered to unreasonably impact on the historic cultural heritage significance of the local heritage place and its setting.*

However, this position is not supported. The proposed subdivision will not affect the security or availability of car parking on the site. It will, however, provide an opportunity for the gallery site to be sold to the prospective developer and thus facilitate its development.

If a multi-storey car park is developed on proposed Lot 1, it can be presumed that all issues concerning its potential adverse impact on historic cultural heritage values have been addressed. In this instance, it is not that the proposed lots are not suitable for their proposed use, rather the concern is that potentially, the proposed scale of the carpark is unsuitable for the available site. The site area available is constrained on three sides.

The historic development pattern of the area has seen only sporadic development over a relatively long period, with a notable increase in recent years, as seen through the Mill Edge development, the construction of the Centrelink building, refurbishment and extensions to many of the historic buildings on the gasworks site to facilitate their sustainable reuse rather than inevitable decline. In the slightly broader area, the Verge Hotel is under construction, the Terminus and Lawrence Hotels have been revitalised and the operation of the Boags Brewery has expanded.

The future development pattern of the area will see substantial development to facilitate the move of the University campus to the edge of the City.

These developments, past and future - including those on the gas works site - have brought and will bring about a definite change in the character of the area and this, without undue impact on the historic significance of the gas works site.

**E13.6.4 Site coverage**

**Objective:**

To ensure that site coverage is compatible with the historic cultural heritage significance of local heritage places.

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

<p><b>Not Consistent</b>                  The THC concluded that the proposed car park development introduced a building of a massing and form that would unreasonably detract from the historic cultural heritage values of the Gas Works complex and similarly, the Council's Heritage Planner concluded that the proposal was not compatible with those values.</p>
<p>A1 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p>
<p>P1 The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to:                  (a) the topography of the site;                  (b) the cultural heritage values of the local heritage place and setting;                  (c) the site coverage of buildings on sites in the surrounding area; and                  (d) the pattern of development in the surrounding area.</p>
<p><b>Does Not Comply</b>                  The Council's Heritage Planner advises:  <i>The pattern of development on the site will be altered by the proposal and thus, while the setback of the seven storey structure from the existing office building to the north-east is proposed to be around 1.5m, the increase in building coverage in this area of the Gasworks site is not considered to be compatible with the historic cultural heritage significance of the local heritage place. Refer also to assessment against clauses E13.6.6 for Siting of buildings.</i></p> <p>Notwithstanding these views, it is noted that the site historically contained substantially more developed structures than remain today and this suggests that further development of the site is clearly reasonable. The issue is, therefore, in the detail of the design and scale. Heritage Officers from both the Council and the THC are clearly open to further consideration of options to make a car park proposal compatible at this site.</p> <p>In anticipation of further negotiation to address these issues, the concerns of the Council's Heritage Planner are supported.</p>

**E13.6.5 Height and bulk of buildings**

<p><b>Objective:</b>                  To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p><b>Not Consistent</b>                  The height and bulk of the proposed car park building is specifically raised by the THC in their refusal of the proposal and is further raised by the Council's Heritage Planner.</p>



**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

<p>It is noted that whilst the height of the proposed building is in fact less than a number of buildings in the broader area and is indeed less than that of the Vertical Retort and the proposed redevelopment of the gasometer, however, when considered in the context of its overall bulk and articulation, it becomes more significant.</p> <p>Clearly a mitigating factor is the location of the proposed building centrally within the site and at least partially shielded from most view lines. It may be possible for additional articulation of the facades and roof parapet lines to contribute further to this mitigation.</p>
<p>A1 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p>
<p>P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the cultural heritage values of the local heritage place and setting;</li> <li>(b) the character and appearance of the existing building or place;</li> <li>(c) the height and bulk of other buildings in the surrounding area;</li> <li>(d) the historic cultural heritage significance of adjacent places; and</li> <li>(e) the streetscape.</li> </ul>
<p><b>Does Not Comply</b></p>
<p>The Council's Heritage Planner advises:</p> <p><i>The proposed building has a maximum height of 22.3m and a general wall height of approximately 19m. Height is not a stand-alone factor in the assessment of any proposal as the impacts of height will always be different, depending on the bulk and form of the building, the setbacks from other elements, any stepping of the form, the articulation of facades and roofs, and the character and importance of the site and surrounding context. Whilst the height proposed for the subject car park is not taller than the Gasometer frame, nor the Vertical Retort building, it is higher than all of the other structures in the area and the impact of its height will be much greater as it is a large cubic form with very little articulation to soften its visual impact on the site and the surrounding area. Any articulation of facades is also bold and often angular and appears to be in conflict with the pattern of architecture in this heritage context.</i></p> <p><i>Throughout the documents submitted the height and size of the building is only ever justified by the need to provide a particular number of car spaces for the commercial viability of the project and at no point is this further justified with any financial argument.</i></p> <p><i>Throughout the HIA and the planning report the scale of the structure and its impact on the heritage significance of the site is described as being diminished due to its location behind the Gasometer frame and away from surrounding streets. Some consideration is also given to the detailing of the façades of the building, but this is described at one point as providing a 'neutral backdrop to heritage buildings' (p.10) and at others as having a 'high level of articulation' and materials that are not commonly found on a building of this nature' (p.11).</i></p>

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

*There is no other justification provided as to why or how a building of this scale is a positive solution for this site and the statements provided (as described above) are not considered to be adequate to make a convincing argument.*

*Possibly the most neglected façades in regard to design and discussion in the reports provided is that to the south-western boundary which will be highly visible above adjoining development on Tamar Street and the north-eastern wall which is to face the structure described as the Carburetted Water Gas building.*

*Views down William Street and also some views from Tamar Street will be affected by the appearance of the south-western side of the building. This elevation lies on the boundary line and is likely to have been left blank as it would be required to be fire rated in this location, however, this requirement does not soften the impacts of this large wall on these views and this appears not to have been given consideration in the design of the building. The wall is proposed as sheer concrete panels with a vertical orientation which bears no relationship to surrounding building forms or other features, and no other articulation is proposed to soften impacts of such a structure which is clearly out of scale with the development to Tamar Street which adjoins the site.*

*It is acknowledged that the revised photomontages demonstrating the likely views down William Street show the south-western boundary wall having a lesser impact than those available when considering the previous application, due to the presence of tree foliage in summer, however, there are a number of view lines and fields in which this wall will not be obscured or recede sufficiently to be considered as an acceptable new building form in its heritage context.*

*The report dismisses the relevance of views from the west as neighbouring development may obscure these views in the future and therefore only appears to allow for views from Willis and Cimitiere Streets, which will, of course, also be affected. The following statement being made as part of the Introduction to the Planning Submission (p. 3 of 29) the 'adjoining non heritage listed property on Tamar Street that is prime for development of a six storey building or building exceeding 12m in height will prevent any view from William Street in the very near future'.*

*It is acknowledged that there is potential for future development to alter the views from the west and south-west, but this is not the case regarding views within the site to the panels which are intended to front the existing building to the north-east, and in the meantime it would be possible and highly desirable to deal with these walls in a more sensitive and contextual way. This advice was provided to the applicant on a number of occasions and yet the design has remained largely the same as the original proposal.*

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

*The overall scale and form of the proposed building, when placed in such close proximity to significantly lower buildings and significant structures with softer roof forms and finer detailing, are considered to have a detrimental impact on the heritage character and historic values of the former Gasworks site and the larger industrial waterfront area of the city, as well as views from City Park and more distant viewpoints.*

*Therefore, the proposal is not considered to be compatible with the historic cultural heritage significance of the local heritage place or its setting. This assessment is also relevant to the consideration of the performance criteria for clause 15.4.1 of the Urban Mixed Use zone, dealing with Building height, setback and siting.*

Clearly, from the above discussion, there is scope to mitigate the potential impact of the proposed building on the adjoining buildings and the historic cultural heritage setting. Whilst, perhaps the first preference is for the building structure to be smaller and further setback from the existing heritage buildings, the opportunity exists for further design treatment to significantly address the desired outcome, particularly if matched with some reduction in physical bulk.

In anticipation of further negotiation to address these issues, the concerns of the Council's Heritage Planner are supported.

**E13.6.6 Site of buildings and structure**

**Objective:**

To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

**Not Consistent**

The THC has specifically raised the proximity and scale of the proposed car park in relation to adjoining heritage buildings in its grounds of refusal and the following discussion from the Council's Heritage Planner emphasises this.

Whilst the project may indeed have started from a requirement to provide a specified number of car parking spaces, further attention to the detail of siting and outward appearance remains necessary.

A1 No acceptable solution.

**Relies on Performance Criteria**

P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the topography of the site;
- (c) the size, shape, and orientation of the lot;
- (d) the setbacks of other buildings in the surrounding area;
- (e) the historic cultural heritage significance of adjacent places; and
- (f) the streetscape.

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

**Does Not Comply**

The Council's Heritage Planner has advised:

*As discussed in reference to height and bulk, the proposed structure has a zero setback to the south-west and while the setback may be acceptable, the proposed height and the lack of consideration of the visual impacts of this from significant views outside of the site, in combination with this zero setback, are not considered to be acceptable.*

*As noted in regard to E13.6.3, the only discussion included in the HIA in regard to setbacks is the following:*

*'Whilst it would be preferable to see a greater amount of separation, the capacity of the carpark would be compromised with any further reductions to the building envelope' (p. 22).*

*This refers to the separation between the wall of the car park and the building to the north-east which appears to be approximately 1.5m. It is agreed that this should be greater. 1.5m is not considered to be adequate when the proposed wall is approximately 19m high and around 40m long and is to be built alongside window openings. This distance will not allow the existing building to be seen or for the historic layout of the site to be read.*

*The setback from the Gasometer frame is larger, but is also not dimensioned. It appears to be around 7-8m and while this is somewhat less invasive than the above situation in regard to the heritage values and reading of the site, the new building is to lie to the north of the Gasometer and it is not considered to be entirely appropriate to develop a new 19-21.5m car park structure such that it will overshadow the bulk of this development site for over half of the day. Generally it is evident from plans, and it is clearly stated in the planning report provided, that the proposed building has resulted from an 'inside out' design process, which has been based on the provision of a particular number of parking spaces, rather than consideration of the heritage values of the site, or other needs of the uses on the larger site. It is in this context that I propose that the siting of the proposed building is not considered to be compatible with the historic cultural heritage significance of the local heritage place and its setting.*

In anticipation of further negotiation to address these issues, the concerns of the Council's Heritage Planner are supported.

**E13.6.7 Fences**

Objective:

To ensure that fences are compatible with the historic cultural heritage significance of local heritage places and their setting.

**Consistent**

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

E13.6.8 Roof form and materials

Objective:

To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.

**Not Consistent**

Given that the proposal is for a multi-storey car park with seven levels of parking, it could be argued that the building does not actually have a roof. The proposal has included effectively a parapet wall to represent a roof line. It is likely that more attention to the detail of this may enable the building to present a roof form compatible with the historic cultural heritage values of the site.

A1 No acceptable solution.

**Relies on Performance Criteria**

P1 Roof form and materials are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the design, period of construction and materials of the dominant building on the site;
- (c) the dominant roofing style and materials in the setting; and
- (d) the streetscape.

**Does Not Comply**

The Council's Heritage Planner has advised:

*The HIA does not clearly address the specific elements of the performance criteria, but does state that 'In lieu of a roof form, the facade of the building will be read as a simple box form that will sit recessively behind the heritage structures'. This will be true from some view points, but while a simple form may sometimes be able to be considered as recessive and appropriate on a site of heritage significance such as this, the form proposed is not at all common in this area and the scale of this form cannot be considered to recede from site or many streetscape views.*

*It is acknowledged that the features described as an 'abstract interpretation of the gable roof ends' will have some softening effect on the form of the building, but these do not extend beyond the line of the roof.*

*The mesh screens now applied to parts of the upper floor may have a more significant softening effect, but will not lower the perceived height of the building or reduce the contrasting cubic nature of the form.*

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

*It is stated that 'The roof form of the proposed carpark at level 6 comprises 43 parking spaces, this will not be seen due to the parapet walls which extend above the finished top floor level of the Carpark'. However, as evidenced by the aerial views shown on the shadow diagrams provided, these spaces will be seen from many vantage points around the city and the actual view (at least from the hillside to the south) will not be of a roof form, but of a variety of motor vehicles in random patterns on the concrete rooftop parking level, and an area of mechanical plant. At the scale proposed, this roof form is not considered to be compatible with the historic cultural heritage significance of the local heritage place and its setting.*

Based on the above comments, it is likely that relatively minor changes could be made to significantly improve the impact of the proposed carpark in terms of this standard. In anticipation of further negotiation to address these issues, the concerns of the Council's Heritage Planner are supported.

**E13.6.9 Wall materials**

**Objective:**

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

**Not Consistent**

Structures such as the proposed car park are frequently constructed using large sections of pre-cast concrete. Visually, this type of construction will always struggle to demonstrate compatibility with historic cultural heritage values. However, more attention to the presentation of the final product, to avoid the vista of stark concrete walls, could reasonably bring the proposal into line with current expectations of compatibility with the existing built environment of the heritage place.

A1 No acceptable solution.

**Relies on Performance Criteria**

P1 Wall material for buildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the design, period of construction and materials of the dominant building on the site;
- (c) the dominant wall materials in the setting; and
- (d) the streetscape.

**Does Not Comply**

The Council's Heritage Planner advises:

*The dominant wall material proposed is concrete which is to be configured in large panels which bear little to no relationship to the traditional forms, patterns or materials on the site or in the surrounding area.*

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

*The steel detailing which is now proposed to be in shades of red and grey which tie in with the colour of the red brick on the site, and which also relate to the current colour of the remaining steel gasometer frame should assist the building in fitting in with the surrounding buildings and forms, the superficial application of these fine elements alone are not considered to be enough to affect the overall impact of what is effectively a large cubic form.*

*While the building is of the scale currently proposed here, the grey concrete panels selected for use here, in the configuration proposed are not considered to be compatible with the historic cultural heritage significance of the local heritage place or its setting.*

It is apparent that the treatment of wall materials could reasonably be addressed through negotiation and condition. In anticipation of further negotiation to address these issues, the concerns of the Council's Heritage Planner are supported.

**E13.6.11 Driveways and parking**

<p><b>Objective:</b> To ensure that driveways and parking are compatible with the historic heritage significance of local heritage places and their settings.</p>
<p><b>Consistent</b> Access is provided via the existing access ways and will not impact upon the historic cultural heritage significance of the place or setting. Car parking will be retained within the structure.</p>
<p>A1 Car parking areas for non-residential purposes must be located behind the primary buildings on the site.</p>
<p><b>Complies</b> Parking is located completely within the proposed building.</p>
<p>The subdivision component of the application does not include car parking.</p>

- 9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots  
...(Cont'd)

## 4. REFERRALS

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	The Council's Heritage Planner has provided advice, consistent with the Tasmanian Heritage Council, recommending that the multi-storey car park cannot be currently supported and that further discussion and negotiation be entered into.
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2019/01789-LCC, 06/12/2019.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	The Tasmanian Heritage Council has provided a Notice of Decision refusing the proposal. The Planning Authority is thus required by section 39(10) of the <i>Historic Cultural Heritage Act 1995</i> to refuse the proposal.
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 December to 23 December 2019. No representations were received.

## 6. CONCLUSION

Subject to further negotiation between the various parties and amendment to address the relevant historic cultural heritage concerns, it is considered that the proposal could comply with the Scheme and be approved with conditions.



**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**

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However, the proposal has not adequately addressed the Local Historic Cultural Heritage Code of the planning scheme or the concerns of the THC and must be refused.

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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- 9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots ... (Cont'd)**
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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - Cimitiere, Willis and Boland Street Multi-Storey Car Park (*electronically distributed*)
  2. Plans and Reports (future endorsement) - Cimitiere, Willis and Boland Street Multi-Storey Car Park (*electronically distributed*)
  3. Proposed Future Permit Conditions - Cimitiere, Willis and Boland Street Multi-Storey Car Park (*electronically distributed*)
  4. Heritage Planner Report - Cimitiere, Willis and Boland Street Multi-Storey Car Park (*electronically distributed*)
  5. TasWater SPAN - Cimitiere, Willis and Boland Street Multi-Storey Car Park (*electronically distributed*)
  6. THC Notice of Decision - Cimitiere, Willis and Boland Street Multi-Storey Car Park (*electronically distributed*)
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**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe****FILE NO:** DA0368/2019**AUTHOR:** Iain More (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Layton Design
Property:	108-112 High Street, Newstead
Zoning:	General Residential
Receipt Date:	30/07/2019
Validity Date:	18/11/2019
Further Information Request:	06/08/2019
Further Information Received:	11/11/2019
Deemed Approval:	23/01/2020
Representations:	Nine

**PREVIOUS COUNCIL CONSIDERATION:**

DA0431/2017 - Food services - cafe; placement of a shipping container and part change of use

The original application gained approval at a Council Meeting on 18 December 2017. The approval contained an array of conditions to be met prior to the use commencing. These included the provision and upgrade of car parking spaces, installation of screens and bollards and directional signage to allow for safe access.

**STANDARDS REQUIRING COUNCIL DISCRETION**

10.3.5 Commercial vehicle parking  
E6.5.1 Car parking numbers  
E6.5.2 Bicycle parking numbers  
E6.6.2 Design and layout of parking areas

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**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

**RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, DA0368/2019 - Food Services - relocation of shipping container café at 108-112 High Street, Newstead be refused on the following grounds:

That the proposal does not meet the performance criteria for the following standards:

*E6.5.1 Car Parking Numbers - Performance Criteria P1.1 & P2*

The proposal has provided insufficient car parking spaces for the needs of the use.

*E6.6.2 Design and Layout of Parking Areas - Performance Criteria P1*

The redesigned car park, including the two additional car parking spaces do not meet the relevant design standards, and their locations will result in an inconvenient, unsafe, and inefficient parking area.

**REPORT:**

**1. THE PROPOSAL**

The proposal is to move an approved café from one section of a site to another. In particular, the shipping container café is currently within an undercover awning in the centre of the site, facing High Street. The proposal will remove the container from this location north, into a building that was previously used for parking. As a result, the application proposes a change to the outdoor car parking arrangements, including the creation of two new spaces.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

Address	108-112 High Street, Newstead
Zone	General Residential
Size	2,122m <sup>2</sup>
Access	Existing access with two crossovers utilised in a drive in, drive out capacity
Shape	Irregular rectangle
Slope	Flat for a small portion fronting High Street, with a steep drop then occurring facing west, and a steep downward slope from east to west
Connection to services	Connected to all reticulated services
Surrounding land	Residential uses

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

The site was originally utilised as a service station, but now contains a single building with multiple tenancies, as follows:

- two dwellings on the lower floors;
- florist (General Retail and Hire);
- computer shop (General Retail and Hire); and
- café.

It is proposed to rearrange the car parking to allow for two more spaces.

**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

10.0 General Residential Zone

<p>10.1.1 Zone Purpose Statements</p> <p>10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</p> <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</p> <p>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</p> <p>10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.</p>
<p><b>Consistent</b></p> <p>The relevant zone purpose statements are listed below:</p> <ul style="list-style-type: none"> <li>• 10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community; and</li> <li>• 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.</li> </ul> <p>A café in its current location serves the local community and is compliant with 10.1.1.2. It can further be considered that as an existing use, it will maintain its current compatibility to surrounding residential amenity, complying with 10.1.1.3.</p>

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

**10.3 Use Standards**

10.3.1 Hours of operation

Objective: To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.
<b>Consistent</b>
A1 Commercial vehicles must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.
<b>Complies</b> Hours of operation are Monday to Friday 6.00am - 12.30pm and Saturday 7.00am - 12.30pm. Notwithstanding, commercial vehicles will be able to deliver goods between 7.00am - 7.00pm Monday to Friday and 8.00am - 6.00pm Saturday.

10.3.2 Mechanical plant and equipment

Objective: To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.
<b>Consistent</b>
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.
<b>Complies</b> No external mechanical plant or equipment is proposed. The cafe will utilise refrigeration units that will be insulated and baffled, reducing noise outside of the subject site. The building in which the cafe will operate does contain an open fire, however, appropriate approvals for the fire would reduce any potential smoke pollution it may cause.

10.3.3 Light spill and illumination

Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.
<b>Consistent</b>
A1 The use must: (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the Inner Residential, Low Density Residential, Urban Mixed Use and Village zones; and (b) contain direct light from external light sources within the boundaries of the site.
<b>Complies</b> No permanent or fixed floodlighting is proposed as part of this application.

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

10.3.4 External storage of goods

Objective: To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.
<b>Consistent</b>
A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.
<b>Complies</b> No goods, materials, or waste, will be visible from any road or public open space adjoining the site.

10.3.5 Commercial vehicle parking

Objective: To ensure that parking of commercial vehicles does not detract from the amenity of the area.
<b>Consistent</b> Consistency with the objective has been achieved as the proposal ensures that parking of commercial vehicles does not detract from the amenity of the area.
A1 Commercial vehicles must be parked within the boundary of the site.
<b>Relies on Performance Criteria</b> No parking space has been designated for any commercial vehicle associated with the use on site. As such, reliance on the performance criteria is required.
P1 Parking of commercial vehicles must not detract from the amenity of the area, having regard to: (a) the number and type of vehicles; (b) the frequency and length of stay; (c) the location of offsite parking; and (d) the availability of offsite parking in the area.
<b>Complies</b> The use will utilise a single commercial vehicle being a delivery truck that will operate approximately three times a week between the hours of 10.00am and 11.00am. This is during normal working hours and the truck would be required to park within on-street car parking spaces to make its deliveries. The proposal, therefore, complies with the performance criteria.

**E2.6 Development Standards**

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to: (a) protect the safety and efficiency of the road and railway networks; and (b) reduce conflicts between sensitive uses and major roads and the rail network.
<b>Consistent</b> Consistency with the code purpose has been achieved as the proposal maintains road efficiency.

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

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.
<b>Consistent</b>
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.
<b>Complies</b> As there is no available car parking on site for customers, and only one car park spaces for employees, any increase in traffic to the existing accesses will be less than 40 vehicle movements per day.

**E4.6 Development Standards**

E4.6.2 Road accesses and junctions

Objective: To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.
<b>Consistent</b>
A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.
<b>Complies</b> No new accesses are proposed.
A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.
<b>Complies</b> Two access points to the site already exist, allowing for separate entry and exit.

E6.0 Parking and Sustainable Transport Code

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



**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

**Not Consistent**  
 The purpose of the code has not been met as appropriate car parking has not been provided to meet the needs of the use.

**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.

**Not Consistent**  
 An appropriate level of car parking has not been provided and as such the proposal is unable to meet the objective.

**A1 The number of car parking spaces must:**  
 (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or  
 (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or  
 (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or  
 (d) be in accordance with an acceptable solution contained within a parking precinct plan.

**Relies on Performance Criteria**

The site currently contains seven car parking spaces. The proposed site plan illustrates seven car parking spaces. The following provides information on the current uses and their car parking requirements under the current provisions:

Two dwellings:  
 Required: one space per dwelling - two spaces required

Florist (General Retail and Hire):  
 Size: 60m<sup>2</sup>  
 Required: one space per 30m<sup>2</sup> gross floor area - two spaces required

Computer Shop (General Retail and Hire):  
 Size: 46m<sup>2</sup>  
 Required: one space per 30m<sup>2</sup> gross floor area - two spaces required

Café (Food Services):  
 Size: 14m<sup>2</sup> (currently)  
 Required: one space per 15m<sup>2</sup> gross floor area - one space required (currently)

The site currently contains seven car parking spaces. Two of these spaces are located in the northern building, the location of which the café currently operates.

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

As the shipping container has now moved into this building, the gross floor area of the use can no longer be considered to be contained solely within the shipping container, and the gross floor area of the building must be taken into consideration when determining car parking spaces. The applicant has argued that the relocation is purely to allow for customers an undercover area whilst waiting for their order, however, it must be considered gross floor area as per its definition as users of the business will be entering the building and will have the opportunities to drink coffee on the premises which may result in customers remaining on site longer.

Therefore, as the gross floor area of the use is now 75m<sup>2</sup>, the proposed change in location and subsequent increase in gross floor area results in the use requiring five car parking spaces. The application is, therefore, four spaces short of the requirements and reliance on the performance criteria is sought.

P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:

- (a) the availability of off-road public car parking spaces within reasonable walking distance;
- (b) the ability of multiple users to share spaces because of:
  - (i) variations in car parking demand over time; or
  - (ii) efficiencies gained by consolidation of car parking spaces;
- (c) the availability and frequency of public transport within reasonable walking distance of the site;
- (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;
- (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;
- (f) an assessment of the actual car parking demand determined in light of the nature of the use and development;
- (g) the effect on streetscape; and
- (h) the recommendations of any traffic impact assessment prepared for the proposal; or

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

- (a) the intensity of the use and car parking required;
- (b) the size of the dwelling and the number of bedrooms; and
- (c) the pattern of parking in the locality; or

P1.3 The number of car parking spaces complies with any relevant parking precinct plan.

### 9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)

#### Does Not Comply

An assessment of the proposal against the performance criteria is below:

**(a) the availability of off-road public car parking spaces within reasonable walking distance;**

There are no available off-road public car parking spaces. All users of the business will be required to either park on site or on-street, noting that only one available car parking space is available on site.

**(b) the ability of multiple users to share spaces because of:**

**(i) variations in car parking demand over time; or**

**(ii) efficiencies gained by consolidation of car parking spaces;**

Due to the multiple tenancy nature of the site, and the fact that the existing tenancies have existing car parking spaces dedicated for their use, there is no ability for users to share spaces on site.

**(c) the availability and frequency of public transport within reasonable walking distance of the site;**

The proposal is for a takeaway coffee shop. The applicant has stated that no tables or chairs will be available for patrons. As such, it is not considered to be a use that would attract customers as a destination and is more likely to attract customers who are passing traffic and customers would, therefore, generally not utilise public transport to attend to the business.

**(d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;**

The site is constrained in its ability to provide onsite car parking due to the developed nature and existing tenancies.

**(e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;**

**(f) an assessment of the actual car parking demand determined in light of the nature of the use and development;**

Sections (e) and (f) have been assessed together.

The site is located along High Street, which contains free public on-street car parking on both sides of the street. There is no available parking along High Street south of the subject site within a reasonable walking distance. Parking is available for approximately 90m north on the western side of High Street, with approximately 12 spaces located on this side. A further two spaces are located directly outside of the subject site. Opposite the site on the eastern side of High Street are six spaces. There are also a further seven spaces located on High Street Service Road, north of the subject site, for a distance of 100m. As such, within a 100m north of the subject site, there are approximately 21 car parking spaces.

However, whilst these are the spaces within a reasonable walking distance, their availability is not always guaranteed, especially during peak times of 6.00am - 8.00am.

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

The application is in a unique position to assess car parking impact due to this being a retrospective application and the business operating in its current location without approval for quite a while.

A major concern of this use and its parking operation is patrons parking on the thoroughfare and public footpath outside of the subject site. This has been documented and provides a key perspective of how patrons to the business act in terms of parking. Because of the wide footpath and the poor delineation between the public and private property, people are parking on the footpath and most of the available private property. As such, there is regular conflict between cars and pedestrians. This is particularly concerning during peak operating times, as it has the potential to cause a major safety issue for pedestrians either needing to walk on the road to circumvent the cars, or vehicles who are attempting to park within their designated spaces.

As part of this application, the applicant has stated that no parking will occur within the thoroughfare or footpath, noting that this was a condition of the previous approval which has not been complied with.

If a permit were to be conditioned stating no parking is to occur and this condition was followed, it is still considered that the application is unable to comply with (e) and (f). From the existing situation it is clear that car parking demand during peak times is high, this is evident from patrons parking on the footpath and thoroughfare. However, the applicant provided no information regarding on-street parking availability. A review regarding availability has been established under (a), demonstrating 21 car parking spaces. Notwithstanding, the majority of these spaces appear to be full during peak times, with two of three spaces available at any one time. This could potentially be due to the residences located along High Street having restricted off-street car parking, and often require visitors to park on-street. Furthermore, considering the busy nature of High Street, and the lack of safe crossings, the 13 spaces on the eastern side of the street could be considered too unsafe to use at busy times.

Therefore, it is considered that the lack of on-street car parking availability, the nature of the road, safety concerns, and car parking demand, that the proposal is unable to be supported, as it does not providing parking that meets the reasonable needs of the use.

**(g) the effect on streetscape; and**

Additional cars parking on the street is an expected result of a business operating.

**(h) the recommendations of any traffic impact assessment prepared for the proposal;**

No traffic report was provided.

As discussed above, it is considered that the proposal has not provided sufficient car parking to meet the reasonable needs of the use. There is limited availability without vehicles parking illegally during peak times, and safety concerns, especially considering the busy nature of High Street.

The proposal does not meet the performance criteria.

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

**E6.5.2 Bicycle Parking Numbers**

<p><b>Objective:</b> To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p><b>Consistent</b> Consistency with the objective has been achieved.</p>
<p>A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.</p>
<p><b>Relies on Performance Criteria</b> Table E6.1 requires that one bicycle space is required for every 75m<sup>2</sup> of gross floor area. Whilst one space is required, it has not been provided and reliance on the performance criteria is required.</p>
<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to: (a) the likely number and characteristics of users of the site and their opportunities and likely need to travel by bicycle; (b) the location of the site and the likely distance a cyclist needs to travel to reach the site; and (c) the availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<p><b>Complies</b> There are no available formal bicycle spaces within 50m of the site. However, there is ample room within the cafe building for bicycles to be stored, complying with the performance criteria.</p>

**E6.6 Development Standards**

**E6.6.1 Construction of parking areas**

<p><b>Objective:</b> To ensure that parking areas are constructed to an appropriate standard.</p>
<p><b>Consistent</b></p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must: (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.</p>
<p><b>Complies</b> The proposal will result in one additional car parking space to be created in the area the shipping container once was. The space will be flat, formed and paved able to drain to the stormwater system, and able to be line marked.</p>

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

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.

**Not Consistent**

The objective has not been achieved as the location and dimensions of the space result in an unusable space.

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

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

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

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

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

**Relies on Performance Criteria**

The site is existing with an existing thoroughfare that allows for vehicles to enter and exit the site in a forward direction. However, the proposal has redesigned the parking bays to allow for a parking space for the café use in the location where the shipping container once was, and a new space for the flower shop.

Both spaces are parallel, and measure 5.2m x 2.4m, with more than 2.1m clearance. However, under table E6.3 their dimensions are required to be 6.7m x 2.3m. As such reliance on the performance criteria is required.

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.

9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)

**Does Not Comply**

The proposed car parking spaces do not meet the Australian Standard for off road car parking. Both have a shortfall in length of 1.5m. Furthermore, their locations restrict access to each car park, in that if all car parking spaces are full, they will either be inaccessible, or unable to leave their space until another vehicle has moved. The following image illustrates this concern:

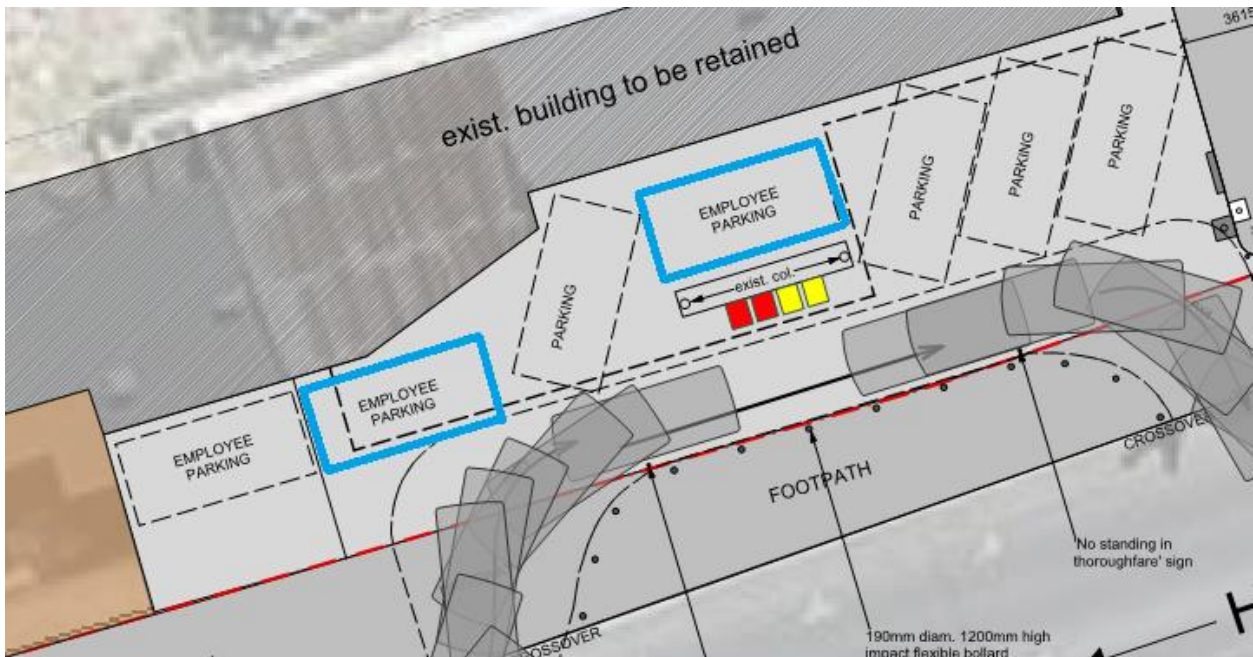


Figure 1 - Location of car parking spaces

Further, due to the established nature of the site the required circulation and internal access width, being 3m, is unachievable for both car parking spaces. Therefore, the design of the new parking spaces and their access is inconvenient, unsafe, and inefficient. The proposal does not meet the performance criteria.

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	N/A
Environmental Health	N/A
Heritage/Urban Design	N/A
Building and Plumbing	N/A

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

REFERRAL	COMMENTS
<b>EXTERNAL</b>	
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 23 November to 9 December 2019. 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><b>Issue 1:</b>  <b>There are 14 other purpose built coffee outlets less than 1.5km from the current operation.</b></p>
<p><b>Response 1:</b>  <i>The scheme does not consider the location of other similar businesses within proximity to the proposed use. The proposal must be assessed on use and development provisions of the scheme.</i></p>
<p><b>Issue 2:</b>  <b>There is insufficient off-street parking to cater for the needs of the use. The application states it is not a drive through, however, currently operates as one, with customers of the business parking in the thoroughfare.</b></p>
<p><b>Response 2:</b>  <i>An assessment of the application has determined that there is insufficient off-street parking and has been recommended for refusal. The Council is aware how the current use operates, which is in violation of its previous approval.</i></p>
<p><b>Issue 3:</b>  <b>The location of the shipping container, being within a structure that was not purpose built for such a use causes an issue, as it does not contain doors that close.</b></p>
<p><b>Response 3:</b>  <i>The Council has been advised that the building may be required to be upgraded through a building application. This, however, is not a planning consideration.</i></p>



9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)

<p><b>Issue 4:</b>  <b>Considerable noise is generated from the use, including people conversing, phone conversations, animals, coffee machine operation, delivery trucks and music from the shop.</b></p>
<p><b>Response 4:</b>  <i>The scheme provisions do not strictly address noise under the General Residential Zone. However, the business would be subject to the provisions of the Environmental Management and Pollution Control Act 1994.</i></p>
<p><b>Issue 5:</b>  <b>The operating hours proposed are not the current operating hours of the business.</b></p>
<p><b>Response 5:</b>  <i>The assessment is only against the hours proposed.</i></p>
<p><b>Issue 6:</b>  <b>Waste is left on the street from the use operating.</b></p>
<p><b>Response 6:</b>  <i>The planning scheme cannot monitor waste that is left outside of the site.</i></p>
<p><b>Issue 7:</b>  <b>The use takes up on-street car parking spaces, leaving none for the surrounding residences.</b></p>
<p><b>Response 7:</b>  <i>As the parking on the street is not designated for private residential use, on-street car parking can be utilised by any member of the general public.</i></p>
<p><b>Issue 8:</b>  <b>The use has resulted in an increase in vehicular movements along Hobart Road causing potential safety concerns, congestion and reduced traffic flow.</b></p>
<p><b>Response 8:</b>  <i>A new business is always bound to cause an increase in traffic. However, due to the nature of High Street being a main road connecting Launceston to Newstead, Kings Meadows, and beyond, it has the capacity to accommodate more traffic. It was also noted, however, that many of the customers of the businesses utilise High Street on their way to work.</i></p>
<p><b>Issue 9:</b>  <b>The use currently operates differently to what is proposed. This includes where vehicles park, how customers attend the premises and hours of operation.</b></p>
<p><b>Response 9:</b>  <i>The business had a previous approval to operate, although noting that the current application is for a retrospective approval for its current site. If it were to be approved it would need to operate in accordance with any new permit.</i></p>

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

<p><b>Issue 10:</b>  <b>The proposal states no trucks deliver items to the business, however, delivery trucks do visit the site, parking on the access into the building, not in designated parking bays.</b></p>
<p><b>Response 10:</b>  <i>This appears to be a mistake, as the application also states that a delivery truck will visit the site.</i></p>
<p><b>Issue 11:</b>  <b>It is the incorrect use in this area, especially being so close to residential uses.</b></p>
<p><b>Response 11:</b>  <i>The use is a permissible use within the zone, and an applicant is able to make an application for this use.</i></p>
<p><b>Issue 12:</b>  <b>The conditions of the original permit have not been met.</b></p>
<p><b>Response 12:</b>  <i>The Council acknowledges this, and the Council's Compliance team are working with the owner to rectify outstanding conditions.</i></p>
<p><b>Issue 13:</b>  <b>There are already three approved businesses in this location, yet the site is so small it cannot accommodate all of them easily.</b></p>
<p><b>Response 13:</b>  <i>This has been noted in the assessment of the car parking.</i></p>

**6. CONCLUSION**

It is considered that the proposal does not comply with the Scheme and should be refused.

**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.

**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe ...(Cont'd)**

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**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - 108-112 High Street, Newstead (*electronically distributed*)
  2. Plans to be Endorsed - 108-112 High Street, Newstead (*electronically distributed*)
  3. Representations - 108-112 High Street, Newstead (*electronically distributed*)
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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding****FILE NO:** DA0549/2018**AUTHOR:** Brian White (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Bruce Elvyn Jessup
Property:	8A Carnarvon Street, Newstead
Zoning:	General Residential
Receipt Date:	24/09/2018
Validity Date:	28/09/2018
Further Information Request:	10/10/2018
Further Information Received:	15/11/2019
Deemed Approval:	24/01/2020
Representations:	One

**PREVIOUS COUNCIL CONSIDERATION:**

DA0308/2010 - Demolish existing sheds; Construct a garage (floor area of minor ancillary building 84m<sup>2</sup> and 4.7m high) (vary setback to Cardigan Street)

**STANDARDS REQUIRING COUNCIL DISCRETION**

10.4.11 Outbuildings, swimming pools and fences  
10.4.12 Earthworks and retaining walls  
E6.5.1 Car parking numbers

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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

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**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be refused for DA0549/2018 - Residential - Construction of an outbuilding at 8A Carnarvon Street, Newstead on the following grounds:

- (a) the proposal fails to comply with Clause 10.4.11 P1(c) as the proposed outbuilding, and the combined floor area of outbuildings on the site, will detract from the character of the surrounding area having regard to the size and location of outbuildings on adjoining lots; and
  - (b) the proposal fails to comply with Clause 10.4.11 P1(d) as the outbuilding will detract from the character of the surrounding area having regard to the existing buildings on the site.
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**REPORT:****1. THE PROPOSAL**

The proposal is for the construction of a single storey, colorbond clad outbuilding at 8A Carnarvon Street, Newstead. The outbuilding is to have an area of 91.2m<sup>2</sup> and is to be located adjacent to an existing outbuilding in the north-western corner of the site. It will be setback a distance of approximately 3m from the northern side boundary and at least 20m from all other boundaries.

The outbuilding has a maximum height above ground level of approximately 4.2m. It will be cut into the site up to a height of approximately 1.6m. The outbuilding will have a solid wall facing the northern side boundary. The southern wall will have a double width garage door, the eastern side has two windows and a French door. A verandah is also proposed along the eastern elevation

The outbuilding will have a gable roof, with a pitch height of 4.6m, and a maximum side wall height at 3.5m.

Access to the outbuilding is via an internal, sealed driveway.

The outbuilding will be located adjacent to an existing triple garage on site, which has an area of approximately 91.2m<sup>2</sup>. There is also an existing garage servicing the dwelling. This garage is detached, with an area of approximately 100m<sup>2</sup>. There are also small timber sheds in the location of the proposed outbuilding with a total floor area of approximately 30m<sup>2</sup>. These sheds are to be demolished.

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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

The use of the shed will be the same as the existing sheds on site which is to store and maintain hobby boats.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The site has an area of 3,558m<sup>2</sup>, with frontage and access to both Cardigan and Carnarvon Streets. It is irregular shaped and contains a substantial house with a large attached garage and a separate triple garage up to the Cardigan Street frontage. There are small, timber sheds alongside the northern side boundary. The site slopes down from the Cardigan Street frontage to Carnarvon Street at a grade of approximately 19%.

The surrounding land uses are residential.

**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 proposed outbuilding is inconsistent with the purpose of the zone as it fails to respect the existing and desired neighbourhood character of the area. The proposal has not met all relevant development standards so must be refused.

**10.4 Development Standards**

10.4.2 Setbacks and building envelope for all dwellings

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and

9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)

<p>(d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.</p>
<p><b>Consistent</b></p> <p>A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>
<p><b>Complies</b></p> <p>The outbuilding is setback at least 10m from both frontages.</p>
<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1m behind the facade of the dwelling; or</p> <p>(b) the same as the dwelling facade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>
<p><b>Complies</b></p> <p>The outbuilding is setback at least 10m from both frontages.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(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:</p> <p>(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</p> <p>(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</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of m or one-third the length of the side boundary (whichever is the lesser).</p>

**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

**Complies**  
 The outbuilding fits within the envelope prescribed by (a) given its height at 3m from the boundary will be 3.4m due to the cut proposed. The outbuilding is setback greater than 1.5m from all side boundaries, to meet (b).

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**  
 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 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and  
 (c) a site area of which at least 25% of the site area is free from impervious surfaces.

**Complies**  
 The site coverage is approximately 18.9%. At least 50% of the site is pervious to rainfall.

A2 A dwelling must have an area of private open space that:  
 (a) is in one location and is at least:  
     (i) 24m<sup>2</sup>; or  
     (ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and  
 (b) has a minimum horizontal dimension of:  
     (i) 4m; or  
     (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and  
 (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and  
 (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and  
 (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and  
 (f) has a gradient not steeper than 1 in 10; and  
 (g) is not used for vehicle access or parking.



**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

**Complies**  
The existing dwelling will retain sufficient open space in accordance with A2.

10.4.4 Sunlight and overshadowing for all dwellings

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

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

**Complies**  
No changes are proposed to the existing dwelling.

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

**Complies**  
The proposed outbuilding does not face the frontage.

10.4.6 Privacy for all dwellings

Objective:  
To provide reasonable opportunity for privacy for dwellings.

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

9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)

<p>same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>
<p><b>Complies</b> The garage has a floor level less than 1m above natural ground level.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4m from a rear boundary; and</p> <p>(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</p> <p>(iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>
<p><b>Complies</b> No habitable rooms proposed.</p>
<p>A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>
<p><b>Complies</b> No shared driveway or parking space proposed.</p>

10.4.11 Outbuildings, swimming pools and fences

<p>Objective: To ensure that:</p> <p>(a) outbuildings, swimming pools and fences:</p> <p>(i) do not detract from the character of the surrounding area; and</p> <p>(ii) are appropriate to the site and respect the amenity of neighbouring lots;</p> <p>(b) dwellings remain the dominant built form.</p>
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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

<p><b>Not Consistent</b></p> <p>The floor area and scale of the proposed outbuilding, along with the existing outbuildings on site, will detract from the residential character of the surrounding area as they appear to be of an industrial rather than residential scale. The proposed outbuilding, along with the combined floor area of outbuildings on the site, are not appropriate to a residential site and do not respect the amenity of neighbouring lots, such as at 9 Cardigan Street. The proposal would result in outbuildings becoming the dominant built form on the site due to their excessive scale in comparison to the size of existing outbuildings and dwellings nearby.</p>
<p>A1.1 The combined gross floor area of outbuildings must be no greater than 45m<sup>2</sup>; and  A1.2 Outbuildings (other than for single or multiple dwellings) must meet the setback and building envelope acceptable solutions of Clause 10.4.2, as if the development were for a dwelling.</p>
<p><b>Relies on Performance Criteria</b></p> <p>The combined floor area of outbuildings on the site is approximately 300m<sup>2</sup>.</p>
<p>P1 Outbuildings must not detract from the character of the surrounding area or the amenity of adjoining lots, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the visual impact on the streetscape;</li> <li>(b) any overshadowing of adjoining lots;</li> <li>(c) the size and location of outbuildings on adjoining lots;</li> <li>(d) existing buildings on the site; and</li> <li>(e) the topography of the site.</li> </ul>
<p><b>Does not comply</b></p> <p>The character of the surrounding area is purely residential, with larger (general) residential zoned lots developed with single dwellings with relatively consistent frontage setbacks. They are typically single storey, with weatherboard cladding and with well-maintained gardens. A key feature of the area is the well-maintained and vegetated nature strips, picket fences and landscaped split road verges, such as those seen on Cardigan Street, Suffolk Street, Carnarvon Street and Pen-Y-Byrn Place. Clementina Street Park is located adjacent the site to the west which is a small, local park which offers a vegetated pedestrian access to Clementina Street. The surrounding area referred to will generally be in accordance with that identified in the planning submission.</p> <p>Outbuildings/garages in the surrounding area are typically of a modest scale, with many houses having single car carports built up the frontage or double garages behind the dwelling.</p> <p>Cardigan Street has a number of single and double car ports built to the frontage such as at 9 Cardigan Street, to the north west of the subject site. The car ports are typically weatherboard structures with hipped roofs to match the existing dwellings.</p> <p>3 Carnarvon Street has a three car garage built to the frontage and there is a large outbuilding at the rear of No. 2. The remainder of properties in this street have single and double garages, some built to the frontage. The dominant material for outbuildings is weatherboards with colorbond roofs.</p>

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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding  
...(Cont'd)**

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The garages on Clementina Street are generally of a modest, residential scale, with the largest appearing to be at No.8, which is a double garage at the rear of the dwelling. There are examples of colorbond outbuildings on Clementina Street such as at No.19.

Suffolk Street and Pen-Y-Bryn Place also feature modest garages and carports with many being attached the dwelling.

The character of nearby outbuildings can therefore be described as modest, low profile, and typically constructed with materials, and a built form that are consistent with the dwelling to which they relate.

The overall character of the surrounding area can be summarised as one of substantial weatherboard housing, on generally larger lots than permitted in the current General Residential Zone, with streetscapes having high visual aesthetics, and modest domestic scale garages and carports.

The adjoining lot to the proposed outbuilding is 9 Cardigan Street. The dwelling on this lot is adjacent to the proposed outbuilding and has views from habitable room windows looking into the yard of the subject site. The view into the subject site is of the existing small timber sheds that are to be demolished and existing vegetation on the site.

When considering the appropriateness of this development both the objectives and the performance criteria need to be considered.

The objective of the standard is to ensure that:

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

The objective closely aligns to the performance criteria, but also adds that 'dwellings are to remain the dominant built form', and that 'outbuildings are appropriate to the site'. Given the performance criteria provides no maximum gross floor area (as is the case in other residential zones), the assessment is one of reasonableness to ensure that the outbuildings are not excessive to the site and remain of a scale that are subservient to dwellings.

One representation was received during advertising that raised matters relevant to the assessment against P1.

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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

Assessment against the performance criteria is as follows.

**(a) the visual impact on the streetscape;**

Given the location of the outbuilding to the rear of the existing outbuilding fronting Cardigan Street, visual impacts from Cardigan Street will be minimal. Likewise, from Carnarvon Street, the outbuilding will be blocked from view by vegetation on the site and existing dwellings.

The proposal is assessed as satisfying (a).

**(b) any overshadowing of adjoining lots;**

Given the location to the south of the property at 9 Cardigan Street, unreasonable overshadowing is unlikely.

The proposal is assessed as satisfying (b).

**(c) the size and location of outbuildings on adjoining lots;**

'Adjoining' does not necessarily mean directly next door but can include dwellings 'near to'. If we take properties 'near to' to the site to roughly include lots that both adjoin the lot, and within approximately 50m of the boundaries of the lot, it is apparent that there are no outbuildings that have a gross floor area equivalent to that proposed on the subject site. The nearest site 'adjoining' the subject site with a gross floor area remotely equivalent to the proposal is at 1 Carnarvon Street, which has a gross floor area of approximately 80m<sup>2</sup>. The proposed combined gross floor area on the subject site is to be approximately 300m<sup>2</sup>, which is therefore almost four times that of any lot 'near to' (or adjacent) to the site.

The combined floor area of outbuildings (approximately 300m<sup>2</sup>) exceeds the building footprint of nearby houses such as at 14 Cardigan Street, 24 Clementina Street, 10 Cardigan Street. The objective of the standard is to ensure that 'outbuildings remain the dominant built form'. The combined floor area and scale of the outbuildings are clearly not consistent with this objective. It is not accepted that having a larger lot enables outbuildings to be constructed at a scale larger than neighbouring dwellings. If this approach was accepted, outbuildings could be constructed of such a scale that are clearly at odds with a residential setting and which would not respect the amenity of adjoining lots.

In the broader 'surrounding area' identified in the planning submission provided by the applicant, the site with the highest gross floor area of outbuildings is 100m<sup>2</sup>, which is at 2 Carnarvon Street. This is approximately one third of that proposed on the subject site. 2 Carnarvon Street has an area of approximately 799m and a site coverage of outbuildings of approximately 12.5%. Unlike the proposal, this area of outbuildings does not exceed the building footprint of adjoining or nearby lots so dwellings remain the dominant built form. This is consistent with the objective of the standard.

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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

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Clearly there are no examples of outbuildings nearby with a combined floor area remotely comparable to what would result if the proposal was approved. The outbuildings are of a size that are not sympathetic to this residential setting given the stark difference in floor area proposed to what exists on properties nearby.

The location of the outbuilding nearby to a side boundary is relatively consistent with that of outbuildings on adjoining lots. However, having such a large colorbond shed located 3m from the boundary of a residential property cannot be seen to respect the amenity of adjoining lots. This issue of the outbuildings becoming akin to an industrial scale has been raised in a representation received during advertising.

It is noted that Council Officers do not agree with the methodology put forward in the planning submission provided by the applicant. The divergence between gross floor area on the site and the surrounding area is generally more pronounced than what is suggested in the submission due to the following:

- It does not include the existing garage adjacent to the dwelling in the gross floor area calculations;
- It includes garages attached to dwellings as 'outbuildings' which contribute to gross floor area, although the definition of an outbuilding only includes 'detached' buildings. This has distorted the comparison of floor area in the surrounding area.

After considering the gross floor area of outbuildings on the adjoining sites and the surrounding area, it is therefore considered that the combined gross floor area of outbuildings will detract from the character of the previously defined surrounding area. There are no other examples of outbuildings having such an excessive gross floor area on adjoining sites or in the surrounding area. The outbuildings are therefore not appropriate to the site and are of a scale that will result in outbuildings being the dominant built form in comparison to the size of dwellings and outbuildings 'near to' the site.

The proposal is assessed as failing to meet (c).

**(d) existing buildings on the site; and**

There are two, three car garages and a single dwelling on the subject site, capable of parking a significant amount of cars (and boats). The addition of the outbuilding will result in their being a total combined gross floor area of outbuildings of approximately 300m<sup>2</sup>. It is noted that some smaller outbuildings will be demolished to make way for the proposed outbuilding. These are small timber buildings with a gross floor area of approximately 27.5m<sup>2</sup>, and are of a much lesser scale than what is proposed.

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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

There is little doubt that the existing buildings on the site provide ample opportunity to undertake residential scale hobby pursuits. Taking into account the existing buildings on site available for this purpose (up to 300m<sup>2</sup> including the attached garage), an additional large colorbond building will be excessive in this residential area given no site in the surrounding area has a combined floor area or scale outbuildings in any way comparable to what is proposed.

Having the two large outbuildings essentially side by side creates the impression that there is one large industrial scale building on the site, with a floor area of approximately 189m<sup>2</sup>, built 3m off a side boundary. This does not respect the amenity of the adjoining residential lot.

To summarise; the existing buildings on the site provides ample opportunity to undertake residential scale hobby pursuits in the zone. There can be little justification for an additional increase in outbuilding gross floor area for a residential scale hobby taking into account the existing buildings on site available for this purpose (up to 300m<sup>2</sup> including the attached garage) and the residential character of the surrounding area.

The proposal is assessed as failing to meet (d).

**(e) the topography of the site.**  
 The outbuilding is to be cut into the site which reduces its height when viewed from adjoining lots and from the streetscape.

The proposal is assessed as satisfying (e).

**The proposal is assessed as failing to satisfy P1.**

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 earthworks are considered appropriate and compliant with the objective.

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.

**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

<p><b>Relies on Performance Criteria</b> Up to 1.6m of cut is proposed.</p>
<p>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:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the appearance, scale and extent of the works;</li> <li>(c) overlooking and overshadowing of adjoining lots;</li> <li>(d) the type of construction of the works;</li> <li>(e) the need for the works;</li> <li>(f) any impact on adjoining structures;</li> <li>(g) the management of groundwater and stormwater; and</li> <li>(h) the potential for loss of topsoil or soil erosion.</li> </ul>
<p><b>Complies</b> The cut is required to lessen the impacts of the outbuilding on the amenity of adjoining residential uses, and due to the topography of the site. The earthworks will not result in overlooking or overshadowing of adjoining lots, nor will it impact on adjoining structures. The requirements of the <i>Building Act 2016</i> will ensure the works are constructed to an appropriate standard.</p> <p>The proposal is assessed as meeting P1.</p>

10.4.13 Location of car parking

<p>Objective: To:</p> <ul style="list-style-type: none"> <li>(a) provide convenient car parking for residents and visitors;</li> <li>(b) protect residents from vehicular noise within sites; and</li> <li>(c) minimise visual impact on the streetscape.</li> </ul>
<p><b>Consistent</b></p>
<p>A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.</p>
<p><b>Complies</b> No shared driveways or car parks of residential buildings are proposed.</p>
<p>A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage. A2.2 Turning areas for vehicles must not be located within the primary front setback.</p>
<p><b>Complies</b> Car parking will be within the existing and proposed outbuildings and garage.</p>

E6.0 Parking and Sustainable Transport Code

<p>E6.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> <li>(a) ensure that an appropriate level of parking facilities are provided to service use and development;</li> <li>(b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;</li> </ul>
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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

<ul style="list-style-type: none"> <li>(c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;</li> <li>(d) ensure that parking does not adversely impact on the amenity of a locality;</li> <li>(e) ensure that parking spaces and accesses meet appropriate standards; and</li> <li>(f) provide for the implementation of parking precinct plans.</li> </ul>
<p><b>Consistent</b> The proposal is assessed as meeting the relevant standards and the purpose of the code.</p>

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p><b>Consistent</b></p>
<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> <li>(a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or</li> <li>(b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or</li> <li>(c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or</li> <li>(d) be in accordance with an acceptable solution contained within a parking precinct plan.</li> </ul>
<p><b>Complies</b> At least eight parking spaces could be provided on site. There is no maximum limit in the General Residential Zone.</p>
<p>P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the availability of off-road public car parking spaces within reasonable walking distance;</li> <li>(b) the ability of multiple users to share spaces because of:             <ul style="list-style-type: none"> <li>(i) variations in car parking demand over time; or</li> <li>(ii) efficiencies gained by consolidation of car parking spaces;</li> </ul> </li> <li>(c) the availability and frequency of public transport within reasonable walking distance of the site;</li> <li>(d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</li> <li>(e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</li> <li>(f) an assessment of the actual car parking demand determined in light of the nature of the use and development;</li> <li>(g) the effect on streetscape; and</li> <li>(h) the recommendations of any traffic impact assessment prepared for the proposal; or</li> </ul>

**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

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

- (a) the intensity of the use and car parking required;
- (b) the size of the dwelling and the number of bedrooms; and
- (c) the pattern of parking in the locality; or

P1.3 The number of car parking spaces complies with any relevant parking precinct plan.

**Not Applicable**

**E6.6 Development Standards**

**E6.6.1 Construction of parking areas**

Objective:

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

**Consistent**

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

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

**Complies**

The parking areas comply.

**E6.6.2 Design and layout of parking areas**

Objective:

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

**Consistent**

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

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

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

**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)**

<p>A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.                  A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p>
<p><b>Complies</b>                  The parking areas comply with the relevant sub clauses.</p>

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure and Assets	Conditional consent provided with recommended conditions in relation to stormwater and others.
Environmental Health	Conditional consent provided with recommended conditions in relation to amenity and others.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA TWDA 2018/01593-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

**5. REPRESENTATIONS**

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 20 November to 4 December 2019. One representation was received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding ... (Cont'd)

<p><b>Issue 1:</b>  <b>Industrial style buildings are not appropriate in a residential area</b></p>
<p><b>Response 1:</b>  <i>The proposal has been assessed as a residential use rather than commercial or industrial. Nonetheless, the proposal has been assessed as failing to meet the requirements of Clause 10.4.11 P1 as the combined floor area of the outbuildings will detract from the character of the surrounding area.</i></p>
<p><b>Issue 2:</b>  <b>The outbuilding will detract from the amenity of 9 Cardigan Street due to appearing industrial in nature.</b></p>
<p><b>Response 2:</b>  <i>The proposal has been assessed as meeting the requirements for building envelopes for dwellings, although has failed to meet Clause 10.4.11 P1. There is no doubt that views of the proposed 93.5m<sup>2</sup> colorbond garage, along with the existing 91.2m<sup>2</sup> triple colorbond clad garage, will be significant when viewed from the habitable room windows at 9 Cardigan Street. In response to the representation, the applicant has suggested that screening may be established along the boundary which may soften the view of the structures from the dwelling at 9 Cardigan. This may be appropriate to assist in mitigating impacts on the neighbour, however, the assessment of Clause 10.4.11 P1 is also concerned with the character of the surrounding area. Nonetheless, the proposal cannot be seen to respect the amenity of adjoining lots - as is required by the objective if Clause 10.4.11 P1.</i></p>
<p><b>Issue 3:</b>  <b>Overshadowing of 9 Cardigan Street.</b></p>
<p><b>Response 3:</b>  <i>Overshadowing is not expected to be a significant issue given the orientation of the subject site to the south.</i></p>
<p><b>Issue 4:</b>  <b>The location of shed could be closer to the existing residence</b></p>
<p><b>Response 4:</b>  <i>The applicant can choose where they wish to locate the building but, to be approved, needs to meet the requirements of the planning scheme.</i></p>
<p><b>Issue 5:</b>  <b>Increasing the floor area of outbuildings due to a hobby is not a justification for excessive structures. The site may be used in the future for other inappropriate industrial type uses. There is already excessive floor area of outbuildings/ garages on site.</b></p>
<p><b>Response 5:</b>  <i>It is accepted that if the property was sold in the future the site would undoubtedly attract tenants whom may pursue industrial type uses. It is also noted that there is ample space on site to allow for a residential scale hobby so increasing gross floor area for this purpose in a residential area appears to result in an industrial scale operation. This matter has been addressed in the assessment against Clause 10.4.11 (P1)(d).</i></p>

**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding  
...(Cont'd)**

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**Issue 6:****Land value as a result of an approval****Response 6:***This is not a relevant planning matter in this case.***6. CONCLUSION**

Subject to the recommended conditions, it is considered that the proposal fails to comply with the Planning Scheme and it is appropriate to recommend for refusal.

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding  
...(Cont'd)**

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - 8A Carnarvon Street, Newstead (*electronically distributed*)
  2. Advertised Plans and Planning Report - 8A Carnarvon Street, Newstead (*electronically distributed*)
  3. Representations - 8A Carnarvon Street, Newstead (*electronically distributed*)
-

**9.7 Amendment 51 - 80-82 Invermay Road and 1 and 3 Taylor Street, Invermay****FILE NO:** SF6891, DA0671/2018**AUTHOR:** Brian White (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

1. To decide whether to reject, or initiate and exhibit Amendment 51 for a partial rezoning of 3 Taylor Street, Invermay, from General Residential to Local Business; and
2. To make a decision on development application DA0671/2018 for a two lot subdivision of 3 Taylor Street, and a partial consolidation of 3 Taylor Street (Lot 2A) with 1 Taylor Street (Lot 2). Partial change of use of 3 Taylor Street to bulky goods sales.

**PLANNING APPLICATION INFORMATION:**

Applicant:	Ireneinc Planning
Property:	1 Taylor Street and 3 Taylor Street, Invermay
Zoning:	Inner Residential and Local Business
Receipt Date:	21/11/2018
Validity Date:	6/12/2018
Further Information Request:	17/12/2018
Further Information Received:	20/11/2019

**PREVIOUS COUNCIL CONSIDERATION:**

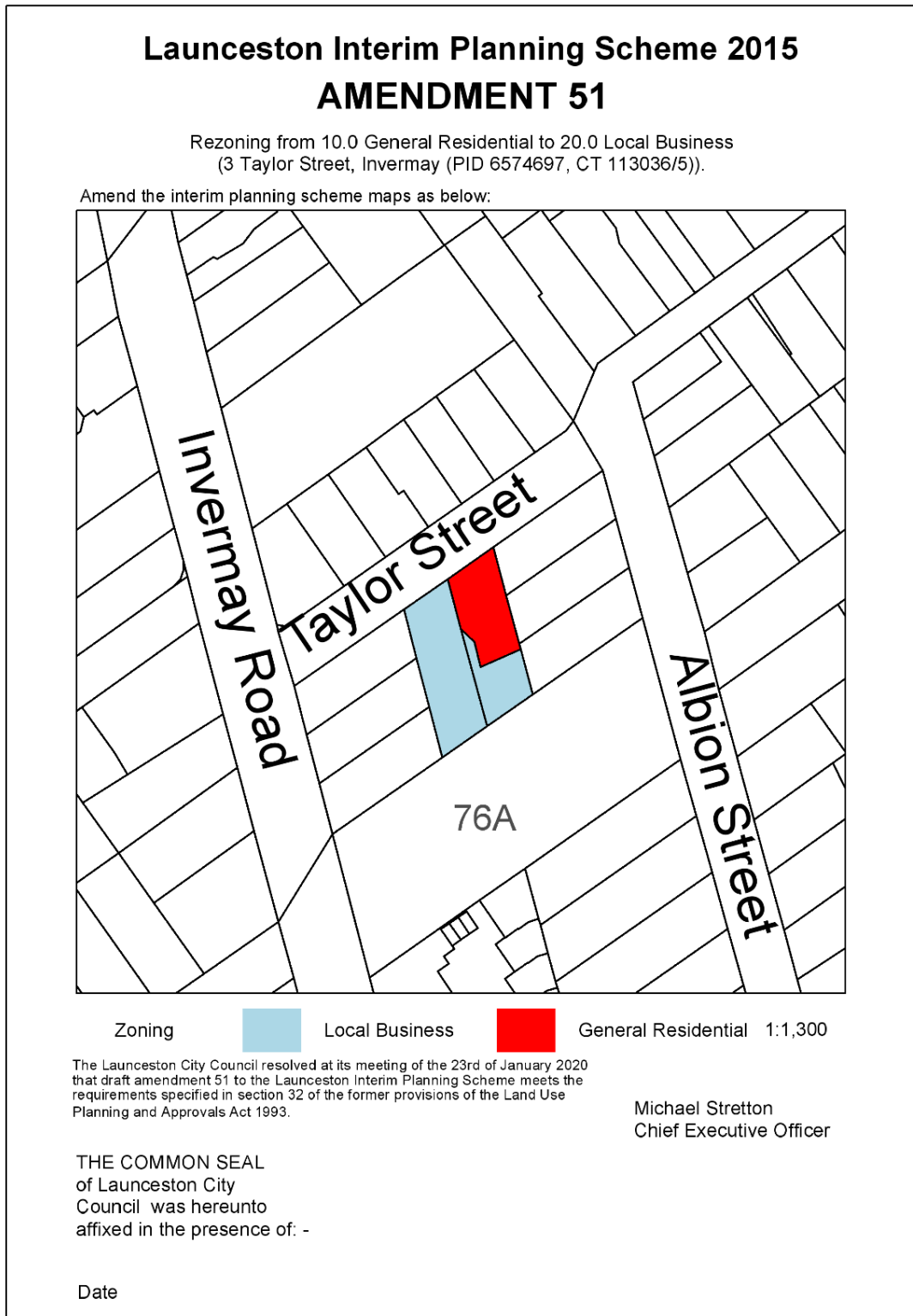
D22/81 - Showroom/warehouse  
D58/83 - Service Industry  
D29/95 - Relocation of Main Entrance of existing premises (Service Industry)  
DA0225/2006 - Extend building (extension to a non-conforming use)  
DA0168/2013 - Construction of a building for storage uses  
DA0669/2018 - Signs - Install a new building fascia sign (retrospective)

**RECOMMENDATION:**

That Council:

1. pursuant to the former section 33(3) and 34(1) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 51 to the Launceston Interim Planning Scheme 2015 for a partial change in zoning from General Residential to Local Business at 3 Taylor Street, Invermay.
-

- 2. pursuant to the former section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Chief Executive Officer its functions under section 35(1) of the *Land Use Planning and Approvals Act 1993*, to certify Amendment 51 to the Launceston Interim Planning Scheme 2015, as shown below:





3. pursuant to former section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993*, approves DA0671/2018 for Subdivision - Subdivide 3 Taylor Street, Invermay into two lots and partially consolidate with 1 Taylor Street, Invermay. Bulky Goods Sales - Partial change of use of 3 Taylor Street, Invermay 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. Section 43A Submission, Prepared by Ireneinc, Version No. 2, Dated 5 November 2019.
- b. Plan of Subdivision, Prepared by PDA Surveyors, Drawing No. 44241-P01, Dated 22 July 2019.

#### **2. CONSOLIDATION (SUBDIVISION) OF TITLES**

Lots 2 and 2A must be consolidated as shown on the endorsed plans.

#### **3. POTENTIALLY CONTAMINATED LAND**

Not more than 1m<sup>2</sup> of land be disturbed by future development on the site, prior to the completion of an environmental site assessment prepared in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999, as amended 16 May 2013, must be undertaken. Further planning approval may be required depending on the findings of the report.

#### **4. LEGAL TITLE**

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

#### **5. USE LIMITATION**

This permit allows 1 Taylor Street, Invermay (to be made up of Lot 2 and Lot 2A on the approved plan of subdivision) to be used for Bulky Good Sales as defined in the Launceston Interim Planning Scheme 2015. This planning permit does not permit any development apart from that required for the subdivision.

#### **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

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**7. BUSINESS HOURS**

The operation of the Bulky Good Use must be confined to:

- a. 8:00am and 5:30pm Monday to Friday
- b. 9:00am and 1:00pm Saturdays

**8. 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.

**9. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

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

**10. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

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

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

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

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**11. APPLICATION TO ALTER A STORMWATER SERVICE**

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

**12. SOIL AND WATER MANAGEMENT PLAN**

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

**13. 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's 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.

**14. SEPARATION OF SERVICE CONNECTIONS**

The applicant must locate and identify the existing service connections (water supply, sewer and stormwater) for the existing development of the land and complete the following work:

- a. Ensure that each new title has a single connection to a public stormwater main or kerb adaptor with all other connections being capped.
- b. Where required, reroute internal stormwater or sewer pipes within each lot so as to provide an independent system for each lot.
- c. Stormwater drains that do cross the new title boundary between lots must be upgraded to a public drain standard or where permitted must be subject to private easement.
- d. Ensure each lot has a water connection and meter in accordance with the requirements of TasWater.

The applicant must provide detailed construction plans of all proposed public works prepared by suitably qualified persons and complying with current Council standards and approved by the Council's General Manager, Infrastructure and Assets Network prior to any works commencing. A fee of 1.5% of the public works estimate (or a minimum of

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\$250) is payable for any public works. Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

Ensure adequate facilities for the storage of garbage and recyclable materials are provided on-site to comply with Tas H102 P4.

## **15. AMENITY**

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

## **16. 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.

## **17. 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.

## **18. NOISE - COMMERCIAL/INDUSTRIAL**

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

## **Notes**

### **A. General**

*This permit was issued based on the proposal documents submitted for DA0671/2018. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's Planning Staff can be contacted on 6323 3000.*

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*This permit takes effect after:*

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

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

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**E. Potentially Contaminated Site**

*There is a current 'potentially contaminated site' alert for this property and the source of the potential contamination is Tile Storage on 1 and 3 Taylor Street and Engineering Sales Yard on 80-82 Invermay Road. The proposed change of use does not require any further investigation at this time, however, if the use of this site changes to a more sensitive use eg. residential premises OR the site is significantly developed (disturbance of more than 1m<sup>2</sup> of land) then an Environmental Site Assessment in accordance with the requirements of Environmental Management and Pollution Control Act 1994 will be required by the Council prior to further approvals being granted.*

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

**Report****PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT****1. Introduction**

An application was lodged under section 43A of the *Land Use Planning and Approvals Act 1993* (the Act) for a combined rezoning amendment and development application for a subdivision of 1 Taylor Street, Invermay, and 3 Taylor Street Invermay, and a partial change of use at 3 Taylor Street, Invermay to enable a bulky goods sales use.

**2. Site Analysis**

The subject land specifically includes 1 Taylor Street, 3 Taylor Street and 80-82 Invermay Road, Invermay.

Rossetto Tiles currently (legally) operates out of 80-82 Invermay Road and 1 Taylor Street, Invermay. In recent times the rear of the site at 3 Taylor Street has been used as part of the business (for the storing of tiles) without planning approval. The owner is wishing to formalise this arrangement via a combined planning permit process as using the site for bulky good is prohibited in the zone. The total area of the three properties is approximately 2,000m<sup>2</sup>. Customer parking for the business is located on 80-82 Invermay Road, Invermay. The overall site is made up of a large warehouse which extends over 80-82 Invermay Road and 1 Taylor Street, a storage area on 1 Taylor Street, with access via Taylor Street, and a single dwelling and associated outbuildings at 3 Taylor Street.

Rossetto Tiles is a tiling supply business which has operated out of the site since the mid 1980s.

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**3. Existing conditions on the site**

**3.1 Characteristics**

The site is flat and is sealed throughout. Access is via Taylor Street for both Rossetto Tiles and the dwelling at 3 Taylor Street.

**3.2 Infrastructure**

Reticulated sewer, water and stormwater services are available to the site.

**3.3 Surrounding Land Uses**

The site is located in a mixed use area of Invermay. The surrounding land uses include residential along Taylor Street and commercial, retail and residential nearby on Invermay Road. The site abuts existing residential uses to the east on Albion Street.

**4. The Proposal**

**4.1 Proposal**

The application proposes to partially rezone 3 Taylor Street, Invermay (CT113036/5), from General Residential to Local Business. The subdivision of 3 Taylor Street is to create one lot containing the dwelling (Lot 1) with an area of 375m<sup>2</sup> and the balance at the rear with an area of 228m<sup>2</sup> (Lot 2A). The 228m<sup>2</sup> lot will be consolidated with 1 Taylor Street (CT24631/4) (Lot 2). 1 Taylor Street will increase in size to 831m<sup>2</sup>.

The plan of subdivision is provided below:

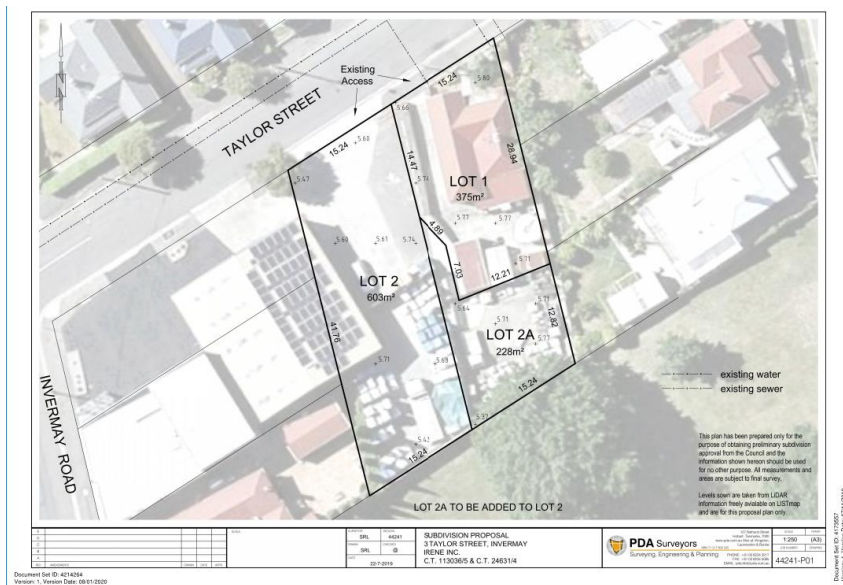


Figure 1 Plan of subdivision

The partial change of use is for the rezoned portion of land at the rear of 3 Taylor Street (Lot 2A) which is to be used for bulky good sales in conjunction with Rossetto Tiles. The change of use is retrospective, as the site is already being used to store tiles. The proposal has come about as a result of planning enforcement proceedings.

**4.2 Landowner Consent**

The landowner has provided landowner consent.

**5.0 CONSIDERATIONS FOR THE AMENDMENT**

**5.1 Consideration of Section 32**

*32. Requirements for preparation of amendments*

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

(a) *.....*

(b) *.....*

(c) *.....*

(d) *.....*

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

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

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

Comment:

Section 32(1)(e) is met as there are use standards in the zone which protect the amenity of adjoining residential uses. The tile business has been operating out of the site since the mid 1980s. The proposed rezoning allows part of 3 Taylor Street to be used for storing tiles, which is not expected to be an overly obtrusive use.

**5.2 Consideration of Section 300**

In regard to sub-section (ea), Section 300 is considered in detail below.

*300. Amendments under Divisions 2 and 2A of interim planning schemes*

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



Comment:

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

- (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –*
  - (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
  - (b) *the amendment does not revoke or amend an overriding local provision; and*
  - (c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
- (3) *Subject to section 30EA, an amendment may be made to a local provision if –*
  - (a) *the amendment is to the effect that a common provision is not to apply to an area of land; and*
  - (b) *a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
- (4) *An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
- (5) *Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of –*
  - (a) *taking an optional common provision out of the scheme; or*
  - (b) *taking the provision out of the scheme and replacing it with another optional common provision.*

Comment:

The amendment is to a local provision, however, it has been assessed as being consistent with the Northern Tasmanian Regional Land Use Strategy (RLUS).

The application is not proposing to insert, remove or alter a common provision, complying with 30O. The draft amendment is consistent with the Northern Regional Land Use Strategy (NRLUS).

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

#### **43C. Applications referred to in section 43A**

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

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

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## **5.3.1 Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania**

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

The amendment will allow for a change of use and subdivision of 3 Taylor Street so part of the site can be used for bulky good sales use (for storing tiles). This will not impact on ecological processes or genetic diversity. The proposal is formalising an existing arrangement.

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

The change of zoning and subsequent subdivision and change of use will allow the rear of 3 Taylor Street to be used for bulky good sales which is consistent with the Council's and the Regions, strategic planning documents which encourage bulky goods sales uses in suburbs such as Invermay. The planning scheme contains adequate safeguards to protect neighbouring sensitive uses from unreasonable amenity impacts due to noise and other emissions.

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

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

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

The applicant provides a useful response to (d):

*The proposed scheme amendment allows for land at the rear of an existing dwelling to be used for the purposes of storage relating to the adjacent retail business, providing needed storage for product and equipment which allow the business to continue to operate in its current location within the Local Business Zone.*

*This will keep employment opportunities in the area and will ensure the Invermay Road retail precinct remains vibrant with tenanted commercial premises.*

It is agreed that (d) is satisfied.

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

If initiated the amendment will be advertised and assessed by the Tasmanian Planning Commission consistent with this objective. All other relevant agencies will be consulted as required.

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

The objectives of Part 2 must also be considered -

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

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

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

This Section 43A (of the Act) application is considered against the objectives of the Act and the planning system of Tasmania.

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

The proposed amendment will allow Rossetto Tiles to continue its successful operation. The proposal does not introduce any more emitting or polluting uses, so is not expected to have a detrimental impact on the environment. The local business zone as well as the codes of the planning scheme have adequate use and development standards to safeguard the environment should future use and development proposals have the potential to impact on the environment.

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

The proposed amendment complies with the local, regional and state policies as assessed in this report.

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

The application is made under former section 43A of the Act and includes a change of zoning to the planning scheme and an application for subdivision of the land. This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

- (f) *to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation*

The proposal will allow for the continued operation of a long established business at a scale that will respect the amenity of adjoining and nearby residential uses. The use standards of the zone and codes have adequate safeguards to protect residential amenity of properties nearby the site.

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

The subject site has no buildings and is not an area or place of scientific, aesthetic, architectural or historic interest.

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(h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community*  
The site is connected to existing reticulated services. The use has sufficient existing parking.

(i) *to provide a planning framework which fully considers land capability.*  
Land capability generally refers to agricultural land and is not relevant in this instance.

## **6. Planning Strategies**

### **6.1 Northern Regional Land Use Strategy**

The relevant sections of the NRLUS are as follows:

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

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

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## **Regional Settlement Network**

The applicant submits that:

*The subject site is currently zoned General Residential and the street frontage part of the site is proposed to remain in the General Residential Zone. The subject site is located within a Priority Consolidation Area of the RLUS and has been identified as an Urban Growth Area.*

*The RLUS found that the proportion of medium and higher density housing types will increase in these settlements at the upper end of the settlement hierarchy.*

*To encourage consolidation of these areas identified as a Priority Consolidation Area the RLUS aims to:*

- *apply zoning that provides for the flexibility of settlements or precincts within a settlement and the ability to restructure under-utilised land.*

### Comment:

The reduction in the size of the General Residential zoned lot will have little impact on housing supply in the Region, nor will it impact on the regional settlement network. In regard to the Specific Policies and Actions, the proposed rezoning will result in a dwelling on a smaller lot that may contribute (albeit marginally) to the supply of affordable housing in an ideal location nearby to the city centre. It is also noted that there are sufficient use standards within the Local Business Zone to protect residential amenity of adjoining residential uses.

## **Regional Activity Centres Network**

The applicant submits that:

*The RLUS has aligned growth and expansion of regional and commercial activity centres with current and future population growth.*

*The RLUS recognises the role of commercial areas as key employment and service areas, which aid in the success of regional centres such as Launceston.*

*The strategic context of the Regional Activity Centres Network Policy within RLUS which support the proposed amendment are as follows:*

- *Activity centres across the region provide the focus for a diverse range of mixed land uses including services, employment, commercial/retail facilities, community infrastructure, entertainment and residential accommodation.*
- *Launceston CBD and its inner urban area is the region's Principal Activity Centre (PAC). It provides a significant proportion of all employment opportunities within the region.*

*The Regional Activity Centres Network Policy supports the need for mixed land uses within the Region and the need to support and create employment opportunities. The Strategy aims to create economic growth by co-locating a mix of land uses and this may include the provision for retail, commercial and business facilities.*

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*The Strategy aims to reinforce the role of the Launceston Principal Activity Centre including bulk goods precinct and to consolidate bulky goods precincts. The subject site is within an area of existing bulky good retailing and the rezoning of part of the subject site to facilitate this is in keeping with the Strategy.*

*Comment:*

It is agreed that the amendment will allow a successful bulky goods sales business to continue to operate within the Launceston Principle Activity Centre - which encourages such uses. This site is within an area of existing bulky goods retailing so the modest expansion of the local business zone is in keeping with the Strategy.

Regional Economic Development

The applicant submits that:

*Goal 1 of the RLUS concerns economic development which is to facilitate economic development and productivity through integrated land use and infrastructure planning.*

*Strategies outlined by the RLUS to facilitate economic development and productivity include:*

- (a) Facilitate innovation and capitalise on the co-location of industry in strengthened 'clusters' of economic and employment activity.*
  - (b) Add value, diversify the economy and generate jobs.*
  - (c) Develop the preconditions for business competitiveness through merits-based planning and development assessment processes that:
    - Flexibly consider the location of economic development having regard for the changing economic environment; and*
    - Focus on community-specific outcomes and environmental impacts, rather than a standards-based approach.**
  - (d) Facilitate the needs of small business, including working from home and other flexible/non-traditional locations.*
  - (e) Support high value adding and downstream activities to natural resources including small scale manufacturing and processing enterprises.  
The proposed rezoning of part of the subject site will facilitate economic development in the Invermay Precinct by providing the necessary land and infrastructure for Rossetto Tiles to operate at the required scale.*
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Comment:

It is agreed that the increase in local business zoned land to facilitate the bulky good use will have a positive impact on the economic contribution. Rossetto Tiles is a successful business, operating since the mid 1980s and the amendment will allow that success to continue at their site in Invermay.

**Regional Environment (Natural Hazards)**

*The RLUS identifies the role that planning decisions have in reducing natural hazard risk. The RLUS states that land designated for housing, industry, community and infrastructure services must not be located within or adjacent to areas which are vulnerable to an unacceptable level of risk including coastal inundation, landslip, flooding or contaminated land. Specifically, the RLUS identifies strategies for natural Hazards:*

- *Ensure that future land use and development minimises risk to people and property resulting from flooding.*
- *Include controls in planning schemes based on current best practice to manage risk to persons and property resulting from inundation.*

*The RLUS also identifies that some use and development within natural hazard areas may be appropriate with consideration of the following:*

*Permit appropriate land uses and urban development in areas of susceptibility only where risk is very low or where it can be managed by prescriptive controls to avoid undue risk to persons including life of loss and damage to property*

*These strategies have been taken into consideration in the preparation of this amendment*

Comment:

Rezoning the site from General Residential to Local Business will introduce a range of uses that have a lesser risk from flooding than the residential zone. This is in keeping with best practice flood risk management. There are codes in the planning scheme that ensure future use and development of the site is undertaken in a risk adverse manner.

It is submitted that the amendment is consistent with the relevant sections of the Regional Land Use Strategy.

**6.2 Greater Launceston Plan**

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

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The key relevant principles are as follows:

***Principle 1: Effective Provisioning of Land Use Requirements***

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

Comment:

The loss of residential land supply will be negligible and equates to less than one lot of supply.

***Principle 2: Urban Consolidation***

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

Comment:

As was the case with Principle 1; the loss of residential supply will be negligible.

***Principle 8: The economic prosperity and social vitality of greater Launceston and the broader region will be significantly facilitated through the development of regional nodes and a diversity of employment areas.***

Comment:

The amendment will allow a successful business to operate in a location which is supportive of bulky goods sales uses.

The amendment is consistent with the GLP.

**6.3 Launceston Residential Strategy 2009**

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

In order of priority:

1. Residential development on 'brownfield' sites for example surplus public land, site where industry has relocated, mixed use developments in accessible locations on the CBD fringe or adjacent to District or Neighbourhood Centres.
  2. Increased density in existing residential areas where opportunities exist or where capacity for change has been identified, primarily through unit developments or redevelopment.
  3. Development on vacant land in urban infill locations including undeveloped portions of existing residential areas and vacant land currently within a residential zone.
  4. Development on the most appropriate vacant land on the edge of urban areas
  5. Rural residential development in the most appropriate areas
  6. Individual rural houses unconnected to a primary industrial use.
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Comment:

The amendment will have a negligible impact on housing supply. The reduction in the size of the lot at 3 Taylor Street will enable an (albeit minor) increase in smaller lots in an infill location.

## **7. State Policies**

### ***State Policy on the Protection of Agricultural Land 2009***

The purpose of this Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture. The policy has been addressed by the interim scheme and does not impact upon this urban site.

### ***State Coastal Policy 1996***

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

The policy has been addressed by the interim scheme and does not conflict with this urban site, able to be fully serviced.

### ***State Policy on Water Quality Management 1997***

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

The policy has been addressed by the interim scheme and does not conflict with this site, able to be fully serviced.

### **National Environment Protection Measures**

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

Ambient air quality 2002

Diesel vehicle emissions 2001

Assessment of site contamination 1999

Used packaging materials 1999

Movement of controlled waste between States and Territories 1998

National pollutant inventory 2000

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1 Taylor Street is listed as being potentially contaminated. It is considered that the potentially contaminated land code of the interim scheme provides sufficient safe guards to protect human health should excavation be proposed in the future. The proposal is consistent with NEPM - Assessment of site contamination 1999.

**Gas Pipelines Act 2000**

Not applicable.

**8. Referral Agencies**

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has notified the Council that no submission from TasWater is required.

**PART B - ASSESSMENT OF PLANNING SCHEME**

**Zone Purpose**

**10.0 General Residential Zone**

<p>10.1.1 Zone Purpose Statements</p> <p>10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</p> <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</p> <p>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</p> <p>10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.</p>
<p><b>Consistent</b></p> <p>The proposed subdivision is considered suitable and in keeping with the pattern of development in the surrounding area. The zone purpose statements will only consider section Lot 1 as shown on the plan of subdivision, which is currently developed and used for the purpose of a single dwelling.</p>

**Local Area Objectives - There are no local area objectives.**

**Desired Future Character Statements - There are no desired future character statements.**

**10.3 Use Standards**

Not applicable to a single dwelling residential use.

**10.4 Development Standards**

10.4.15 Lot size and dimensions

<p><b>Objective:</b> To ensure the area and dimensions of lots are appropriate for the intended use of the lots.</p>
<p><b>Consistent</b> The proposed lot has an area and dimensions that are appropriate for the residential use.</p>
<p>A1.1 Each lot, or a lot proposed in a plan of subdivision, must:                      (a) have a minimum area of no less than 500m<sup>2</sup> ; and                      (b) be able to contain a rectangle measuring 10m by 15m; or                      A1.2 Each lot, or a lot proposed in a plan of subdivision, must:                      (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or                      (b) be required for the provision of public utilities; or                      (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and                      A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>
<p><b>Relies on Performance Criteria</b> The lot has an area of 375m<sup>2</sup>, so does not comply with A1.1 (a).</p>
<p>P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:                      (a) the relevant acceptable solutions for development of buildings on the lots;                      (b) the likely location of buildings on the lots;                      (c) the likely provision of on-site parking and manoeuvrability for vehicles;                      (d) the topography of the site;                      (e) the presence of any natural hazards;                      (f) adequate provision for private open space; and                      (g) the existing pattern of development in the area.</p>
<p><b>Complies</b> The lot is considered to be a reasonable size to allow the continuation of the existing residential use. The outbuildings on the lot do not comply with the rear setbacks required by the acceptable solution in the zone. The dwelling has a setback of at least 9m from the rear boundary so complies with the acceptable solution. Having outbuildings so close to the rear boundary is consistent with the pattern of development on the lots on the northern side of Taylor Street.  The site is already developed with a single dwelling so extensive future development is unlikely. No changes are proposed to the existing access onto the lot. The site is located in an area that is susceptible to inundation in a flooding event. However, as no extension is proposed to the existing dwelling, there will be no increase in flood risk due to the subdivision.</p>

The lot provides private open space to the rear of the dwelling that is directly accessible from the dwelling. There is also an adequate distance between the dwelling and the lot boundary for on-site parking and manoeuvrability for vehicles.

The proposed lot is of a size that is consistent with the size of lots in the nearby area, such as at 17 Doolan Street and 38 Albion Street.

The proposal is assessed as meeting P1.

10.4.16 Frontage and access

<p>Objective: To ensure that lots provide:</p> <ul style="list-style-type: none"> <li>(a) appropriate frontage to a road; and</li> <li>(b) safe and appropriate access suitable for the intended use.</li> </ul>
<p><b>Consistent</b> The lot has appropriate frontage to Taylor Street which is suitable for the residential use.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.</p>
<p><b>Complies</b> The proposed lot has a frontage to a road maintained by a road authority of approximately 15m and therefore meets the Acceptable Solution A1.</p>
<p>P1 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right-of-carriageway, of no less than 3.6m width, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the width of frontage proposed, if any;</li> <li>(b) whether any other land has a right-of-carriageway as its sole or principal means of access over the frontage;</li> <li>(c) the number of immediately adjacent rights-of-carriageway;</li> <li>(d) the topography of the site;</li> <li>(e) the proposed use of the lot;</li> <li>(f) the construction and maintenance of the road;</li> <li>(g) the existing pattern of development in the surrounding area; and</li> <li>(h) the advice of the road authority.</li> </ul>
<p><b>Not Applicable</b></p>
<p>A2 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p>
<p>P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the distance between the lot or building area and the carriageway;</li> <li>(c) the nature of the road and the traffic;</li> <li>(d) the character of the area; and</li> <li>(e) the advice of the road authority.</li> </ul>
<p><b>Complies</b> The proposed lot will utilise an existing and convenient access to Taylor Street. The Road Authority has not raised issues on traffic grounds.</p>

## 10.4.17 Discharge of stormwater

<p><b>Objective:</b> To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.</p>
<p><b>Consistent</b></p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.</p>
<p><b>Complies</b> The lot is already connected to stormwater.</p>
<p>P1 All stormwater runoff is to be collected and discharged from the subdivision in a manner that will not cause adverse impacts, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the location of the discharge point (if any);</li> <li>(b) stormwater flow paths both internal and external to the site;</li> <li>(c) the location of building areas within the site;</li> <li>(d) the topography of the site;</li> <li>(e) the characteristics of the site, including rainfall;</li> <li>(f) the development on the site and adjoining land;</li> <li>(g) the additional runoff from the subdivision development and likely future development of the land; and</li> <li>(h) any onsite storage devices, detention basins or other water sensitive urban design techniques within the subdivision.</li> </ul>
<p><b>Not Applicable</b></p>
<p>A2 The Council's General Manager (Chief Executive Officer) has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.</p>
<p><b>Relies on Performance Criteria</b> No such advice has been provided.</p>
<p>P2 Stormwater discharge flows from the subdivision are mitigated to a level that the public stormwater system can accommodate, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the location of the discharge point (if any);</li> <li>(b) stormwater flow paths both internal and external to the site;</li> <li>(c) the topography of the site;</li> <li>(d) the characteristics of the site, including rainfall;</li> <li>(e) the development of the site;</li> <li>(f) the additional runoff from the subdivision development and likely future development of the land; and</li> <li>(g) any on-site storage devices, detention basins or other water sensitive urban design techniques within the subdivision.</li> </ul>

<p><b>Complies</b> The lot is already connected to stormwater. No additional flows will occur.</p>
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10.4.18 Water and sewerage services

<p>Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.</p>
<p><b>Consistent</b></p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.</p>
<p><b>Complies</b> The lot is already connected to water.</p>
<p>P1 No performance criteria.</p>
<p><b>Not Applicable</b></p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.</p>
<p><b>Complies</b> The lot is already connected to a reticulated sewerage system.</p>
<p>P2 No performance criteria.</p>
<p><b>Not Applicable</b></p>

10.4.19 Integrated urban landscape

<p>Objective: To provide landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.</p>
<p><b>Consistent</b></p>
<p>A1 Subdivision does not create any new road, public open space or other reserves.</p>
<p><b>Complies</b> No new road, public open space or other reserves proposed.</p>
<p>P1 Subdivision must be designed to enhance the amenity of the area having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) any significant natural and cultural features of the site;</li> <li>(c) access to public open spaces and roads;</li> <li>(d) the retention of existing vegetation;</li> <li>(e) linking areas of significant local habitat; and</li> <li>(f) the character of the surrounding area.</li> </ul>
<p><b>Not Applicable</b></p>

10.4.20 Walking and cycling network

<p>Objective: To:</p> <ul style="list-style-type: none"> <li>(a) provide safe and convenient movement through and between neighbourhoods by pedestrians and cyclists;</li> <li>(b) design footpaths, shared path and cycle path networks that are safe and accessible; and</li> <li>(c) accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</li> </ul>
<p><b>Consistent</b></p>
<p>A1 Subdivision does not create any new road, footpath or public open space.</p>

<p><b>Complies</b> No new road, public open space or other reserves proposed.</p>
<p>P1 Subdivision provides roads, footpaths or public open spaces that are designed to provide safe and convenient walking and cycling networks, having regard to:</p> <ul style="list-style-type: none"> <li>(a) linkages to any existing pedestrian and cycling networks;</li> <li>(b) connection of footpaths, shared paths, cycle paths and bicycle lanes;</li> <li>(c) access for cycling and walking to activity centres, community facilities, bus stops and public transport routes and public open spaces;</li> <li>(d) the road network and public open spaces; and</li> <li>(e) passive surveillance.</li> </ul>
<p><b>Not Applicable</b></p>

#### 10.4.21 Lot diversity

<p>Objective: To provide a range and mix of lot sizes to suit a variety of dwelling and household types.</p>
<p><b>Consistent</b></p>
<p>A1 Subdivision is for 10 lots or less.</p>
<p><b>Complies</b> The subdivision is for two lots.</p>
<p>P1 Subdivision provides a range and mix of lot sizes suitable for the development of a variety of dwelling and household types, having regard to:</p> <ul style="list-style-type: none"> <li>(a) lot sizes suitable for single dwellings, multiple dwellings and other forms of residential use;</li> <li>(b) the topography of the site;</li> <li>(c) demand for a variety of housing types;</li> <li>(d) the proximity of activity centres;</li> <li>(e) the proximity and access to public open space;</li> <li>(f) the proximity, availability and accessibility of pedestrian, cycling, and bus stops and public transport, routes; and</li> <li>(g) the character of the surrounding area.</li> </ul>
<p><b>Not Applicable</b></p>

#### 10.4.22 Solar orientation of lots

<p>Objective: To provide for solar orientation of lots and solar access for future dwellings.</p>
<p><b>Consistent</b></p>
<p>A1 Any lot for residential use with an area of less than 500m<sup>2</sup>, in a subdivision of 10 or more lots, must have the long access between 30 degrees west of north and 30 degrees east of north.</p>

<b>Complies</b>
The subdivision is for two lots.
P1 Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to: (a) the size, shape and orientation of the lots; (b) the topography of the site; (c) the extent of overshadowing from adjoining land; (d) any development on the site; (e) the location of roads and access to lots; and (f) the existing pattern of subdivision in the area.
<b>Not Applicable</b>

10.4.23 Neighbourhood road network

Objective: To provide for convenient and safe movement, through and between neighbourhoods, for motor vehicles, pedestrians, cyclists and public transport using the road network.
<b>Consistent</b>
A1 Subdivision does not create any new road.
<b>Complies</b>
No new road is created.
P1 The road network provides for convenient and safe movement for motor vehicles, pedestrians, cyclists and public transport, having regard to: (a) the existing network of roads, cycle paths and bicycle lanes, shared paths, footpaths and public transport routes; (b) the function of the road and its relationship to arterial and neighbourhood road types; (c) the speed limits on roads in the area; (d) the location of activity centres; (e) the volume of traffic in the area; (f) access for service and emergency vehicles; and (g) the topography of the site.
<b>Not Applicable</b>

10.4.24 Public transport network

Objective: To provide for access to public transport
<b>Consistent</b>
A1 Subdivision does not create any new road.
<b>Complies</b>
No new road is proposed.
P1 The subdivision provides for adequate access to public transport, having regard to: (a) the number of lots proposed; (b) the walking distances from the lots to public transport route; (c) any public transport strategy or plan for the area; and (d) the likelihood of the provision of public transport for the area.
<b>Not Applicable</b>



20.0 Local Business Zone

20.1.1 Zone Purpose Statements

20.1.1.1 To provide for business, professional and retail services which meet the convenience needs of a local area.

20.1.1.2 To ensure that the primary purpose of the zone is maintained and use and development does not distort the activity centre hierarchy.

20.1.1.3 To maintain or improve the function, appearance and distinctive qualities of neighbourhood centres.

20.1.1.4 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.

20.1.1.5 To encourage a diversity of residential developments, including shop-top housing and tourist accommodation, which support the functions of neighbourhood centres.

**Consistent**

The proposal is to use the area detailed as Lot 2A, part of 3 Taylor Street, for a bulky goods use in conjunction with Rossetto Tiles on the adjoining lots. This part of the site will be used for the storage of tiles. The existing use on the adjoining lots has operated on the adjoining sites for some time so is a well-established and accepted use of land in the neighbourhood. As acknowledged by the applicant throughout their submissions, the proposed use will not distort the activity centre hierarchy given that the Launceston CBD and its inner urban area is the region's Principal Activity Centre (PAC) which provides a significant proportion of all employment opportunities within the region - including for bulky goods precincts. The subject site is within an area of existing commercial and non-residential uses so using part of 3 Taylor Street to facilitate this is in keeping with the activity centre hierarchy. The nearby area is characterised by a mixture of commercial and non-residential uses specifically along Invermay Road, with residential uses beyond to each side. This change of use is in keeping with this pattern of usage.

The proposed use is in harmony with the purpose of the zone.

**Local Area Objectives - There are no local area objectives**

**Desired Future Character Statements - There are no desired future character statements**

**20.3 Use Standards**

20.3.1 Hours of operation

Objective: To ensure that uses do not cause unreasonable loss of amenity to nearby sensitive uses.
<b>Consistent</b>
A1 Commercial vehicles must only operate between 6.00am to 10.00pm Monday to Friday and 7:00am to 5:00pm Saturday and Sunday.
<b>Complies</b> A condition will require that the hours of operation meet A1. This was applied for by the applicant.
P1 Commercial vehicles must not unreasonably impact on the amenity of nearby sensitive uses, having regard to: (a) the extent and timing of traffic generation; (b) the hours of delivery and despatch of goods and materials; and (c) the existing levels of amenity.
A2 Operating hours, except for office and administrative tasks, must be between: (a) 6.00am and 10.00pm, where adjacent to the boundary of the General Residential, Inner Residential, Low Density Residential and Urban Mixed Use zones; or (b) 6.00am to midnight otherwise.
<b>Complies</b> A condition will require that the hours of operation meet A2 (a), given the site adjoins a residential zone.
P2 Uses must not unreasonably impact on the amenity of nearby sensitive uses, having regard to: (a) the nature and intensity of the proposed use; (b) the characteristics and frequency of any emissions generated; (c) the extent and timing of traffic generation; (d) the hours of delivery and despatch of goods and materials; and (e) the existing levels of amenity.

20.3.2 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.
<b>Consistent</b>
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.
<b>Complies</b> No air conditioning, air extraction, heating or refrigeration systems or compressors are proposed to be located upon Lot 2A of 3 Taylor Street and therefore meets the Acceptable Solution A1.

<p>P1 Noise, odours, fumes or vibration generated must not cause unreasonable loss of amenity to adjoining or immediately opposite sensitive uses, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the characteristics and frequency of any emissions generated;</li> <li>(b) the nature of the proposed use;</li> <li>(c) the topography of the site;</li> <li>(d) the landscaping of the site; and</li> <li>(e) any mitigation measures proposed.</li> </ul>
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20.3.3 Light spill and illumination

<p>Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.</p>
<p><b>Consistent</b> The zone will adjoin the boundary of the General Residential zone, but the proposed use will not include permanent fixed floodlighting or direct light from external light sources, so therefore meets the Acceptable Solution A1.</p>
<p>A1 The use must:</p> <ul style="list-style-type: none"> <li>(a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential, Low Density Residential, Urban Mixed Use and Village zones; and</li> <li>(b) contain direct light from external light sources within the boundaries of the site.</li> </ul>
<p>P1 Floodlighting or other external lighting used on the site must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of light sources and their intensity;</li> <li>(b) the proximity of the proposed light sources to nearby sensitive uses;</li> <li>(c) the topography of the site;</li> <li>(d) the landscaping of the site;</li> <li>(e) the degree of screening between the light source and the sensitive uses; and</li> <li>(f) existing light sources nearby.</li> </ul>

20.3.4 Noise levels

<p>Objective: To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.</p>
<p><b>Consistent</b> The proposal is assessed as meeting the performance criteria subject to conditions. The noise expected from using Lot 2A, part of 3 Taylor Street, for a bulky goods use is not expected to significantly intensify above the existing noise from the tiling business or from the road. The part of the site to be used for bulky goods sales will be for storing tiles rather than for more intrusive activities. The Council's Environmental Health Officers have provided conditions.</p>

<p>A1 Noise generated by a use on the site must:</p> <ul style="list-style-type: none"> <li>(a) not exceed a time average A-weighted sound pressure level (L<sub>aeq</sub>) 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</li> <li>(b) be in accordance with any permit conditions required by the Environment Protection Authority or an environment protection notice issued by the Director of the Environment Protection Authority.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The applicant has provided a response to the performance criteria so accepts that the acceptable solution is unlikely of being met.</p>
<p>P1 Noise levels generated by a use on the site must not unreasonably impact on the amenity of nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and intensity of the use;</li> <li>(b) the characteristics of the noise emitted;</li> <li>(c) background noise levels;</li> <li>(d) any mitigation measures proposed;</li> <li>(e) the topography of the site; and</li> <li>(f) the character of the surrounding area.</li> </ul>
<p><b>Complies</b></p> <p>The Council's Environmental Health Officers have provided conditions including limiting the operating hours via condition to meet the acceptable solutions of Clause 20.3.1 A1 and A2, and requiring that noise must not be unreasonable so as to avoid future potential environmental nuisance.</p> <p>The proposed use is assessed as meeting the performance criteria based on the following:</p> <ul style="list-style-type: none"> <li>• The proposed use of part of Lot 2A, 3 Taylor Street, for bulky goods sales in conjunction with 1 Taylor Street will not intensify the operations of Rossetto Tiles. No increase in noise emissions are anticipated above what is already generated;</li> <li>• Use of the site will be limited to the delivery, storage and relocation of tiles. The characteristics of the noise emissions would, therefore, be for machinery such as forklifts which, given that the hours of operation will be limited to a reasonable hour, and the mixed use nature of the surrounding area, results in the characteristics of the noise emissions being reasonable;</li> <li>• Background noise levels are expected to be significant given the existing use on the adjoining lot, the mixed use nature of the area, and the busy roads nearby;</li> <li>• As the applicant notes in their submission, "Any noise generated on the site would not occur outside of the time periods specified in the EMPCA Noise Regulations 2016, being 7.00am - 6.00pm Monday-Friday, 8.00am - 6.00pm Saturday and 10.00am - 6.00pm Sunday"; and</li> <li>• Invermay is not a purely residential area, and there are many occurrences of when commercial uses adjoin residential zones.</li> </ul>

It is noted that a previous permit on the site contained specific decibel level restrictions as a use condition. That permit also allowed the use to operate up until 10.00pm on weekdays. This permit supersedes those use standards with more appropriate hours of operation, so specific decibel restrictions are no longer considered necessary. It is also noted that decibel restrictions are difficult to monitor so more general conditions are now preferred.

20.3.5 Retail impact

Objective: To ensure that the economic, social and environmental impact of significant new retail use and development is consistent with the activity centre hierarchy.
<b>Not Applicable</b> The standard is not applicable pursuant to Table 20.3.
A1 If for no permit required or permitted use class.
<b>Not Applicable</b>
P1 Uses must have acceptable impacts on the viability of the activity centre hierarchy, having regard to the extent that the proposed use: (a) improves and broadens the commercial or retail choice within the area; (b) improves the urban design outcome for an activity centre, including its amenity; (c) contributes to an attractive environment for pedestrians; (d) contributes to loss of investment, blight or disinvestment for a particular centre; (e) includes environmentally sustainable design principles; and (f) is accessible by public transport.
<b>Not Applicable</b>

20.4 Development Standards

20.4.2 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.
<b>Consistent</b> Car parking is provided on adjoining land. No changes are proposed to the car parking.
A1 Car parking must be located: (a) within the building structure; or (b) behind the building.
<b>Complies</b> Car parking is provided on adjoining land. No changes are proposed to the car parking.
P1 Car parking must be located to minimise its visibility from a road, mall, laneway or arcade, having regard to: (a) the existing streetscape; (b) the location of the car parking; (c) vehicle and pedestrian traffic safety; (d) measures to screen parking; and (e) any landscaping proposed.
<b>Not Applicable</b>

20.4.11 Lot size and dimensions

<p>Objective: To ensure:</p> <ul style="list-style-type: none"> <li>(a) the area and dimensions of lots are appropriate for the zone; and</li> <li>(b) adjoining land, especially residential zones, is protected from adverse impacts on amenity.</li> </ul>
<p><b>Consistent</b> The standard is applicable as subdivision is proposed. The subdivision is assessed as having an area and dimensions that are appropriate for the zone which will not impact on the amenity of adjoining residential zones.</p>
<p>A1.1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) have a minimum area of no less than 200m<sup>2</sup> ; and</li> <li>(b) be able to contain 5m diameter circle with the centre of the circle no greater than 5m from the frontage; or</li> </ul> <p>A1.2 Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>(b) be required for the provision of public utilities; or</li> <li>(c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and</li> </ul> <p>A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>
<p><b>Complies</b> Proposed Lot 2A will have an area of 228m<sup>2</sup>, which will be consolidated with 1 Taylor Street (Lot 2). The total area of 1 Taylor Street will therefore be 831m<sup>2</sup>, which meets (a) and (b) of A1.1.</p> <p>A1.2 is not required. The proposed new lot will have boundaries setback from the buildings at 1 Taylor Street that satisfy the relevant acceptable solutions for setbacks.</p>
<p>P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use having regard to:</p> <ul style="list-style-type: none"> <li>(a) the relevant acceptable solutions for development of buildings on the lots;</li> <li>(b) the likely location of buildings on the lots;</li> <li>(c) the accessibility for vehicles providing for supplies, waste removal, emergency services and public transport;</li> <li>(d) the topography of the site;</li> <li>(e) the physical separation to surrounding sensitive land uses;</li> <li>(f) the presence of any natural hazards; and</li> <li>(g) the existing pattern of development in the area.</li> </ul>
<p><b>Not Applicable</b></p>
<p>A2 Subdivision must not be located on the boundary of the General Residential, Inner Residential, Low Density Residential, Urban Mixed Use or Village zones.</p>

<p><b>Relies on Performance Criteria</b>                  The subdivision is located on the boundary of the General Residential Zone.</p>
<p>P2 Each lot, or a lot proposed in a plan of subdivision, must be designed to minimise the potential for nuisance or loss of amenity for adjacent lots, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the lot layout and design;</li> <li>(b) the existing pattern of development in the area;</li> <li>(c) the ability for buildings to be erected in accordance with the development standards;</li> <li>(d) the proposed use of the lot;</li> <li>(e) the future use of the subject or adjoining land;</li> <li>(f) the topography of the site;</li> <li>(g) the physical separation to surrounding sensitive land uses;</li> <li>(h) compatibility with the existing pattern of development in an area;</li> <li>(i) the orientation of the lot;</li> <li>(j) access considerations; and</li> <li>(k) the accessibility for vehicles providing for supplies, waste removal, emergency services and public transport.</li> </ul>
<p><b>Complies</b>                  The subdivision will increase the size of the lot within the Local Business Zone. The layout and design of the lot allows the street frontage to be maintained as well as achieving a reasonable separation from the existing dwelling. It is also noted that the existing dwellings on the lots to the east on Albion Street are setback at least 4m from the proposed lot boundary, which is consistent with the pattern of development on lots along the northern side of Taylor Street. There will be ample room on the lot to erect a building in accordance with Clause 20.4.1 A4 which requires a 3m horizontal setback from a zone boundary.</p> <p>The bulky goods sales use will not significantly intensify as a result of the subdivision so potential for nuisance and loss of amenity to adjoining residential zones is unlikely - noting that there is an existing pattern of development on the northern side of Taylor Street of a local business zone abutting a residential zone.</p> <p>The site is adjacent to existing residential uses, although there is a favourable separation between the lot boundary and the dwellings consistent with the properties on the northern side of Taylor Street. The site will maintain access from Taylor Street and has favourable dimensions, access and orientation to enable a range of future uses.</p> <p>The proposal is assessed as meeting P2.</p>

20.4.12 Frontage and access

<p>Objective:                  To ensure that lots provide:</p> <ul style="list-style-type: none"> <li>(a) appropriate frontage to a road; and</li> <li>(b) safe and appropriate access suitable for the intended use.</li> </ul>
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<p><b>Consistent</b> The proposal is assessed as meeting the performance criteria. The lot will maintain access to Taylor Street via an existing crossover.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 5m.</p>
<p><b>Complies</b> The consolidated lot will have frontage to Taylor Street in excess of 5m.</p>
<p>P1 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right-of-carriageway, of no less than 3.6m width, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the width of frontage proposed, if any;</li> <li>(b) whether any other land has a right-of-carriageway as its sole or principal means of access over the frontage;</li> <li>(c) the number of immediately adjacent rights-of-carriageway;</li> <li>(d) the topography of the site;</li> <li>(e) the proposed use of the lot;</li> <li>(f) the construction and maintenance of the road;</li> <li>(g) the existing pattern of development in the surrounding area;</li> <li>(h) the functionality and usability of the frontage;</li> <li>(i) the anticipated nature of the vehicles likely to access the site;</li> <li>(j) the ability to manoeuvre vehicles on the site;</li> <li>(k) the accessibility for vehicles providing for supplies, waste removal, emergency services and public transport; and</li> <li>(l) the advice of the road authority.</li> </ul>
<p>A2 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p>
<p>P2 Each lot, or a lot proposed in a plan of subdivision, is provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the distance between the lot or building area and the carriageway;</li> <li>(c) the nature of the road and the traffic, including pedestrians;</li> <li>(d) the character of the area; and</li> <li>(e) the advice of the road authority.</li> </ul>
<p><b>Complies</b> The lot will continue to have favourable access to Taylor Street via an existing crossover. This is aided by the flat topography of the road, the fact that customers park elsewhere off Invermay Road, and that the access onto the lot would likely be limited to delivery vehicles (as is currently the case). The Council's Engineers have no objections on traffic grounds.</p> <p>The proposal is assessed as meeting P2.</p>



20.4.13 Discharge of stormwater

<p><b>Objective:</b> To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.</p>
<p><b>Consistent</b> The lot is able to be connected to a reticulated stormwater system. The drainage authority has provided consent.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.</p>
<p><b>Complies</b> The consolidated lot can be connected to a reticulated stormwater system.</p>
<p>P1 All stormwater runoff is to be collected and discharged from the subdivision in a manner that will not cause adverse impacts, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the location of the discharge point (if any);</li> <li>(b) stormwater flow paths both internal and external to the site;</li> <li>(c) the location of building areas within the site;</li> <li>(d) the topography of the site;</li> <li>(e) the characteristics of the site, including rainfall;</li> <li>(f) the development on the site and adjoining land;</li> <li>(g) the additional runoff from the subdivision development and likely future development of the land; and</li> <li>(h) any onsite storage devices, detention basins or other water sensitive urban design techniques within the subdivision.</li> </ul>
<p>A2 The Council's General Manager (Chief Executive Officer) has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.</p>
<p><b>Relies on Performance Criteria</b> No such advice has been provided.</p>
<p>P2 Stormwater discharge flows from the subdivision are mitigated to a level that the public stormwater system can accommodate, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the location of the discharge point (if any);</li> <li>(b) stormwater flow paths both internal and external to the site;</li> <li>(c) the topography of the site;</li> <li>(d) the characteristics of the site, including rainfall;</li> <li>(e) the development of the site and adjoining land;</li> <li>(f) the additional runoff from the subdivision development and likely future development of the land; and</li> <li>(g) any onsite storage devices, detention basins or other water sensitive urban design techniques within the subdivision.</li> </ul>
<p><b>Complies</b> The Council's Engineers have confirmed the lots can be connected to stormwater, and that the altered lots will not cause issues with the capacity of the public stormwater system.</p>

20.4.14 Water and sewerage services

Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.
<b>Consistent</b>
A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.
<b>Complies</b> The lots are already connected to a reticulated water supply.
P1 No performance criteria.
A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.
<b>Complies</b> The lots are connected to a reticulated sewerage system.
P2 No performance criteria.

E6.0 Parking and Sustainable Transport Code

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

**E6.5 Use Standards**

E6.5.1 Car parking numbers

Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.
<b>Not Applicable</b>
The change of use does not seek to intensify the use and no changes to the existing car parking on site is proposed. The additional area is already currently being used for storage. The applicant states that:  <i>This application does not propose any new buildings, structures, or building extensions. As such, there is not an increase in floor area, and therefore no additional parking is triggered.</i>

It is agreed that no additional parking is triggered and that no changes are proposed to existing parking areas.

The existing residential use will continue to have adequate parking and access arrangements.

No further assessment of the code is required.

## E16.0 Invermay/Inveresk Flood Inundation Area Code

E16.1 The purpose of this provision is to:

- (a) reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area;
- (b) ensure that new development is sited and designed to minimise the impact of flooding; and
- (c) ensure that consideration is given in the siting, design and emergency response capability of new development on land subject to flood inundation.

**Consistent**

## E16.6 Use Standards

### E16.6.1 Unacceptable uses

Objective:

To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.

**Consistent**

A1 Must not be:

- (a) Education and occasional care, except in the Inveresk Cultural precinct;
- (b) Emergency services; or
- (c) Hospital services.

**Complies**

The change of use is for bulky good sales. The residential use is existing.

P1 No performance criteria.

**Not Applicable**

A2 Must not be Residential, unless:

- (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts;
- (b) a multiple dwelling in the Invermay Residential Precinct; or
- (c) associated with and supporting the educational activities within the Inveresk Cultural precinct.

**Complies**

The residential use is existing.

P2 No performance criteria.

**Not Applicable**

A3 Must not be community meeting and entertainment in the Riveredge Industrial or Inveresk Residential precincts.

<b>Not Applicable</b>
P3 No performance criteria.
<b>Not Applicable</b>

**E16.7 Development Standards**

E16.7.1 Intensification of residential development

Objective: To limit the intensification of residential development in areas subject to, or isolated by, flood inundation
<b>Not Applicable</b> No intensification of residential development is proposed.
A1 Except within the Invermay Residential Precinct, new residential development or extensions of existing residential buildings: (a) must not increase the gross floor area of individual dwellings or total gross floor area by 10% more than that existing or approved on 1 January 2008; (b) must not result in more than 200m <sup>2</sup> of gross floor area on a single title; or (c) must be for residential uses associated with the educational activities within the Inveresk Cultural Precinct.
<b>Not Applicable</b>
P1 No performance criteria.
<b>Not Applicable</b>
A2 Subdivision or division of land by strata plan: (a) must not create any additional lots capable for any future residential development; or (b) is to: (i) separate existing dwelling units; or (ii) separate existing residential and non-residential buildings; that have been approved by Council on a single title.
<b>Complies</b> The subdivision does not create additional lots capable for any future residential development. The additional lot (Lot 2A) is to be consolidated with 1 Taylor Street (Lot 2).  The Launceston Flood Authority (LFA) were informally referred the draft amendment, and they have no objections. The LFA will be notified of the draft amendment and permit application in accordance with section 17(4) of the <i>Launceston Flood Risk Management Act 2015</i> and will be invited to make a representation during advertising.
P2 Subdivision or division of land by strata plan must not create any additional lots capable of future residential development unless: (a) it is within the Invermay Residential Precinct and is consistent with achieving the land use objectives for that precinct; or (b) it is for residential activities associated with the educational activities within the Inveresk Cultural Precinct.
<b>Not Applicable</b>

E16.7.2 Flood Impact

Objective: To ensure that new buildings and infrastructure are sited and designed to avoid or mitigate the risk and minimise the impact of flooding.
<b>Not Applicable</b> No new buildings or infrastructure are proposed.
A1 Floor levels of all habitable rooms within the Residential use class must be at least 3.7m AHD.
<b>Not Applicable</b>
P1 No performance criteria.
<b>Not Applicable</b>
A2 No acceptable solutions.
<b>Not Applicable</b>
P2 Buildings within the Residential use class in the Inveresk Cultural Precinct must be sited and designed in accordance with a hydrological report and an emergency management plan prepared by a suitably qualified engineer. The report and plan must: (a) detail: (i) the risks to life; (ii) the likely impact on the use or development; and (iii) how the use or development will manage the risk to tolerable levels; during either an overtopping of the levee or a levee breach at the closest point in the levee during a 5% AEP, 2% AEP or a 1% AEP flood event; and (b) consider the following: (i) the likely velocity and depth of flood waters; (ii) the need to locate electrical equipment and other fittings above the 1% AEP flood level; (iii) the likely effect of the use or development on flood characteristics; (iv) the development and incorporation of evacuation plans into emergency management procedures for the precinct; and (v) the ability of the use or development to withstand flood inundation and debris damage and the necessity for the incorporation of any flood proofing measures in the development.
<b>Not Applicable</b>
A3 All buildings not in the Residential use class must have a: (a) floor level of at least 3.4m AHD; and (b) gross floor area of not more than: (i) 400m <sup>2</sup> ; or (ii) 10% more than that existing or approved on the 1 January 2008.
<b>Not Applicable</b>
P3 Buildings not in the Residential use class must be sited and designed in accordance with a hydrological report and an emergency management plan prepared by a suitably qualified engineer. The report and plan must: (a) detail: (i) the risks to life; (ii) the likely impact on the use or development; and (iii) how the use or development will manage the risk to tolerable levels; during either an overtopping of the levee or a levee breach at the closest point in the levee during a 5% AEP, 2% AEP or a 1% AEP flood event; and (b) consider the following:

<ul style="list-style-type: none"> <li>(i) the likely velocity and depth of flood waters;</li> <li>(ii) the need to locate electrical equipment and other fittings above the 1% AEP flood level;</li> <li>(iii) the likely effect of the use or development on flood characteristics;</li> <li>(iv) the development and incorporation of evacuation plans into emergency management procedures for the precinct; and</li> <li>(v) the ability of the use or development to withstand flood inundation and debris damage and the necessity for the incorporation of any flood proofing measures in the development.</li> </ul>
<b>Not Applicable</b>

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA TWDA2018/02011-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

**5. CONCLUSION**

The application seeks to partially rezone land at 3 Taylor Street, Invermay from General Residential to Local Business under the Launceston Interim Planning Scheme 2015, and to facilitate a two lot subdivision and consolidation, and a partial change of use of 3 Taylor Street to Bulky Goods Sales.

The amendment and planning permit application has been assessed to be consistent with all requirements of the *Land Use Planning and Approvals Act 1993* as set out in this report.

The planning permit application satisfies all the relevant provisions of the Scheme including code provisions and the performance criteria.

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - Amendment 51 (*electronically distributed*)
  2. Plans and Planning Report - Amendment 51 (*electronically distributed*)
  3. Launceston Interim Planning Scheme 2015 - Amendment 51 (*electronically distributed*)
-



**9.8 Amendment 57 - 1A George Town Road, Newnham - Rezone Land from Recreation to Inner Residential****FILE NO:** SF6960**AUTHOR:** Luke Rogers (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

To provide a statement to the Tasmanian Planning Commission, subsequent to the public exhibition period, for an amendment to the Launceston Interim Planning Scheme 2015.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 31 October 2019 - Agenda Item 8.1 - 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential.

**RECOMMENDATION:**

That Council:

1. in accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Amendment 57; and
  2. provides advice to the Tasmanian Planning Commission that it is the view of the Council that Amendment 57 be approved as certified and exhibited.
- 

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

**REPORT:**

An application was made under section 33 of the *Land Use Planning and Approvals Act 1993* to City of Launceston for Council to initiate an amendment to the Launceston Interim Planning Scheme 2015. Amendment 57 is to rezone land from Recreation to Inner Residential zone at 1A George Town Road, Newnham.

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**9.8 Amendment 57 - 1A George Town Road, Newnham - Rezone Land from Recreation to Inner Residential ...(Cont'd)**

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Council initiated the planning scheme amendment at its Meeting on 31 October 2019. The application was then placed on public exhibition from Wednesday, 6 November to Wednesday, 6 December 2019. The amendment appeared in *The Examiner* on two separate occasions; 6 and 9 November 2019. No representations were received during this period.

In accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, Council must, within 35 days of the close of the exhibition period or a longer time as the Tasmanian Planning Commission allows, send a report to the Tasmanian Planning Commission on the amendment.

There are no reasons for Council not to proceed with the amendment. The amendment should be forwarded to the Tasmanian Planning Commission with a recommendation that it be approved without change.

**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*  
Launceston Interim Planning Scheme 2015

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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**9.8 Amendment 57 - 1A George Town Road, Newnham - Rezone Land from Recreation to Inner Residential ...(Cont'd)**

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Certified Instrument - Amendment 57 (*electronically distributed*)
  2. Draft Amendment 57 - 31 October 2019 Council Report (*electronically distributed*)
-

**9.9 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:** SF6966/DA0472/2019

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

**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

1. To decide whether to reject or exhibit Amendment 58 for a rezoning of land at 40520 Tasman Highway, St Leonards from Rural Resource to Rural Living of the Launceston Interim Planning Scheme 2015 to allow subdivision and residential use.
2. To determine Development Application DA0472/2019 for a 30 lot subdivision and associated works, road, drainage and electricity infrastructure.

In accordance with the Council's Policy the assessment of this amendment and development application was outsourced to an independent consultant planner due to internal resource requirements to meet statutory timeframes.

**PLANNING APPLICATION INFORMATION:**

Applicant: 6ty° Pty Ltd  
Area of the Site: 40520 Tasman Highway, St Leonards (CT 164745/1)  
Existing Zone: Rural Resource  
Existing Use: Rural residential and grazing  
Receipt Date: 25 November 2019

**RECOMMENDATION:**

That Council:

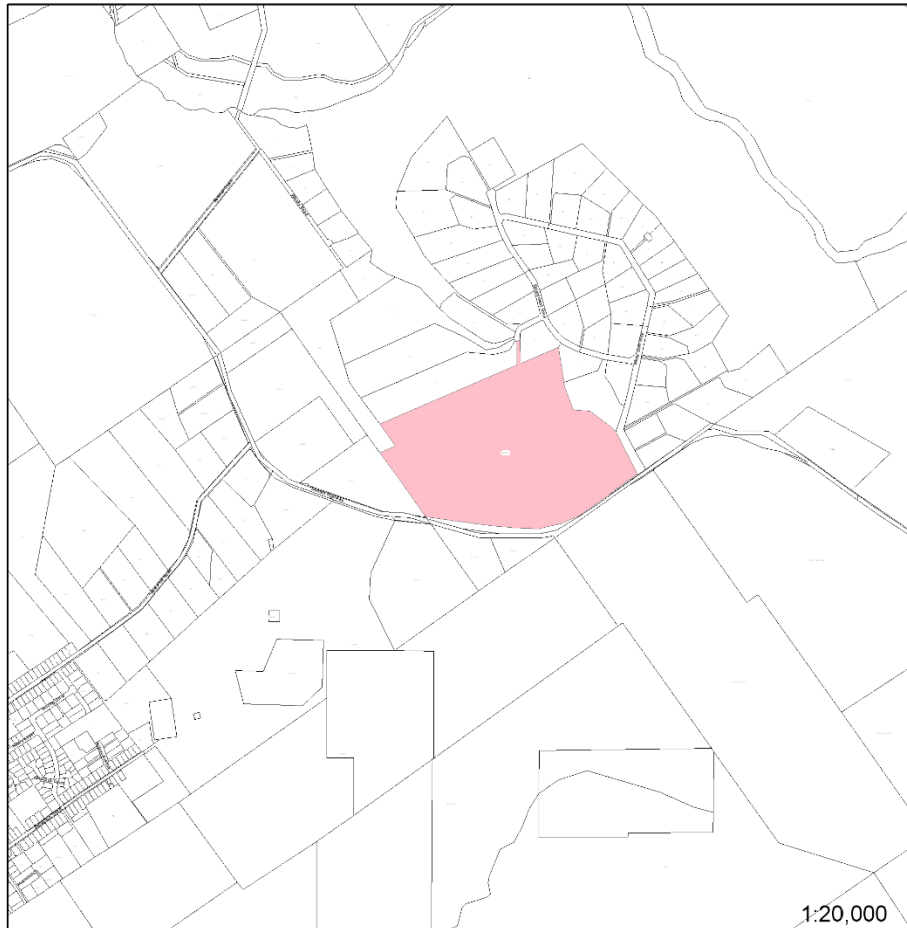
1. pursuant to the former section 33(3) and Section 34 of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 58 for a rezoning of land from Rural Resource to Rural Living at 40520 Tasman Highway, St Leonards (CT 164745/1).
  2. pursuant to the former section 6(3) of the *Land Use Planning 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, as shown below:
-

**9.9 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 ...(Cont'd)**

**Launceston Interim Planning Scheme 2015  
AMENDMENT 58**

Rezoning from Rural Resource to Rural living  
(40520 Tasman Highway, St Leonards CT164745/1)

Amend the interim planning scheme maps as below:



Zoning  Rural Living

THE COMMON SEAL  
of Launceston City  
Council was hereunto  
affixed in the presence of: -

Michael Stretton  
Chief Executive Officer

Date

**9.9 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 ...(Cont'd)**

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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 the following conditions:

**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.

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**9.9 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 ...(Cont'd)**

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The revised plans must show:

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

- a. '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.

No Build area generally

- b. 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 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 23/10/2019) the report will need to be amended to reflect those changes.

**3. PROTECTION OF 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 shall 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.

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**9.9 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 ...(Cont'd)**

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

Trees may be removed with the prior written permission of the Council.

**b. Onsite Wastewater Treatment**

- i. Lots 1, 2 and 4 to 30 inclusive must utilise approved aerated waste water 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 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.

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

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## **9.9 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 ...(Cont'd)**

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### **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.

### **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:
    - i. Electricity infrastructure including street lighting.
    - ii. 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.
-

**9.9 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 ...(Cont'd)**

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- d. be accompanied by:
- i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
  - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

**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 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.
-

**9.9 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 ...(Cont'd)**

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- c. Electricity, Communications and Other Utilities
  - i. 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,
  - 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.
-

**9.9 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 ...(Cont'd)**

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### **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 comply 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 LCC 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.
-

**9.9 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 ...(Cont'd)**

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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.*

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**9.9 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 ...(Cont'd)**

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*This permit takes effect after:*

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

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

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

**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

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

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## 9.9 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 ...(Cont'd)

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

### REPORT:

#### PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT

##### 1.1 Introduction

An application was lodged under Section 31(1) and Section 43A of the former *Land Use Planning and Approvals Act 1993* (the Act), by 6ty Pty Ltd, for:

- an amendment to the Launceston Interim Planning Scheme 2015, proposing to rezone land from Rural Resource to Rural Living; and
- a planning permit seeking approval for a 30-lot rural residential subdivision, road, drainage and electricity infrastructure.

The *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, is contained in Attachment A. This will be referred to as the 'Planning Submission' throughout the report.

The specialised reports forming part of the application are also contained in Attachment A. These reports will be referred to individually as required.

The *Launceston Interim Planning Scheme 2015* will be generally referred to as 'the Scheme' in this report.

##### 1.2 Act Requirements

The legislation allows for a combined application for a permit and a planning scheme amendment to be considered jointly in accordance with Section 43A of the *Land Use Planning and Approvals Act 1993*.

##### *43A. Application for a permit when amendment requested*

- (1) *A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*
-

**9.9 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 ...(Cont'd)**

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- (2) *Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit referred to in subsection (1) concurrently with the preparation of the requested amendment to the planning scheme.*
- (3) *An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

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

**33. Request for amendment of planning scheme**

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

*within 42 days of receiving the request or such longer time as the Commission allows.*

The matters which Council must consider when making a decision whether to reject or exhibit the application are listed in Section 32 and 43C of the Act and are set out in detail in section 5.1 of this report.

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

**38. Public exhibition of draft amendment**

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

### 2. Subject Site and Surrounding Uses

The subject site is located at 40520 Tasman Highway and comprises an area of approximately 40.07ha. The irregular shaped parcel of land has frontages of approximately 844m to the Tasman Highway and 175m to White Gum Rise. An access strip with a length of approximately 87m and a width of 12m extends from the north-eastern corner of the subject site to Magpie Crescent.

An existing dwelling and outbuildings are contained on the subject site and located closest to the eastern boundary of the title (refer Figure 2). The dwelling is accessed via an internal driveway that extends from the Tasman Highway for an estimated length of 195m.

The property has been utilised for grazing (hobby-scale), agistment of horses including horse training.

The subject site adjoins the established land area zoned Rural Living at White Gum Rise (known as Driver's Run), Whiskey Road and Boomer Road (refer to Figures 1 and 2). Rural Living zoned lots are located immediately to the north and east of the subject site. A dam, as identified in the Draft White Gum Rise Dam Break Assessment prepared by Macquarie Franklin, is located on the adjoining property (CT164126/1) to the north-east of the subject site.

The land zoned Rural Living at Abels Hill Road is separated by the Tasman Highway and land zoned Rural Resource from the subject site (refer Figure 2).

The land zoned Rural Living at Boomer Road was rezoned (Amendment 36) in May 2018 from Rural Resource to Rural Living. This created four rural residential lots, one of which contained an existing house.



Figure 1: Subject site (Source: the LIST map), location of the existing dwelling and outbuildings

**9.9 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 ...(Cont'd)**

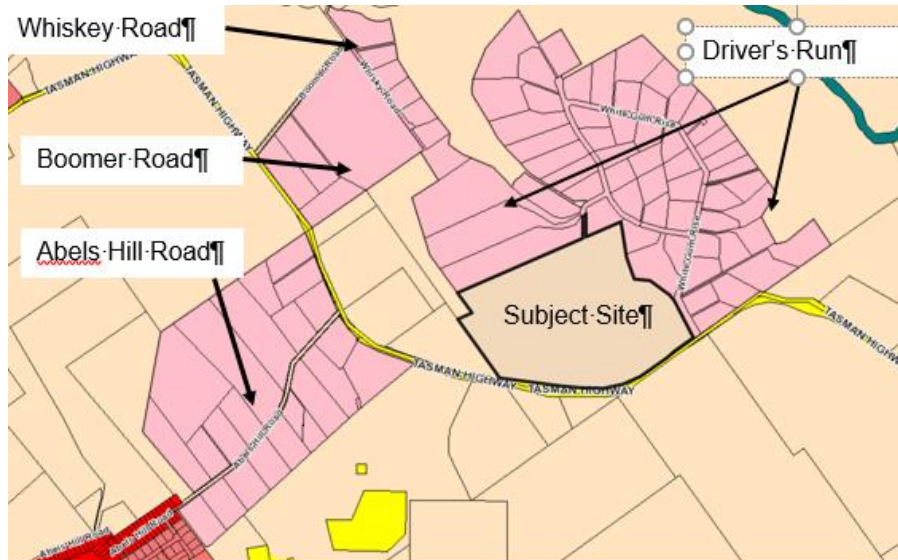


Figure 2: Zone Map, Launceston Interim Planning Scheme 2015

The land to south of the subject site, on the other side of the Tasman Highway, is zoned Rural Resource. The Agricultural Report prepared by AK Consultants identifies the land area to the south-east to be part of a commercial scale grazing enterprise. The report also identifies 'lifestyle lots' to the west of the subject site.

**3. Existing conditions on the site**

**3.1 Heritage Values**

The site is not listed in the Local Historic Heritage Code under the Scheme or within a state listed property on the Tasmanian Heritage Register.

The applicant has indicated that it has undertaken an Aboriginal Heritage Register Search and submitted that this has not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics.

**3.2 Scenic Values**

The subject site is not shown on the Scheme overlay maps as being within a scenic protection overlay or a scenic road corridor.

**3.3 Natural Values**

The subject site is not shown on the Scheme overlay maps as being within a priority habitat area.

A Natural Values Assessment, prepared by North Barker Ecosystem Services, dated 10 September 2019 was prepared in support of this application.

**9.9 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 ...(Cont'd)**

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The subject site contains native vegetation of around 8ha, forming a continuous band (with an estimated width of 90m) along the northern boundary of the title. Of the 8ha of native vegetation on the subject site, approximately 1.67ha contains the vegetation community *Eucalyptus amygdalina* inland forest and woodland on Cainozoic deposits (DAZ). DAZ is a threatened native vegetation community listed in *Schedule 3A of the Nature Conservation Act*.

The Natural Values Assessment determines that the DAZ to be in moderate to good condition. The Assessment notes that other species within this area are present such as *Eucalyptus viminalis*.

The assessment also identifies 5ha of *Eucalyptus viminalis* grassy woodland and forest in moderate condition and 1.86ha of Bursaria - Acacia woodland and scrub in poor to moderate condition is also present.

**3.4 Land capability**

The subject site is assessed by the Agricultural Report, prepared by AK Consultants to have a land capability of:

- Class 4 - 26.1ha;
- Class 5 - 4.6 ha; and
- Class 6 - 9.4 ha.

Guidelines for the Classification of Agricultural Land in Tasmania (1999) defines Class 4 land as:

*Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.*

Class 5:

*This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.*

And Class 6 as:

*Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.*

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**9.9 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 ...(Cont'd)**

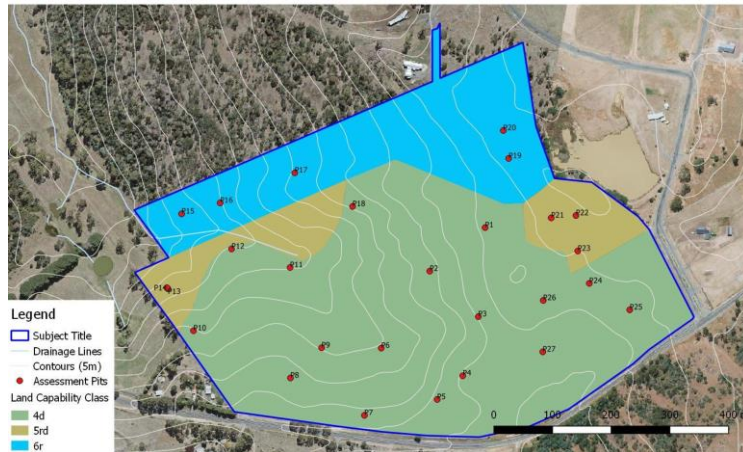


Figure 3: Assessed Land Capability (Source: AK Consultants)

With respect to the subject site, the Agricultural Report draws the following conclusion:

*‘The subject title is limited for existing and potential primary industry use by Land Capability, size and lack of existing or potential irrigation water resources. There is no Prime Agricultural Land associated with the subject land. Land with these sorts of characteristics is best farmed in conjunction with other land. However, in this instance there is limited opportunities due to the existing surrounding constraints for the title to be farmed in conjunction with other land. The loss of this land to the wider agricultural estate is considered to be minimal.*

*The draft plan of subdivision shows it is feasible to achieve appropriate separation distances between any future new dwellings and existing and potential primary industry use in the vicinity to minimise the risk of constraining agricultural use in the vicinity’.*

**3.5 Environmental Hazards**

**3.5.1 Bushfire**

The subject site is shown on the Scheme overlay maps to be within a bushfire prone area and contains bushfire prone vegetation (refer to Figure 4). A Bushfire Report and Hazard Management Plan (BRHP) was prepared by North Barker Ecosystem Services.

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**9.9 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 ...(Cont'd)**

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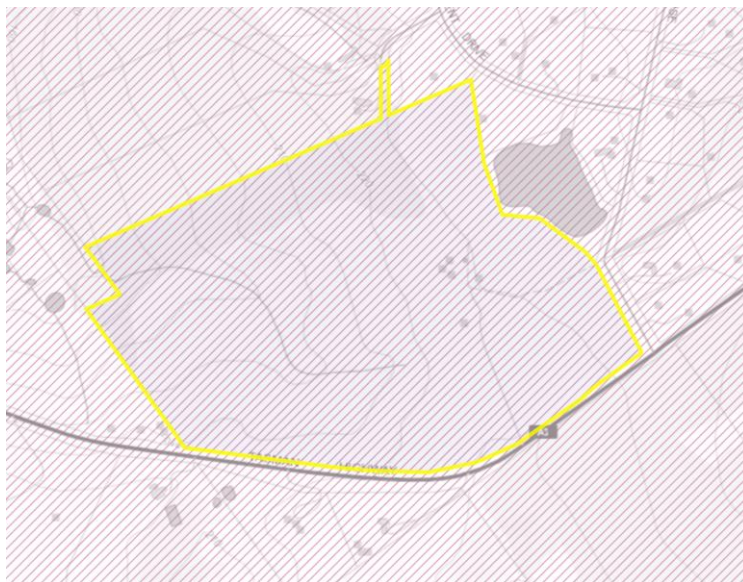


Figure 4: Bushfire prone area overlay map (source: the LIST map)

The report, dated 23 October 2019 and received on 25 of November 2019 by the applicant, contains a certificate pursuant to section 51(2)(d) of the *Land Use Planning and Approvals Act 1993*. The certificate has been prepared by a Bushfire Hazard Practitioner, accredited by the Chief Officer of the Tasmania Fire Service and is qualified to assess the proposed subdivision against the relevant provisions of E1.0 Bushfire Prone Areas Code of the Scheme.

### **3.5.2 Flood Hazard**

The subject site is not shown as being subject to a flood risk on the Scheme overlay maps.

The dam contained on an adjoining property (CT164126/1). The Draft White Gum Rise Dam Break Assessment prepared by Macquarie Franklin has determined that in the event that the dam wall collapses, there would not be any significant impact on the future residential uses of the proposed subdivision.

### **3.5.3 Landslip**

The subject site is shown on the Hazard Planning Maps produced by the Department of Premier and Cabinet to be subject to Low and Medium hazard bands (refer Figure 5).

A Landslide Risk Assessment was prepared by GeoTon Pty Ltd, dated 23 August 2019. This has assessed the landslide hazard of the proposed subdivision.

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**9.9 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 ...(Cont'd)**

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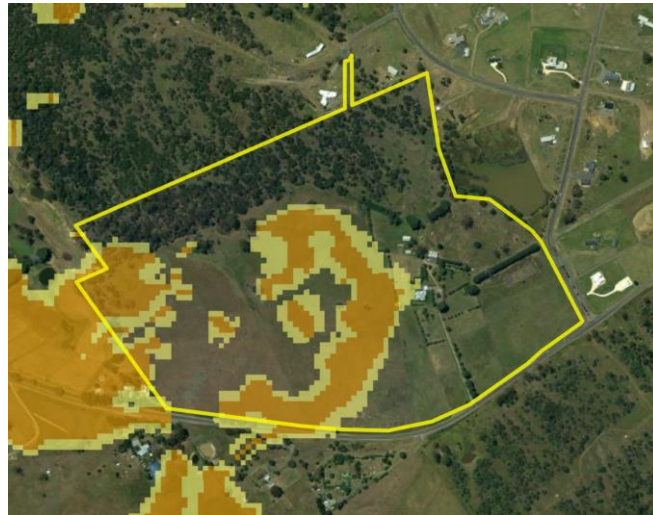


Figure 5: Hazard Planning Maps, Department of Premier and Cabinet (source: the LIST map)

This assessment draws the following conclusion:

*Based on the findings and interpretation of the investigation and the above landslide risk assessment, we consider that, in general, the residential subdivision would not adversely impact on the site and immediate surroundings nor significantly increase its current assessed landslide risk, provided the development adheres to the principles of good hillside practice.*

*However, landslides are often associated with springs, and as such, we consider that any residential development in the area around the spring in Proposed Lot 18 would not be allowed without carrying out a further detailed geotechnical investigation and possibly implementing some drainage works.*

*An information sheet entitled "Some Guidelines for Hillside Construction" adapted from the Journal of the Australian Geomechanics Society, volume 42, Number 1, dated March 2007, and is contained within this report.*

### **3.6 Infrastructure**

The subject site is not located within an area that is serviced by reticulated sewerage infrastructure.

The subject site is not connected to a reticulated water supply.

The site is not serviced by a public stormwater system.

A drainage line passes through the site which is head of water of unnamed tributary of Distillery Creek (refer Figure 6).

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**9.9 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 ...(Cont'd)**

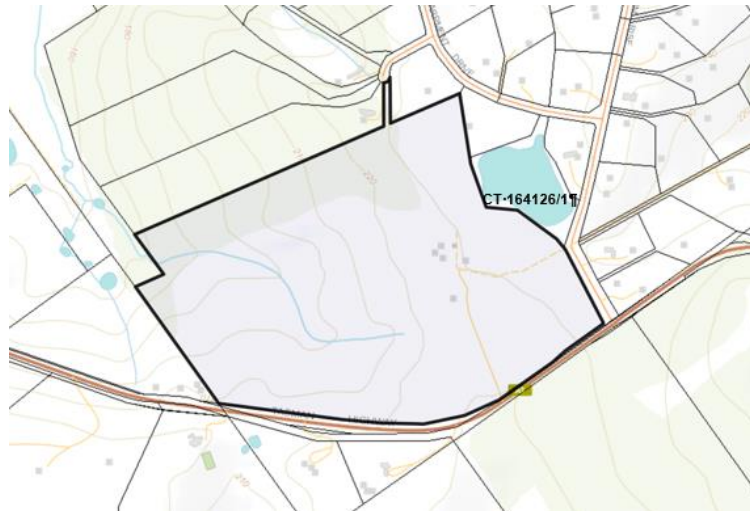


Figure 6: Unnamed tributary of Distillery Creek (blue line) and location of dam north-east of the site.

**4. Proposal**

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)

Figure 1 – Proposal Plan of Subdivision



Figure 7: Proposed Plan of Subdivision (source: Planning Submission, 6ty Pty Ltd)

**9.9 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 ...(Cont'd)**

The amendment if approved will create 30 lots which have access from White Gum Rise with a secondary access from Magpie Crescent providing vehicle access to several lots and creating a pedestrian link to the proposed new road (refer Figure 7).

A drainage line (refer Figure 6) is proposed that this be relocated within the road reserve, except where it passes through Lot 18 before leaving the site. The indicative drain section provided results in a drain width of 5.5m based on a depth of 0.5m with side slopes of 4:1 (H:V) and a base width of 5.5m.

Proposed Lot 3 will contain the existing dwelling and associated outbuildings on the site.

**4.1 Landowner Consent**

The land is owned by JCBGP Pty Ltd and consent was provided on 13 September 2019.

**4.2 Considerations for an Amendment**

The relevant requirements of section 32(1) of the Act are outlined below:

32. Requirements for preparation of amendments

- (1) *A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)–*
  - (a) .....
  - (b) .....
  - (c) .....
  - (d) .....
- (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
- (ea) *must not conflict with the requirements of section 300; and*
- (f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

**Response**

- (e) The subject site is in a location where there is an established rural residential character as it adjoins Rural Living zoned land at Driver's Run (including the lots along Whisky Road). Additionally the property at 40690 Tasman Highway was also rezoned to Rural Living in May 2018. The titles immediately west of the site, as defined by the Agricultural Report have established lifestyle characteristics.

The land south of the subject site, on the other side of the Tasman Highway, is zoned Rural Resource. The land south-east of the subject site is identified in the Agricultural Report as forming part of 'commercial scale' enterprise.



**9.9 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 ...(Cont'd)**

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Future proposed dwellings on the subject site will require assessment of the acceptable solution A4 of Clause 13.4.2, requiring setback for sensitive uses of 200m from land zoned Rural Resource. The Agricultural Report in its assessment considered the potential for land use conflicts with established agricultural uses. The report determined that any impact is minimal on the wider agricultural estate and that a future setback of sensitive uses from land zoned Rural Resource could be reduced to 50m from the southern boundary.

The proposed amendment will avoid the potential for land use conflicts with the adjacent area.

***In regard to (ea), Section 300 is considered in detail below.***

***300. Amendments under Divisions 2 and 2A of interim planning schemes***

- (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.*
  - (2) An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –*
    - (a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
    - (b) the amendment does not revoke or amend an overriding local provision; and*
    - (c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
  - (3) Subject to section 30EA, an amendment may be made to a local provision if –*
    - (a) the amendment is to the effect that a common provision is not to apply to an area of land; and*
    - (b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
  - (4) An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
  - (5) Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of –*
    - (a) taking an optional common provision out of the scheme; or*
    - (b) taking the provision out of the scheme and replacing it with another optional common provision.*
-

**9.9 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 ...(Cont'd)**

**Response:** (ea) The amendment concern a local provision of the Scheme. An assessment of the Northern Tasmania Regional Land Use Strategy (RLUS) June 2018 has been undertaken (refer section 7 below), where it is determined to be consistent.

The amendment does not propose to modify, remove or insert a common provision. The proposed rezoning is considered to be a local provision and is able to be amended under Division 2 or 2A.

The amendment must also consider the requirements of section 20(1) of the Act as set below:

- (1) *A relevant decision-marker, in preparing, accepting, declaring or making a relevant scheme, or giving approval in relation to the making or approving of a relevant scheme, must, in the opinion of the relevant decision-maker –*
  - (a) *seek to further the objectives set out in Schedule 1 within the area covered by the scheme;*
  - (b) *prepare the scheme in accordance with State Policies made under section 11 the State Policies and Projects Act 1993; and*
  - (c) *.....*
  - (d) *have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and*
  - (e) *have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.*

Additionally, the planning authority must also have regard to Section 43C with respect to the proposed subdivision.

**43C. Applications referred to in section 43A**

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

Section 20(1) and 43C(1)(a) requires the objectives set out in Schedule 1 to be considered. A response to the objectives is provided below:

**9.9 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 ...(Cont'd)**

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

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

**Response:** The amendment concerns land that contains threatened vegetation as listed in Schedule 3a of the *Nature Conservation Act 2002*. The Natural Values Assessment determines that the impact on the native vegetation community on the subject site is not significant when considered in the context of the bioregion. While this assessment is accepted, there is opportunity to promote sustainable development by mitigating impact of the proposed subdivision on native vegetation.

The lot configuration and dimensions are assessed to be of a reasonable width and depth that could support a 'no build' area for each of the proposed Lots 13 to 16 as this will protect the existing DAZ native vegetation community. This is recommended and is incorporated as a condition of the subdivision.

Please note that proposed Lot 17 is not included as it is highly constrained by the requirements of bushfire hazard management and provision of on-site wastewater disposal.

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

**Response:** The subject site adjoins an established rural residential area and is strategically identified for this purpose in both the St Leonards Village - Discussion Paper dated February 2018 and the 'Eastern Approaches Long Term Conceptual Development Plan' produced by Council in 2010.

The natural values of the subject site will be protected by establishing 'no build' areas on proposed Lots 13 to 16 (refer to (a) above).

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

**Response:** The public will have the opportunity to comment on this proposal during the exhibition period which will run for three weeks, should the Council decide to exhibit the application. The public has the opportunity to lodge a written representation to the application during the public exhibition period. The Tasmanian Planning Commission may also decide to hold a public hearing to deal with the representations if any are received.

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**9.9 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 ...(Cont'd)**

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

**Response:** The proposed amendment will provide new economic development through the construction of new dwellings in an already established rural residential area. This will support a population growth and utilisation of existing services and facilities.

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

**Response:** This application was referred to TasWater. There are no other relevant agency referrals required. If initiated the amendment will also be advertised and assessed by the Tasmanian Planning Commission consistent with this objective.

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

The objectives of Part 2 must also be considered:

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

**Response:** The amendment is consistent with the objectives of the Northern Tasmania Regional Land Use Strategy, Launceston Residential Strategy 2009-2029 and the Scheme (refer section 7). The St Leonards Village Plan -Discussion Paper dated February 2018, further affirms that the proposed amendment and subdivision is in a strategically preferred location.

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

**Response:** An application made pursuant to Section 43A of the Act must be considered against the objectives of the Act and the planning system of Tasmania more broadly for compliance. The application of the Rural Living Zone will enable the land to be assessed against the relevant provisions of the Scheme.

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

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**9.9 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 ...(Cont'd)**

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**Response:** The assessment of the proposed amendment and subsequent subdivision have considered the effects on the natural values of the subject site and water resources. The rural residential development is proposed in a strategic location which supports the regional services and facilities established in this area.

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

**Response:** The proposed amendment is consistent with the local, regional and state policies as assessed by this report.

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

**Response:** The application is made under former Section 43A of the Act and includes a rezoning of land to the Scheme to facilitate consideration of the proposed subdivision. This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

**(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation**

**Response:** The amendment facilitates housing choice and diversity. The subdivision creates 30 rural residential lots in an efficient and safe environment.

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

**Response:** The site is not listed as a local heritage place by the Tasmanian Heritage Council or by the City of Launceston.

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

**Response:** The amendment and subdivision will be serviced by road and electricity infrastructure. The subject site can be connected to a reticulated water supply; however, this will require significant augmentation of the established system. Imposing this requirement would only benefit the residential uses of the proposed subdivision rather than the wider area and is likely to result in a publicly subsidised system.

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**9.9 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 ...(Cont'd)**

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The site is not serviced by reticulated sewerage system or public stormwater infrastructure.

The provision of a full range of services to the site is not considered as it would result in a publicly subsidised system.

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

**Response:** The amendment is supported by an Agricultural Report which has assessed the land capability of the subject site and considers the associated impacts of its conversion on adjoining agricultural activities. The report has concluded that the development of the subject site for residential use will have minimal impact on the wider agricultural estate.

#### **4.3 State Policies**

##### **State Policy on the *Protection of Agricultural Land 2009***

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

The Objectives of the Policy are:

To enable the sustainable development of agriculture by minimising:

- (a) Conflict with or interference from other land uses; and
- (b) Non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.

A detailed land capability assessment was conducted by AK Consultants Pty Ltd with the findings contained in the Agricultural Report. The subject site does not contain any prime agricultural land and is assessed to contain Class 4, Class 5 and Class 6 land as defined by the Land Capability Handbook Second Edition C J Grose, 1999, Department of Primary Industries, Water and Environment Tasmania. This is reflective of the existing use of the land for grazing at a hobby scale, agistment of horses and horse training.

The report also identifies that the subject site is suited to cropping, however, concludes that high value horticultural crops would require an irrigation source which is not cost effective to develop. It is also noted that well-drained soils are not a feature of the site. The size of the title also suggests that the land would not be attractive for forestry.

According to the report, recent mapping undertaken by the Department of Justice as part of the Agricultural Land Mapping Project (ALMP), has considered the subject site to be 'unconstrained' and within the Agricultural Zone.

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**9.9 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 ...(Cont'd)**

This mapping was undertaken to guide local councils with segregating existing Rural Resource and Significant Agricultural Zones to the new Rural Zone and Agriculture Zone under the State Planning Provisions as part of the Tasmanian Planning Scheme.

According to AK Consultants, this mapping was no intended to provide a comprehensive analysis of potential agricultural land, and is designed to provide a broad-scale analysis of land capability to guide more in-depth area specific land capability studies. The report concludes that there is scope to consider alternative zoning and also forms the opinion that, *“the title is constrained for agricultural use and is unlikely to be utilised for, or be able to contribute to, an agricultural activity that is of a ‘commercial scale’”*.

Additionally the report confirms that:

- *the loss of this land to the wider agricultural estate is considered minimal; and*
- *the draft plan of subdivision shows it is feasible to achieve appropriate separation distances between any future dwellings and existing and potential primary industry use in the vicinity to minis eth risk of constraining agricultural use in the vicinity.*

As assessment of the relevant principles of the Policy have been considered below.

	<b>Policy</b>	<b>Response</b>
1	Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development.	The proposal is in an established rural residential area. The Agricultural Report submitted has stated the conversion of land will not confine nearby residential uses. The report recommends that a 50m buffer is established on proposed lots 27 to 30 and the adjoining rural uses to the south-east of the site. A condition of approval is recommended to implement this buffer distance should a planning permit be granted.
2	Use of development of prime agricultural land should not result in unnecessary conversion to non-agricultural use or agricultural use not dependent on the soil as the growth medium.	The site does not contain prime agricultural land.
3	Use or development, other than residential, of prime agricultural land that is directly associated with and subservient part of, an agricultural use of that land is consistent with this Policy.	The zoning is for residential use.

**9.9 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 ...(Cont'd)**

	<b>Policy</b>	<b>Response</b>
4	The development of utilities, extractive industries and controlled environment agriculture on prime agricultural land may be allowed, having regard to criteria including the following: (a) minimising the amount of land alienated; (b) minimising negative impacts on the surrounding environment; and (c) ensuring the particular location is reasonably required for operational efficiency.	The zoning is for residential use.
5	Residential use of agricultural land is consistent with this Policy where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.	The Agricultural Report confirms that conversion of land will not have detrimental impact or constrain rural activities.
6	Proposal of significant benefit to a region that may cause prime agricultural land to be converted to non-agricultural use or agricultural use not dependent on the soil as a growth medium, and which are no covered by Principles 3, 4 or 5, will need to demonstrate significant benefits to the region based on an assessment of social, environmental and economic costs and benefits.	The site does not contain prime agricultural land.
7	The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.	The Agricultural Report has stated that the land is not suitable for commercial agricultural use, and rezoning of the subject site for non-agricultural use would not have a significant impact on the agricultural productivity.



**9.9 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 ...(Cont'd)**

	<b>Policy</b>	<b>Response</b>
8	Provision must be made for the appropriate protection of agricultural land within irrigation districts proclaimed under Part 9 of the <i>Water Management Act 1999</i> and may be made for the protection of other areas that may benefit from broad-scale irrigation development.	The site is not contained within an irrigation district.
9	Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium, except as prescribed in Principles 10 and 11.	Not applicable.
10	New plantation forestry must not be established on prime agricultural land unless a planning scheme reviewed in accordance with this Policy provides otherwise. Planning scheme provisions must take into account the operational practicalities of plantation management, the size of the areas of prime agricultural land, their location in relation to areas of non-prime agricultural land and existing plantation forestry, and any comprehensive management plans for the land.	No plantation forestry proposed.
11	Planning schemes may require a discretionary permit for plantation forestry where it is necessary to protect, maintain and develop existing agricultural uses that are the recognised fundamental and critical components of the economy of the entire municipal area, and are essential to maintaining the sustainability of that economy.	No plantation forestry proposed.

The rezoning is consistent with the Policy as it has minimal impact on the wider agricultural estate.

**9.9 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 ...(Cont'd)**

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**State Coastal Policy 1996**

The State Coastal Policy applies to Tasmania's coastal area, including all islands except for Macquarie Island. The coastal zone includes State Waters (as defined in the *Living Marine Resources Management Act 1995*) and all land to a distance of 1km from the high water mark. The subject site is located outside of this distance and therefore is not applicable

**State Policy on Water Quality Management 1997**

The provisions of this Policy area reflected in the E9.0 Water Quality Code in the planning scheme and is considered as part of the assessment of the proposed planning permit application. The assessment of the application addresses this Code and will be appropriately conditioned to achieve the objectives of this Policy.

**National Environment Protection Measures**

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

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 1998
- National pollutant inventory 2000

The Codes within the planning scheme deal in detail with the relevant matters listed above. The NEPMs proposed amendment is considered affected by the other NEPMs.

**5. City of Launceston Corporate Strategic Plan 2014-2024**

The City of Launceston Corporate Strategic Plan 2014-2024 (LSP) is prepared under the *Local Government Act 1993* (Tas). The assessment of the application has had regard to the LSP and is generally consistent with the principles and goals as it:

- Supports housing choice and diversity in a planned location;
- Stimulates population growth in the municipal area; and
- Considers the impacts on the natural values of the site.

**6. Gas Pipelines Act 2000**

The gas pipeline is not available in proximity to the site. Therefore, the *Gas Pipelines Act 2000* is not applicable to the proposed development.

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7. Planning Strategies

Map U. Integrated development opportunities

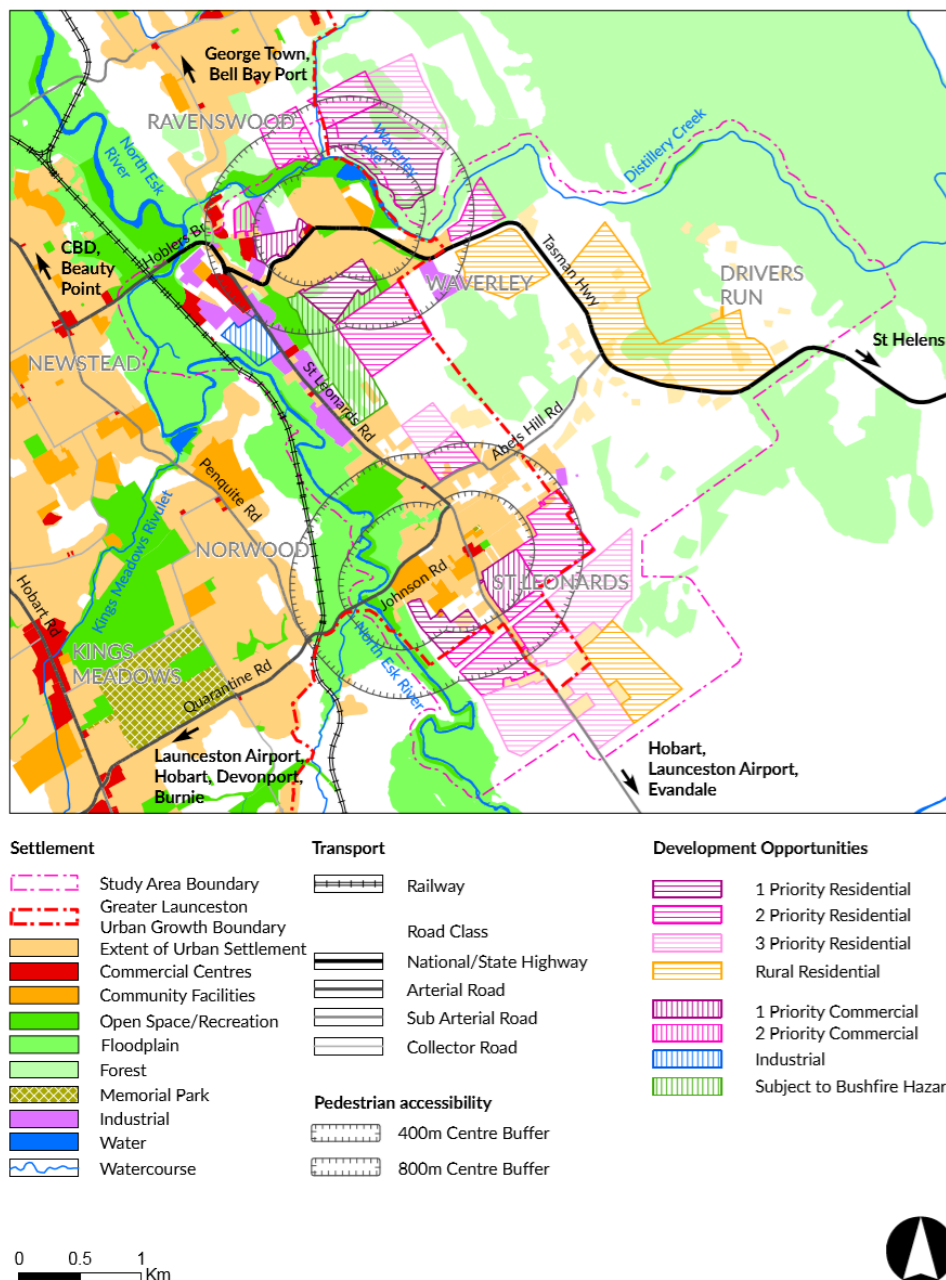


Figure 8: Map U, Integrated development opportunities, St Leonards - Discussion Paper, St Leonards Village Plan

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### **7.1 St Leonards Village – Discussion Paper (February 2018)**

The St Leonards Village - Discussion Paper (February 2018) identifies the site as part of a rural residential development opportunity to the north of St Leonards as shown on Map U in this report (refer Figure 8).

This proposed amendment is consistent with this land use strategy for the southeast corridor of Launceston and appropriately identifies its conversion to rural residential.

### **7.2 Launceston Residential Strategy 2009-2029 (LRS)**

The LRS provides a strategy for housing within the Launceston municipality over the next 20 years. The strategy focuses on five tiers of development. The most relevant to the current proposal is Tier 5: Rural Residential Development. It is noted that the equivalent current zoning is Rural Living. This type of zoning provides people with the possibility of living in a rural setting without conflicting with primary industries and without the obligation to purchase and maintain a significant landholding.

The LRS identifies that there are 54 vacant parcels of residential land and it is estimated that between 96 and 201 additional lots may be sought up to 2024. While this is noted, the Rural Residential Demand Assessment prepared by Urban Enterprise provides updated projections. The demand assessment, as noted by the applicant in their Planning Submission, identifies that an estimated 1,135 dwellings will be required by 2042 (p. 33).

The LRS anticipates that around 15% of housing would be provided in rural areas. Based on this projection, this equates to around 170 rural residential dwellings. Furthermore, the dwelling projections detailed in the Council's 'Draft Residential Land Demand and Supply Assessment' (March 2019) establishes the demand to be 4,330 dwellings by 2031 across the Greater Launceston Area. The applicant extrapolates that this suggests a demand of 2,214 dwellings by 2031 within in the municipal area and that this translates to an estimate of 332 rural residential dwellings. This suggests that the rezoning to assist with meeting this projected demand is warranted.

Although it is noted that the subject site is not in an area explicitly identified in the LRS for future rural residential development. The LRS is structured in a manner that provides for flexibility with respect to identifying appropriate locations for rural residential development without imposing overly prescriptive strategy to enable consideration of new proposals as they arise. Therefore, the LRS does not restrict rural residential development to only the areas identified within this strategy.

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The LRS provides a methodology to determine an area suitable for rural residential development. The attributes for rural residential development are reproduced in the table below.

<b>Negative attributes for Rural Residential development</b>	<b>Positive attributes for Rural Residential development</b>
High conservation value forest	Within 500m of reticulated water
Land zoned for other uses ie. industrial or closed residential	Sealed road frontage
Potential landslip.	Gravel road frontage
Within a water catchment protection area.	On current garbage collection route
Within identified buffer areas	Not in a Scenic Protection Area
Prime land under the PAL policy	Not containing TasVeg native forest
Can be sewerred (land with sewerage should be developed at a higher density than rural residential)	Continues with existing Rural Residential Zones
Non-freehold land	
Slope greater than 17 degrees	
No road frontage	

The proposed rural residential area forms an extension to an established Rural Living zone as detailed earlier in this report and is located within an estimated distance of 6km of the Launceston CBD.

The subject site has frontages to the sealed roads of the Tasman Highway and White Gum Rise and is not in an area identified as Scenic Protection. A band of native vegetation is contained along the northern side of the title. While this is not considered by the Natural Values Assessment as significant in context of the bioregion, a reduced impact on the existing native vegetation can be achieved through establishing 'no build' areas on the subject site.

The LRS considers a connection to a reticulated water supply to be a positive attribute, however, this is not a mandated requirement. In this instance establishing a reticulated water supply to the proposed subdivision only benefits the lots in question and is likely to lead to a publicly subsidised system which becomes a financial burden on the broader community.

The Council's Infrastructure and Asset Network has raised concerns with respect to the ability of lots being adequately provided with the services which is expected by the future residents, in particular the provision of a reticulated water supply.

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The adjacent Driver's Run subdivision was developed in 2010-2013 and involved the rezoning of land to Rural Residential, creating 63 lots for residential purposes. This subdivision required to provide a reticulated water supply to each lot as mandated at the time by the Launceston Planning Scheme 1996. Most recently the rezoning of land at Boomers Road also required the provision of a water supply.

Currently there is no specific requirement within the LRS or the RLUS that requires rural residential areas to be connected to a water supply.

On balance the amendment generally is accepting of the positive attributes and therefore, is consistent with the LRS.

**6.3 Northern Tasmania Regional Land Use Strategy (RLUS)**

The RLUS provides the strategic direction for the region (made up of eight municipal areas), over a 20 year time frame until 2032 and supports rural living opportunities in appropriate locations.

Section D of the RLUS defines three Regional Land Use Categories of which the Rural Area is most applicable to the assessment of this amendment. This supports rural living opportunities in appropriate locations, generally where the rural residential area is established and in areas where it does not fragment or erode the productive land base.

The RLUS defines an established Rural Residential Area as:

*'land with limited potential for efficient or practical agricultural or rural resource use on a commercial basis, and where the land use pattern is characterised by:*

- *predominantly residential land use, including lifestyle blocks, hobby farms and/or low density residential subdivision; and*
- *fragmentation of the cadastral base and property ownership; and may include*
- *topographical constraints resulting in physical impediments to rural resource use or connectivity, including biodiversity protection and/or conservation'.*

In addition to determining the established land use pattern, the Rural Area Land Use Category seeks to carefully balance a range of matters when considering the intensification or expansion of an established rural residential area, by considering:

- impact on agriculture and the environment;
  - proximity to existing services;
  - the capacity for on-site wastewater;
  - road infrastructure and its capacity;
  - natural hazards;
  - impact on natural values,
  - the existing land supply in the region; and
  - potential future requirement for the land for urban purposes.
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The amendment is supported by a detailed Planning Submission including a range of specialised reports:

- Agricultural Report;
- Rural Residential Demand-Supply Assessment;
- Traffic Impact Assessment;
- Landslide, On-Site Wastewater & On-Site Stormwater Assessments;
- Dam Break Assessment;
- Bushfire Report and Hazard Management Plan; and
- Natural Values Assessment.

The Planning Submission has assessed the policies and actions relevant to the amendment in detail, referencing specialised reports and strategic information.

The policies relevant policies and actions in the RLUS are detailed as follows:

<b>Rural and Environmental Living Development</b>	
<p>RSN-P21 Rural and environmental lifestyle opportunities will be provided outside urban areas.</p>	<p>Lifestyle opportunities will be provided outside urban areas. RSN-A19 Rural living land use patterns will be identified based on a predominance of residential use on large lots in rural settings.</p> <p>RSN-A20 Planning schemes should prioritise the consolidation of established rural residential areas over the creation of new rural residential areas.</p> <p>RSN-A21 Target growth to preferred areas based on local strategy and consolidation of existing land use patterns.</p>

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<p>RSN-P22 Rural and environmental lifestyle opportunities will reflect established Rural Residential Areas.</p> <p>RSN-P23 Growth opportunities will be provided in strategically preferred locations for rural living and environmental living based on sustainability criteria and will limit further fragmentation of rural lands.</p> <p>RSN-P24 Growth opportunities for rural living will maximise the efficiency of existing services and infrastructure.</p> <p>RSN-P25 Recognise that the Furneaux Group of islands are more reliant on local strategies for Rural Residential Areas and the protection of agricultural land that respond to the complexities and the need to retain or increase population and visitation.</p>	<p>RSN-A22 Planning scheme provisions must specifically enable subdivision opportunity to preferred areas by setting minimum lot sizes based on locality.</p> <p>RSN-A23 Ensure future locations of the Rural Living zone will not require extension of the Urban Growth Boundary Areas, compromise productivity of agricultural lands and natural productive resources.</p> <p>RSN-A25 Consolidation and growth of rural living areas is to be directed to areas identified in local strategy, that align with the following criteria (where relevant):</p> <ul style="list-style-type: none"> <li>• proximity to existing settlements containing social services;</li> <li>• access to road infrastructure with capacity;</li> <li>• onsite wastewater system suitability;</li> <li>• consideration of the impact on natural values or the potential land use limitations as a result of natural values;</li> <li>• minimising impacts on agricultural land and land conversion;</li> <li>• minimising impacts on water supply required for agricultural and environmental purposes;</li> <li>• consideration of natural hazard management;</li> <li>• existing supply within the region;</li> <li>• potential for future requirement for the land for urban purposes; and</li> <li>• the ability to achieve positive environmental outcomes through the rezoning.</li> </ul>
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The amendment is deemed to be consistent with the policies and actions detailed in the above table in that the rezoning:

- will not fragment productive land as determined by the Agricultural Report submitted with this application. The amendment does not impact on water supply required for agricultural use;
- is in an area that can be described as ‘transitional’ rather than ‘rural’ given the established Rural Living zones at Driver’s Run, Whiskey Road, Boomers Road and Abels Hill Road;
- provides new development opportunities for rural residential development. The Driver’s Run subdivision is mostly development with the majority of the 63 lots created being developed with a single detached dwelling. The Rural Residential Demand Supply Assessment demonstrates that there is a gap in the market for rural residential lots, particularly south of the CBD;
- supports the logical and appropriate extension of an established rural residential area which is underpinned by the ‘Eastern Approaches Long Term Conceptual Development Plan’ produced by the Council in 2010 (refer Figure 6);
- the St Leonards Village -Discussion Paper, dated February 2018, identifies the site as a rural residential development opportunity (refer Figure 7) as shown on Map U of this report (p. 50). This Discussion Paper encouraged community input in determining the planning outcomes;
- the natural values on the site can be conditioned as part of the subdivision by incorporating a ‘no-build’ area on proposed Lots 13 to 16. This represents a positive environmental outcome that can be achieved through the rezoning.
- can be serviced with on-site wastewater management; and
- risks from natural hazards can be appropriately mitigated.

In addition to the above policies and actions, the RLUS provides a spatial framework to achieve the regions vision with respect to the Regional Land Use Category - Natural Environment Areas. This calls on protecting biodiversity values and sets out specific policies and actions within the RLUS as follows:

<b>Biodiversity Values</b>	
<p><b>BNV-P01</b> Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.</p>	<p><b>BNV-A01</b> Apply appropriate zoning and/or overlays through planning schemes to protect areas of native vegetation.</p> <p><b>BNV-A02</b> Implement a planning assessment approach consistent with the ‘avoid, minimise, mitigate, offset’ hierarchy.</p>
<p><b>BNV-P02</b> Except where planning scheme provisions provide for exemptions, restrict land clearing and disturbance of intact natural</p>	<p><b>BNV-A03</b> Provide for environmental assessments through planning schemes for development proposals with the</p>

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<p>habitat and vegetation areas, including areas of forest and non-forest communities declared under the <i>Nature Conservation Act</i>, coastal wetlands and remnant and appropriate cultural vegetation within settlement areas.</p> <p>BNV-P03 Land use planning is to minimise the spread and impact of environmental weeds.</p> <p>BNV-P04 Land use planning processes are to be consistent with any applicable conservation area management plans or natural resource management strategy.</p>	<p>potential to impact on the habitats of native species of local importance.</p> <p>BNV-A04 Accept offsets as a last resort and only where there is a net conservation benefit, security of the offset in perpetuity and based upon the relevant State guidelines.</p> <p>BNV-A05 Further investigate regional biodiversity:</p> <ul style="list-style-type: none"> <li>• To protect, conserve and enhance the region’s biodiversity considering the extent, condition and connectivity of critical habitats; priority vegetation communities; and the number and status of vulnerable and threatened species;</li> <li>• Provide for use and development to be carried out in a manner that assists the protection of biodiversity by -             <ul style="list-style-type: none"> <li>○ Minimising native vegetation and habitat loss or degradation.</li> <li>○ Appropriately locating buildings and works.</li> </ul> </li> <li>• To develop a methodology that defines triggers and priorities for important habitat in assessing development.</li> </ul>
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The majority of the site, shown on the TasVEG 3.0 mapping, is identified as agricultural land. Although there is a band of native vegetation (approximately 8.8ha in area) established along the northern boundary of the site.

The Natural Values Assessment identifies that within this band of native vegetation there is an area of approximately 1.6ha containing DAZ - *Eucalyptus amygdalina* inland forest and woodland on Cainozoic deposits. This is listed in *Schedule 3a of the Nature Conservation Act 2003*.

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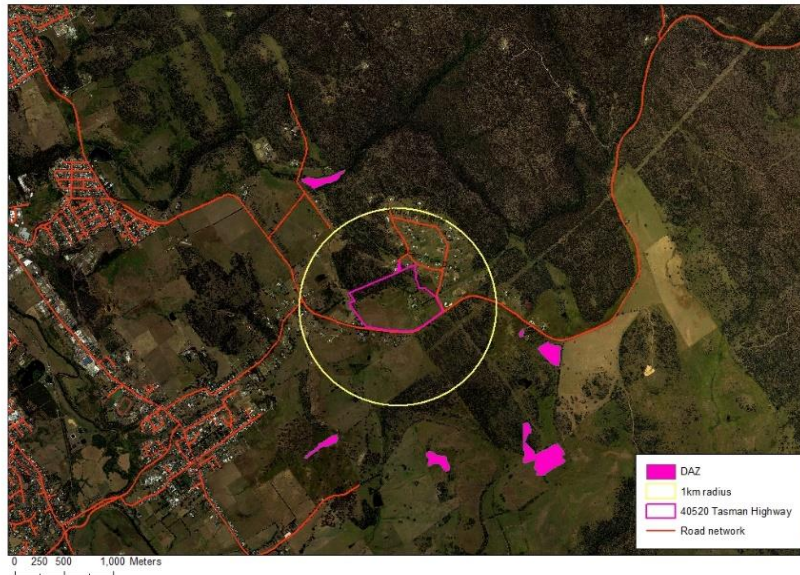


Figure 9: DAZ - *Eucalyptus amygdalina* inland forest and woodland on Cainozoic deposits within a 1km radius of the site.

The Natural Values Assessment concludes that the loss of this vegetation is not considered to be significant in context of the extent of these communities in the Bioregion as it represents a loss of 0.29%.

While this conclusion is accepted, the RLUS calls for land use planning decisions to mitigate the impacts of development on native vegetation through the Biodiversity Values Policy of BNV-P02 and the associated actions.

The small patches of DAZ remaining within a 1km radius of the site (refer Figure 9) is limited and there is opportunity to implement building exclusion areas to assist with protecting the natural values of the subject site.

Therefore a 'no-build' area on Lots 13 to 16 is recommended and this is consistent with the policies and actions in the above table. Please note that Lot 17 is not included to contain a 'no build' area as the site is constrained for bushfire hazard management and on-site wastewater disposal.

## 8. Referral Agencies

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has issued its Submission to Planning Authority Notice (TWDA 2019/01362-LCC) dated 21 November 2019 stating the following:

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*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.*

*In the event that Council determines that potable reticulated water must be provided for the proposed subdivision and subject to detailed design, the following infrastructure (at a minimum) will be required to be constructed, upgraded/augmented or duplicated (noting duplication is not favoured by TasWater):*

1. *Reservoir (this needs further consideration on a possible location as the existing site is not currently large enough);*
2. *Pump station located at Distillery Creek Water Treatment Plant feeding reservoir above;*
3. *Pump station out of reservoir serving existing and proposed lots;*
4. *360m of existing 100mm water main feeding existing and proposed lots upsized to 150mm;*
5. *A second feed line will be needed to the proposed lower level lots that do not require a pumped feed and can be serviced via gravity.*

*Such infrastructure is likely to exceed \$1million dollars, without considering reticulation mains to service the new lots. At a high level, each pump station and the reservoir could cost \$250,000 each.*

*Further, TasWater would require the proponent to provide significant details as to how the proposed development is to be serviced, expanding upon the above, with a servicing plan and report to be submitted.*

*The Planning Application would need to be amended to include a reservoir (and associated land if necessary) and TasWater would need to issue a further amended SPAN, conditioning the requirement of Asset Creation and other standard subdivision conditions.*

**PART B. DEVELOPMENT APPLICATION**

**8. Planning Scheme Requirements**

**13.0 Rural Living Zone**

13.1.1 Zone Purpose Statements

13.1.1.1

To provide land for residential use or development on large lots in a rural setting where services are limited.

13.1.1.2

To provide for compatible use and development that does not adversely impact on residential amenity.

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<p>13.1.1.3 To provide for use and development that is compatible with the natural values.</p>
<p><b>Consistent</b> The proposed subdivision will facilitate residential use and development on large lots in a rural setting. The supporting reports indicate that the proposed subdivision will not impact significantly on local natural values contained on the subject site provided conditions are implemented.</p>

**Local Area Objectives** - There are no local area objectives

**Desired Future Character Statements** - There are no desired future character statements

**13.4 Development Standards**

13.4.4 Lot size and dimensions

<p>Objective To ensure: (a) the area and dimensions of lot are appropriate for the zone; (b) rural uses on adjoining land are protected from adverse impacts; and (c) the protection of a place of Aboriginal, natural or cultural heritage.</p>
<p><b>Consistent</b> The proposal is assessed against the performance criteria of the standard. The lots are assessed as each having an area and dimension appropriate for the zone.</p>
<p>A1.1 Each lot, or a lot proposed in a plan of subdivision, must have an area of no less than 4ha; or A1.2 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (b) be required for the provision of public utilities; or (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>
<p><b>A1.1 Relies on Performance Criteria</b> All lots shown on the proposed plan of subdivision have areas less than 4ha and therefore relies on the performance criterion P1 for its approval.</p> <p><b>A1.2 Not Applicable</b> <b>A1.3 Complies</b> The acceptable solutions A2 and A3 of Clause 13.4.2 prescribe the required setbacks to a road frontage, side and rear boundaries. The existing dwelling will be contained on proposed Lot 3, comprising an area of 3.8ha.</p>

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<p>The dwelling will be setback as follows:</p> <ul style="list-style-type: none"> <li>• more than 20m from the new road frontage; and</li> <li>• more than 20m from side and rear boundaries.</li> </ul> <p>The acceptable solution A1 of Clause 13.4.3 prescribes the required setbacks for outbuildings from lot boundaries. The outbuildings are set behind the main dwelling (more than 8m) and more than 2m from side and rear boundaries.</p> <p>This complies with the acceptable solution.</p>
<p><b>P1.1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use having regard to:</p> <ol style="list-style-type: none"> <li>(a) the relevant acceptable solutions for development of buildings on the lots;</li> <li>(b) the likely location of buildings on the lots;</li> <li>(c) the likely provision of on-site parking and manoeuvrability for vehicles;</li> <li>(d) the topography of the site;</li> <li>(e) the presence of any natural hazards;</li> <li>(f) adequate provision of private open space;</li> <li>(g) fire hazard management;</li> <li>(h) separation from Rural Resource zoned land;</li> <li>(i) the ability of vegetation to provide buffering;</li> <li>(j) the existing pattern of development in the area; and</li> </ol> <p>be not less than 1ha.</p>
<p><b>P1.2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions to facilitate the protection of a place of Aboriginal, natural or historic cultural heritage.</p>
<p><b>Complies.</b></p> <p>Each lot will have a minimum area of at least 1ha as required by the performance criteria. The proposed lots have been assessed to have sufficient useable area and dimensions for residential use, having regard to the following:</p> <ol style="list-style-type: none"> <li>(a) Future buildings proposed on the lots will be assessed against the acceptable solutions in Clauses 13.4.1 and 13.4.2. The acceptable solution of Clause 13.4.1 requires a site coverage of not more than 5%. All lots exceed the minimum area of 1ha. A 5% site coverage sets aside an area of 500m<sup>2</sup> on each lot for a future dwelling and outbuilding(s) which is considered a generous allowance.</li> </ol> <p>The acceptable solutions of Clause 13.4.2 require that all buildings (other than outbuildings) be 20m from the frontage, side and rear boundaries. Outbuildings are required to be setback 8m from the frontage and 2m from side boundaries.</p> <p>The applicant has assessed the setback requirements from the road frontage, side and rear boundaries in some detail for the proposed subdivision. This assessment</p>

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confirms that generally each lot within the plan of subdivision has capacity to site a future dwelling or outbuilding that can comply with the acceptable solutions of Clause 13.4.2.

Of course there may be some exceptions where the siting of a dwelling on a lot may rely on the performance criteria. This is considered reasonable, particularly if the siting of dwellings at reduced setbacks mitigates the impacts on the natural values that may be contained on a lot.

(b) Lots 13 to 18 are most likely to be constrained by:

- Setback requirements for wastewater disposal fields from a creek or drainage line;
- bushfire hazard management; and
- natural values.

The Onsite Wastewater Plan, dated 16 December 2019, drawing number 19.060 P07 Rev C is an indicative plan that demonstrates that Lots 13 to 18 each have an area and dimensions to accommodate a future residential use, bushfire hazard management area, natural values and onsite waste disposal.

- (c) It is acknowledged that all lots have available space for on-site parking and manoeuvring as assessed by the Planning Submission.
- (d) The assessment in the Planning Submission demonstrates that the topography of the subject site is such that all lots can be developed for residential use.
- (e) The application is supported by a Landslide Risk Assessment. The report makes a series of recommendations to appropriately mitigate the landslide risk.
- (f) Each lot has capacity to make adequate provision of private open space.
- (g) The application is supported by a Bushfire Report and Hazard Management Plan and demonstrates that each area has suitable dimensions to achieve a BAL 19 building area.
- (h) The subject site adjoins land zoned Rural Resource. The Agricultural Report submitted with the application considers setback requirements with respect to the proposed lots and agricultural activities. Future dwellings are recommended to be setback a distance of 50m from the south-eastern lot boundary. This will be managed through the assessment of a residential use against Clause 13.4.2 A4 and the corresponding performance criteria.
- (i) The natural values located on the northern side and will provide buffering of lots along the northern site boundary. The Agriculture Report does not make any recommendations with respect to the planting of vegetation for additional buffering.
- (j) The site is in an area where rural residential use is established. The applicant has analysed the nearby rural residential area of Driver's Run. This highlights that of the 63 lots forming part of this subdivision, an estimated 80 percent of the developed lots have areas less than 2ha. The applicant has calculated the average lot size in the Drivers Run subdivision to be 1.28ha which is consistent with the density proposed subdivision. The proposal satisfies the performance criteria subject to conditions.

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13.4.5 Frontage and access

<p><b>Objective</b> To ensure that lots:</p> <ul style="list-style-type: none"> <li>(a) provide appropriate frontage to a road;</li> <li>(b) provide safe and appropriate access suitable for the intended use.</li> </ul>
<p><b>Consistent</b> The proposal is assessed as meeting the performance criteria. Refer to the assessment for further comment. The Road Authority (being Council) has provided conditional consent to the proposal on traffic grounds.</p>
<p><b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 4m.</p>
<p><b>Complies</b> Each lot will have a road frontage maintained by a road authority of not less than 4m.</p>
<p><b>A2</b> No acceptable solution.</p>
<p><b>Relies on the Performance Criteria</b></p>
<p><b>P2</b> Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site</li> <li>(b) the length of the access</li> <li>(c) the distance between the lot or building area and the carriageway</li> <li>(d) the nature of the road and the traffic</li> <li>(e) the character of the area; and</li> <li>(f) the advice of the road authority.</li> </ul>
<p><b>Complies.</b> Each lot is provided with reasonable access vehicular access to the boundary of lot or building area, having regard to the following:</p> <ul style="list-style-type: none"> <li>(a) The proposed new roads has been designed to correspond with the topography and drainage line of the central valley of the subject site. All lots can be provided with a sealed vehicular crossing;</li> <li>(b) The majority of the proposed lots have access to a road frontage. Lots 2, 21 and 23 are internal lots. The length of the potential access is not considered unreasonable;</li> <li>(c) The majority of the proposed lots will have access to a road frontage. The exceptions will be the internal lots, lots 2, 21 and 23;</li> <li>(d) The new road will only carry local residential traffic;</li> <li>(e) All lots will be provided to provide a single sealed vehicular crossing which is consistent with the access arrangements with the adjacent rural residential properties; and</li> <li>(f) The Road Authority has provided conditional consent.</li> </ul> <p>The proposal satisfies the performance criteria subject to conditions.</p>



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<p>13.4.6 Discharge of Stormwater</p>
<p><b>Objective:</b> To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.</p>
<p><b>Consistent</b> The proposal is considered to satisfy the performance criteria of the standard. The supporting information demonstrates that roads, will satisfactorily drained and discharge stormwater. The Council's Infrastructure and Assets Network has provided conditional consent to the development on infrastructure grounds.</p>
<p><b>A1</b> Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connection to a public stormwater system.</p>
<p><b>Relies on the Performance Criteria</b> Drainage infrastructure will be within and adjacent to the new road. The applicant has advised that surface water will be directed to the existing Tasman Highway culverts and the existing creek in the north-western corner. These drainage lines do not form part of a public stormwater system. Lots are therefore, not capable of connecting to a public stormwater system.</p>
<p><b>P1</b> All stormwater runoff is to be collected and discharged from the subdivision in a manner that will not cause adverse impacts, having regard to                      (a) the location of the discharge point (if any);                      (b) the stormwater flow paths both internal and external to the site;                      (c) the location of building areas within the site;                      (d) The topography of the site;                      (e) the characteristics of the site, including rainfall;                      (f) the development of the site and adjoining land;                      (g) the additional runoff from the subdivision development and likely future development of the land; and                      (h) any onsite storage devices, detention basins or other design techniques within the subdivision.</p>
<p><b>Complies</b> The proposed plan of subdivision is supported by Stormwater Assessment and Hydraulic Modelling. The applicant has drawn on this aforementioned report in the assessment against the performance criteria. The Planning Submission has demonstrated compliance with the performance criteria. This assessment by the applicant is accepted.  The proposal complies with the performance criteria.</p>
<p><b>A2</b> The Council's Chief Executive Officer has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.</p>
<p><b>Not applicable</b></p>

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<p><b>P2</b> Stormwater discharge flows from the subdivision are mitigated to a level that the public stormwater system can accommodate, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the location of the discharge point (if any);</li> <li>(b) the stormwater flow paths both internal and external to the site;</li> <li>(c) the topography of the site;</li> <li>(d) the characteristics of the site, including rainfall;</li> <li>(e) the development of the site;</li> <li>(f) the additional runoff from the subdivision development and likely future development of the land; and</li> <li>(g) any onsite storage devices, detention basins or other design techniques within the subdivision.</li> </ul>
<p><b>Not applicable</b></p>
<p>13.4.7 Water and sewerage services</p>
<p>Objective: To ensure that each lot provides for appropriate water supply and wastewater disposal.</p>
<p><b>Consistent</b> Each lot is capable of being serviced by onsite wastewater and is provided with an appropriate water supply. The Council's Environmental Health Officer and Infrastructure and Assets Network have provided conditional consent to the development.</p>
<p><b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.</p>
<p><b>Relies on Performance Criteria</b> The proposed lots will not be connected to a reticulated water supply.</p>
<p><b>P1</b> Where reticulated water services are not proposed to be connected, it must be demonstrated that the lots are in a locality where reticulated services are not available or capable of being connected.</p>
<p><b>Complies</b> The subject site is identified to be within the serviced water land area but is not connected to the water supply system within the adjoining Driver's Run subdivision to the north-east.</p> <p>The advice obtained from TasWater indicates that the proposed subdivision has capacity to achieve a connection; however, this requires significant augmentation of the established system and will require the construction, upgrading or duplication of the following infrastructure:</p> <ul style="list-style-type: none"> <li>1. Reservoir (this needs further consideration on a possible location as the existing site is not currently large enough);</li> <li>2. Pump station located at Distillery Creek Water Treatment Plant feeding reservoir above;</li> <li>3. Pump station out of reservoir serving existing and proposed lots;</li> </ul>

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- 4. 360m of existing 100mm water main feeding existing and proposed lots upsized to 150mm;
- 5. A second feed line will be needed to the proposed lower level lots that do not require a pumped feed and can be serviced via gravity.

Whilst this infrastructure can be constructed, TasWater has advised this would come at a significant cost and is likely to exceed \$1m, without considering reticulation mains to service the new lots. The financial costs would be such that it is not viable to provide a serviced connection and therefore, it is concluded that the proposed plan of subdivision is not capable of being connected.

TasWater has also indicated that it does not favour the provision of a water supply that relies on an existing pump from the Distillery Creek water treatment plant. The main concern with reliance on a pumped system is the risk of power outages, which could be detrimental for firefighting in the event of a bushfire.

Future dwellings will require the provision of water storage tanks for supply of potable water and for the purposes of firefighting.

The proposal is assessed as meeting the performance criteria.

**A2**

Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.

**Relies on Performance Criteria**

The lots are unable to be connected to a reticulated sewerage system.

**P2**

Where reticulated sewerage services are not proposed to be connected, it must be demonstrated that the lots are capable of accommodating an on-site wastewater management system for the intended use which does not have unreasonable adverse environmental impacts.

**Complies**

The Landslide Risk Assessment, Preliminary Wastewater Assessment and Preliminary Stormwater Assessment, dated 9 December 2019 concludes the site is only suitable for the disposal of domestic effluent by way of an AWTS and subsurface irrigation.

The report also identifies a number of minimum setbacks between the disposal fields and surrounding features including a downslope water course and spring. The prescribed setbacks in this assessment ensure that the disposal fields to have an unreasonable adverse environmental impact.

It is important that any prospective purchasers are made aware of these limitations so they can make informed decisions. Therefore, a condition is recommended requiring a Section 71 agreement addressing these limitations be included on a permit should the application be approved.

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As proposed Lot 3 will contain the existing development, the proposed condition has been formatted to only require an AWTs be installed for future development rather than retrospectively. The Geoton report did not identify any failure in the existing system nor that it would be located outside the boundary of Lot 3.

The proposal is assessed as meeting the performance criteria

13.4.8 Local natural values

Objective: To ensure that subdivision works minimise the impact on local natural values.
<b>Consistent</b> The applicant has provided a natural values report by North Barker which is of the view that the proposed access roads and other works will not have a significant impact on local natural values. A Section 71 Agreement is recommended to be entered into via condition to satisfy the standard. Refer to the assessment for further comment.
<b>A1</b> The subdivision does not include any road or other works.
<b>Relies on Performance Criteria</b> The application involves the construction of a road and works.
<b>P1</b> Subdivision works must minimise the impact on the natural values of the site, having regard to: (a) the need for the works; (b) the location of the works; (c) the significance of the natural values of the site; (d) the natural values of the area; (e) any native vegetation and fauna habitats; and (f) the topography of the site.
<b>Complies</b> The Natural Values Assessment has found that the proposal is sustainable from a natural values perspective and has specifically mentioned the road alignment in its assessment. The road will result in clearance of approximately 0.3ha of DVG ( <i>Eucalyptus viminalis</i> grassy woodland and forest) and NBA - (Bursaria - Acacia woodland and scrub). The road and associated works are required to service the subdivision.  The report states that potential future development will impact up to 8.55ha of native vegetation (including 1.67ha of DAZ - <i>Eucalyptus amygdalina</i> inland forest and woodland on Cainozoic deposits).  The DAZ is listed in Schedule 3a of the <i>Nature Conservation Act 2002</i> . North Barker concludes, that the impact of the potential loss of this vegetation in the Northern Bioregion, is not significant.

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The applicant in their assessment determines that the:  
*impacts on the woodland within individual lots are capable of being minimised or avoided, depending on the preference of future lot owners and the location of future dwellings and associated bushfire hazard management areas (HMAs). The HMAs shown in the BHMP are notional. The proposed Lots 13-16, which will contain areas of the threatened DAZ community, provide greatest scope for the retention of woodland given their relative depth and because they will also contain pasture adjacent to the subdivision road frontage.*

While the professional opinion formed by North Barker is accepted, there is opportunity to reduce the impact of the proposed subdivision by creating 'no build' areas for Lots 13 to 16.

A Section 71 agreement is recommended to minimise the impact on the natural values of the subject site. The key reason being that the most ecologically sensitive areas of the subject site will be protected by 'no build' areas, and will allow connectivity between native vegetation communities to north of the subject site.

The proposal is, therefore, assessed as meeting the performance criteria subject to conditions including the requirement to enter into a Section 71 Agreement creating a 'no build' zone for proposed Lots 13 to 16.

The proposal is assessed as meeting the performance criteria.

**E1.0 Bushfire Prone Areas Code**

**E1.1**

The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

**Consistent**

A Bushfire Report and Hazard Management Plan has been prepared for the site by a certified practitioner which has found that the development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

**E1.6 Development Standards**

**E1.6.1 Subdivision: Provision of hazard management areas**

Subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;
- (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and
- (c) provide protection for lots at any stage of a staged subdivision.

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<p><b>Consistent</b></p>
<p><b>A1</b></p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</li> <li>(b) The proposed plan of subdivision:             <ul style="list-style-type: none"> <li>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</li> <li>(ii) shows the building area for each lot;</li> <li>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and</li> <li>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots, and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and</li> </ul> </li> <li>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</li> </ul>
<p><b>Complies</b></p> <p>The Bushfire Report and Hazard Management Plan shows all lots that are within a bushfire prone area and indicative building areas for each lot. The demonstrate that each lot within the proposed plan of subdivision is capable of containing hazard management areas between bushfire prone vegetation and a building area that have dimensions equal to the separation distances required for BAL 19.</p> <p>The proposed plan of subdivision is certified to comply with E1.61 A1(b).</p>

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E1.6.2 Subdivision: Public and firefighting access

Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, firefighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (f) are designed to allow connectivity, and where needed, offering multiple evacuation points.

**Consistent**

**A1**

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of firefighting; or
- (b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:
  - (i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and
  - (ii) is certified by the TFS or an accredited person.

**Complies**

The certified Bushfire Report and Hazard Management Plan identifies that the relevant road infrastructure will need to be constructed in accordance with the construction requirements in Table E1 and E2. The proposed subdivision does not include any fire trails and Table E3, therefore, will not apply.

E1.6.3 Subdivision: Provision of water supply or firefighting purposes

Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.

**Consistent**

**A1**

- In areas serviced with reticulated water by the water corporation:
- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;
  - (b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or
  - (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.

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<p><b>Complies</b></p> <p><b>A2</b>                  In areas that are not serviced by reticulated water by the water corporation:                  (a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;                  (b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or                  (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>
<p><b>Complies</b>                  The certified Bushfire Report and Hazard Management Plan that the proposed static water supply complies with Table E5.</p>
<p><b>E3.0 Landslide Code</b>                  The purpose of this provision is to:                  (a) ensure that use and development subject to risk from landslide is appropriately located and managed; and                  (b) ensure that use and development does not cause, or have potential to cause increased risk of landslide.</p>
<p><b>Consistent</b>                  The proposal is supported by a Landslide Risk Assessment. The findings reached in this assessment demonstrates the risk from landslides can be appropriately managed and will not cause an increased risk of landslide from the proposed use and development.</p>

**E3.5 Use Standard**

Not used in this Code

<p><b>E3.6.1 Development on Land Subject to Risk of Landslip</b></p>
<p><b>Objective:</b>                  To ensure that development is located and constructed to manage landslide risk through suitable measures to avoid the risk of injury to, or loss of human life, or damage to land, property and public infrastructure.</p>
<p><b>Consistent</b>                  The proposal has been assessed as meeting the performance criteria.</p>
<p><b>A1</b>                  No Acceptable Solution</p>
<p><b>Relies on the Performance Criteria</b></p>



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**P1**

Human life, land, property and public infrastructure is protected from landslide risk, having regard to:

- (a) the level of risk identified in a landslide risk management assessment;
- (b) any declaration of a landslip area under Part 9A of the *Mineral Resources Development Act 1995*;
- (c) measures proposed to mitigate the risk;
- (d) the nature, degree, practicality and obligation for any management activities to mitigate the risk;
- (e) the need for and permanency of any on-site or off-site maintenance arrangements;
- (f) the responsibility for and the permanency of any on-site or off-site maintenance arrangements
- (g) impacts on public infrastructure; and
- (h) the impact of any mitigation works on the character of the area.

**Complies**

The Landslide Risk Assessment provided with the application is relied upon for the assessment of the requirements of the performance criteria. The assessment concludes:

*Based on the findings and interpretation of the investigation and the above landslide risk assessment, we consider that, in general, the residential subdivision would not adversely impact on the site and immediate surroundings nor significantly increase its current assessed landslide risk, provided the development adheres to the principles of good hillside practice.*

*However, landslides are often associated with springs, and as such, we consider that any residential development in the area around the spring in Proposed Lot 18 would not be allowed without carrying out a further detailed geotechnical investigation and possibly implementing some drainage works.*

*An information sheet entitled "Some Guidelines for Hillside Construction" adapted from the Journal of the Australian Geomechanics Society, volume 42, Number 1, dated March 2007, and is contained within this report.*

The proposal is assessed as meeting the performance criteria.

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

**E4.1**

The purpose of this provision is to:

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

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**Consistent**  
 The proposal will result in an increase in intensity of the use of an existing access onto White Gum Rise and the Tasman Highway. The proposal has been assessed as meeting the relevant clauses and is, therefore, considered to be consistent with the intent of code. The Road Authority has provided conditional consent to the proposal.

<b>E4.5 Use Standards</b>
<b>E4.5.1 Existing road accesses and junctions</b>
Objective: To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.
<b>Relies on Performance Criteria</b> The proposal has been assessed as meeting the performance criteria. Refer to the assessment for further comment.
<b>A2</b> The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.
<b>Relies on the Performance Criteria</b> The Traffic Impact Assessment (TIA) provided with the application determined that, following completion of the subsequent dwelling development, the proposed subdivision is likely to generate 261 vehicle movements onto East Tamar Highway per day. The application therefore relies on the performance criteria.
<b>P2</b> Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to: (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.
<b>Complies</b> The traffic generated to and from the subdivision will utilise the junction at White Gum Rise and the Tasman Highway. The Tasman Highway has a speed limit of 100km/hr. The Traffic Impact Assessment (TIA) prepared by Traffic and Civil Services is relied upon for this component of the assessment. The TIA has determined that application satisfies the performance criteria. The proposal is assessed as meeting the performance criteria.

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<p><b>A3</b> The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>
<p><b>Complies</b> Traffic will be generated from Lots 4, 5 and 11 will utilise the existing junction of Magpie Crescent/Escarpment Drive and Escarpment Drive/White Gum Rise, all having a speed limit of 60km/hr or less.</p> <p>The TIA identifies that each proposed lot will generate nine vehicle movements per day. This equates to an increase of 27 vehicle movements per day and therefore complies with the acceptable solution.</p>

E4.6.2 Road access and junctions

<p><b>Objective:</b> To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>
<p><b>Consistent</b> The proposal has been assessed as meeting the performance criteria for the new accesses. Refer to the assessment for further comment.</p>
<p><b>A1</b> No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>
<p><b>Relies on Performance Criteria</b> The proposed subdivision will involve 27 accesses onto the new road and three onto Magpie Crescent.</p>
<p><b>P1</b> For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.</p>
<p><b>Complies</b> The TIA has assessed the application against the performance criteria. From this report it is concluded that the access is safe and will not unreasonably impact on the efficiency of the road. The Council's Infrastructure and Asset Network has provided conditional consent to the proposal. The proposal is assessed as meeting the performance criteria.</p>

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

Objective: To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.
<b>Consistent</b>
<b>A1</b> Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.
<b>Complies</b> The TIA states that:  <i>Acceptable solution A1 is satisfied for the proposed accesses and junction as Table E4.6.4 requirement for 105m of sight distance in a 60km/h is satisfied.</i>  The proposals complies with the acceptable solution.

E9.0 Water Quality Code

E9.1 The purpose of this provision is to: (a) manage adverse impacts on wetlands and watercourses.
<b>Consistent</b> The proposal has been assessed as being consistent with the intent of the code given it has satisfied all relevant standards. Council's Infrastructure Department have provided conditional consent to the development.

**E9.5 Use Standards**  
**Not used in this code**

**E9.6 Development Standards**

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

Objective: To protect watercourses and wetlands from the effects of development and minimise the potential for water quality degradation.
<b>Consistent</b> The proposal is assessed as meeting the performance criteria. Refer to the assessment for further comment on compliance.
<b>A1</b> No acceptable solutions
<b>Relies on Performance Criteria</b>
<b>P1</b> Development must not unreasonably impact the water quality of watercourses or wetlands, having regard to: (a) the topography of the site;

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

**Complies**

A Stormwater Assessment and Hydraulic Modelling and the Natural Values Assessment are provided and demonstrate compliance with the performance criteria in addition to the assessment contained within the Planning Submission.

The applicant in their assessment has advised that: *“It is intended that the realigned section of the drainage line will be constructed off-line at an early stage of the subdivision, whilst lots are being created in the eastern portion of the site. This will enable the establishment of riparian vegetation and scour protection before this area is incorporated into the drainage system associated with the subdivision. The drainage infrastructure identified in the application, including stilling zones and energy dissipation within the primary open drain, will assist in managing water runoff and sedimentation associated with future development.”*

It is, therefore, considered that the proposal complies with the performance criteria subject to conditions.

**E9.6.2 Development of watercourses and wetlands**

**Objective:**

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

**Consistent**

**A1**

A wetland must not be altered, modified, filled, drained, piped or channelled.

**Complies**

The proposed plan of subdivision does not involve a wetland.

**A2**

A pipe or culvert crossing of a watercourse for access purposes.

**Relies on Performance Criteria**

The proposed works are not limited to a pipe or culvert crossing of a watercourse.

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P2

Development within a watercourse must not unreasonably impact the water quality or ecological values of the watercourse, having regard to:

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

**Complies**

A Stormwater Assessment and Hydraulic Modelling and the Natural Values Assessment are provided and demonstrate compliance with the performance criteria in addition to the assessment contained within the Planning Submission.

The applicant in their assessment has advised that: *It is intended that the realigned section of the drainage line will be constructed off-line at an early stage of the subdivision, whilst lots are being created in the eastern portion of the site. This will enable the establishment of riparian vegetation and scour protection before this area is incorporated into the drainage system associated with the subdivision. The drainage infrastructure identified in the application, including stilling zones and energy dissipation within the primary open drain, will assist in managing water runoff and sedimentation associated with future development.*

It is, therefore, considered that the proposal complies with the performance criteria subject to conditions.

**E9.6.3 Discharges to watercourses and wetlands**

**Objective**

To manage discharges to watercourses and wetlands so as not unreasonably impact the water quality.

**Consistent**

The proposal is assessed as meeting the performance criteria. Refer to the assessment for further comment on compliance.

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<p>A1 All stormwater discharge must be: (a) connected to the public stormwater system; or (b) diverted to an on-site system that contains stormwater within the site.</p>
<p><b>Relies on Performance Criteria</b> The stormwater discharge will not be connected to existing stormwater system and will increase discharge from the site.</p>
<p>P1 Stormwater discharges must not unreasonably impact on the water quality of watercourses or wetlands, having regard to: (a) the characteristics, volume and flow rates of the discharge; (b) the characteristics of the receiving waters; (c) the potential for erosion; (d) the potential for siltation and sedimentation; (e) the impact on hydrology; (f) any measures to mitigate impacts; and (g) any soil and water management plan.</p>
<p><b>Complies</b> A Stormwater Assessment and Hydraulic Modelling and the Natural Values Assessment are provided and demonstrate compliance with the performance criteria in addition to the assessment contained within the Planning Submission.</p> <p>The applicant in their assessment has advised that: <i>It is intended that the realigned section of the drainage line will be constructed off-line at an early stage of the subdivision, whilst lots are being created in the eastern portion of the site. This will enable the establishment of riparian vegetation and scour protection before this area is incorporated into the drainage system associated with the subdivision. The drainage infrastructure identified in the application, including stilling zones and energy dissipation within the primary open drain, will assist in managing water runoff and sedimentation associated with future development.</i></p> <p>It is, therefore, considered that the proposal complies with the performance criteria subject to conditions.</p>

**9.9 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 ...(Cont'd)**

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	All recommended conditions have been included in this report.
Environmental Health	The recommended conditions have been included in this report.
Heritage/Urban Design	N/A
Building and Plumbing	N/A
<b>EXTERNAL</b>	
TasWater	No conditions have been recommended.
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

**CONCLUSION**

The application seeks to rezone land at 40520 Tasman Highway St Leonards from Rural Resource to Rural Living under the Launceston Interim Planning Scheme 2015 and to facilitate a 30 lot-rural residential subdivision, road, drainage and electricity infrastructure.

The amendment and planning permit application has been assessed to be consistent with all requirements of the *Land Use Planning and Approvals Act 1993* as set out in this report.

The planning permit application satisfies all the relevant provisions of the Scheme including the code provisions and the performance criteria.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.



**9.9 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 ...(Cont'd)**

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**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - Amendment 58 - 40520 Tasman Highway, St Leonards (*electronically distributed*)
  2. Plans and Planning Report - 40520 Tasman Highway, St Leonards (*electronically distributed*)
  3. Amendment 58 - Instrument - 40520 Tasman Highway, St Leonards (*electronically distributed*)
  4. TasWater SPAN - 40520 Tasman Highway, St Leonards (*electronically distributed*)
-

**10 ANNOUNCEMENTS BY THE MAYOR****10.1 Mayor's Announcements****FILE NO: SF2375**

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**Thursday 12 December 2019**

- Attended Waverley Primary School's Grade 6 Presentation
- Attended the New Horizons Christmas barbeque
- Officiated at the Rocherlea Community Carols
- Presented awards at Queechy High School's Presentation Evening

**Friday 13 December 2019**

- Presented awards at Brooks High School's Presentation Day 2019

**Saturday 14 December 2019**

- Marched and officiated at University of Tasmania Town and Gown Procession
- Attended the City Park Radio Christmas barbeque

**Monday 16 December 2019**

- Presented awards at Kings Meadows High School's Presentation Day 2019

**Tuesday 17 December 2019**

- Attended Mowbray Heights Primary School's Grade 6 Leavers Assembly
- Presented awards at Lilydale Primary School's Awards Ceremony
- Attended the Big Picture End of Year Celebration

**Wednesday 18 December 2019**

- Attended Interweave's official launch of *Paste Up*
- Attended Newstead Christian School's 2019 Presentation Evening

**Friday 20 December 2019**

- Officiated at the City of Launceston Staff Christmas Function
-

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

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**Wednesday 25 December 2019**

- Officiated at the Launceston Community Christmas luncheon

**Friday 27 December 2019**

- Attended the start of the Launceston to Hobart Yacht Race
- Attended the Launceston Christmas Sports Carnival

**Sunday 29 December 2019**

- Attended the public *Menorah* lighting

**Monday 30 December 2019**

- Attended the Hobart Hurricanes versus Melbourne Strikers BBL Game

**Tuesday 31 December 2019**

- Attended Beerfest

**Wednesday 1 January 2020**

- Attended the Australian Bhutanese Society of Northern Tasmania Inc. New Year's Day program

**Saturday 4 January 2020**

- Launched the sunscreen dispenser trial in Cataract Gorge

**Thursday 16 January 2020**

- Attended MOFO *Architects of the Air*
- Attended MOFO *King Ubu*

**Friday 17 January 2020**

- Welcomed Air MOFO Plane passengers and entertainers to Launceston

**Saturday 18 January 2020**

- Attended MOFO *Reactor* dance presentation
-

10.1 Mayor's Announcements ...(Cont'd)

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**Sunday 19 January 2020**

- Attended MOFO *Seven Days Walking*/Ludovico Einaudi presentation
  - Attended the Hobart Hurricanes versus Melbourne Stars BBL Game
-

**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.)*

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**13 COMMITTEE REPORTS****13.1 Municipal Emergency Management Committee Meeting - 21 November 2019****FILE NO:** SF3177/SF0031**AUTHOR:** Stephen Loiterton (Emergency Management Officer)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

To receive and consider a report from the Municipal Emergency Management Committee.

**RECOMMENDATION:**

That Council receives the report from the Municipal Emergency Management Committee Meeting held on 21 November 2019.

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**REPORT:**

The Meeting of the Municipal Emergency Management Committee held on 21 November 2019 discussed the following:

- The bushfire risk this year is likely to be equivalent to 2018/2019 season.
- Some spring burns undertaken in Launceston and surrounds to reduce risk, in accordance with the Council's Bushfire Management Strategy for Council owned and managed land.
- Tasmanian Fire Service undertaking strategic planning for higher risk days.
- TasNetworks conducted expensive work to clear vegetation from under distribution lines over winter to reduce bushfire risk.
- The City of Launceston is well prepared to contribute to social recovery following bushfires this season.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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**13.1 Municipal Emergency Management Committee Meeting - 21 November 2019  
...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Priority Area 5 - A city that values its environment

Ten-year goal - To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards

Key Directions -

2. To manage the risks of climate-related events, particularly in the area of stormwater management
3. To enhance community awareness and resilience to uncertain weather patterns

**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.



**Richard Jamieson - Acting General Manager Community and Place Network**

**13.2 Tender Review Committee Meeting - 12 December 2019****FILE NO:** SF0100/CD.029/2019**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To receive a report from the Tender Review Committee (a delegated Authority Committee).

**RECOMMENDATION:**

That Council notes the decision of the Tender Review Committee to accept the tender submitted by Hazell Bros. Pty Ltd (Option 1 - Verti Blocks) for the Granville Street Remedial Works, Contract Number CD.029/2019 for \$1,262,374 (exclusive of GST).

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**REPORT:**

The Tender Review Committee Meeting, held on 12 December 2019, determined the following:

That the sum submitted by Hazell Bros. Pty Ltd (Option 1 - Verti Blocks) for the Granville Street Remedial Works, Contract Number CD.029/2019 for \$1,262,374 (exclusive of GST) be accepted.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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**13.2 Tender Review Committee Meeting - 12 December 2019 ...(Cont'd)**

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**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.
5. To maintain a financially sustainable organisation.

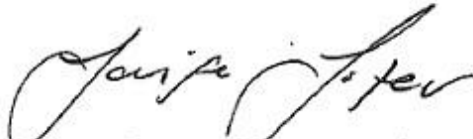
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Louise Foster - General Manager Organisational Services Network**

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**14 COUNCIL WORKSHOPS**

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

**14.1 Council Workshop Report**

**FILE NO:** SF4401

**AUTHOR:** Anthea Rooney (Committee Clerk)

**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

**RECOMMENDATION:**

That, pursuant to Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:

Workshops conducted on 23 January 2020

**Harvest Market Launceston Proposal**

*Councillors were presented with a development proposal for Harvest Launceston.*

**Live Launceston Action Plan**

*Councillors were provided with information and engaged in discussion on the Live Launceston Action Plan.*

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**REPORT:**

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

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

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

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**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

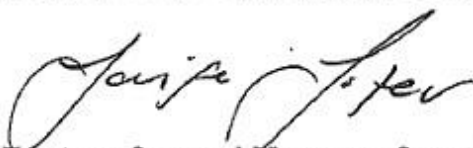
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Louise Foster - General Manager Organisational Services Network**

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**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**

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**16 COMMUNITY AND PLACE NETWORK ITEMS****16.1 Review of Signature Funding for the *Launceston Ten*****FILE NO:** SF5962/SF5791**AUTHOR:** Tracey Mallett (Manager Liveable Communities)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

To consider an extraordinary situation in the triennial event sponsorship for the *Launceston Ten* as a Signature Event.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 5 June 2017 - Agenda Item 15.4 - Event Sponsorship - Signature Events (Round 1) 2017/2018

**RECOMMENDATION:**

That Council endorses the final payment of up to \$15,000 for the 2020 event in this triennial event sponsorship for the *Launceston Ten*.

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**REPORT:**

The Tasmanian Running Festival, incorporating the *Launceston Ten*, is an event that has been held in Launceston during the winter months since 2007. It is a very successful and very popular event and given its contribution to the local community and to the runners it attracts, has scored highly in City of Launceston (CoL) event sponsorship over that time.

The *Launceston Ten* was successful in three successive years of Major Event Sponsorship which made the event organisers eligible to apply for Signature Event funding in 2017. Council recommended the pre-commitment of sponsorship funds to this event for the three years, up to and including the current financial year. An Event Sponsorship Funding Agreement was signed by the event organisers and the CoL in November 2017.

The *Launceston Ten* was not held in June 2019 after the event organisers were unable to secure the required funding and partnerships, even with the confirmed CoL sponsorship.

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**16.1 Review of Signature Funding for the *Launceston Ten* ...(Cont'd)**

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One of the conditions of the Signature Event Sponsorship Funding Agreement is that *payment for planned events in 2018/2019 and 2019/2020 is conditional upon compliance with this agreement...in respect of an event held in the previous year. Another states that if ... the Event is cancelled, the CoL must be advised promptly ... [and] that any variation of the approved details of the Event may effect this Agreement.*

This situation has not arisen since Signature Event funding has been in place, so there is no precedent to determine the best outcome for the CoL.

Event organisers are planning to go ahead with the 2020 event with a different approach to the event organisation. This will enable an event of this size to build on the plans that already exist, to be activated within four months of the proposed date. It would be beneficial for Launceston to see this event return, given its popularity and its prominence on the events calendar during the cooler months. Even though the funding agreement does allow for this final year of the current triennial agreement to not be paid, the recommendation is for it to be paid on the basis the event proceeds and all other conditions of the funding agreement are met.

**ECONOMIC**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 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:

3. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar.
-

**16.1 Review of Signature Funding for the *Launceston Ten* ...(Cont'd)**

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Strategic Priority 5: We serve and care for our community by providing equitable and efficient services that reflects needs and expectations of our community.

10-Year Goal: To offer access to services and spaces for all community members and to work in partnership with stakeholders to address the needs of vulnerable communities.

Focus Areas:

4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.

**BUDGET & FINANCIAL ASPECTS:**

The \$15,000 pre-commitment for Signature Event funding for this event is in the current budget. If this is not expended, this will result in a saving to this budget line.

The budget adjustment consideration of this item has been approved by the General Manager Organisational Services Network.

**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.



**Richard Jamieson - Acting General Manager Community and Place Network**

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**17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS**

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

**18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS**

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

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## 19 ORGANISATIONAL SERVICES NETWORK ITEMS

### 19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019

**FILE NO:** SF6634

**AUTHOR:** Karen Woolridge (Corporate Planning and Performance Administration Officer)

**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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#### **DECISION STATEMENT:**

To consider the progress against Council's 2019/2020 Annual Plan Actions for the period ending 31 December 2019.

#### **PREVIOUS COUNCIL CONSIDERATION:**

Council - 31 October 2019 - Agenda Item 20.1 - Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019

Council - 25 July 2019 - Agenda Item 19.1 - Annual Plan 2019/2020

#### **RECOMMENDATION:**

That Council notes progress against 2019/2020 Annual Plan Actions for the period ending 31 December 2019:

**Strategic Priority 1:** We ***Connect with our Community and our Region*** through meaningful engagement, cooperation and representation.

Our interactions with our community are authentic, timely, accurate and open. We want to build strong and productive relationships with our community and regional partners.

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

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19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)

Action	Network	% Complete
<b>Focus Area:</b> To lead the implementation of the GLP via collaborative and constructive relationships with our regional partners.		
Review the GLP to provide an agreed vision and evidence based plan to guide the sustainable development of the GLP area over the medium and longer term horizons, which is supported by all member councils.	Chief Executive Officer	5%
<b>Comment</b>		
Discussions have been held with the new CEO of the Northern Tasmania Development Corporation (NTDC) in respect to undertaking a coordinating role for this project. A tender for the project will be finalised by around February/March and work will commence in April and be defrayed across the 2020/2021 financial year.		
Action	Network	% Complete
<b>Focus Area:</b> To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities.		
Develop a framework for delivery of a Regional Recreation Strategy (Regional Sports Plan) in conjunction with sporting clubs, the State Government and neighbouring councils.	Infrastructure and Assets	5%
<b>Comment</b>		
The 2019/2020 works proposed to be undertaken in the second half of the year have commenced - they consist of scoping the project and reviewing the required data sets. A Recreation Planner has been recruited and will support the commencement of the project in January 2020.		
Action	Network	% Complete
<b>Focus Area:</b> To develop and consistently utilise contemporary and effective community engagement processes.		
Develop the City of Launceston's capacity to deliver consistent, sustainable and more effective community engagement for our stakeholders.	Chief Executive Officer	50%
<b>Comment</b>		
On track - Our <i>Tomorrow Together</i> Community Engagement Program has officially reached the halfway mark as we launched into our fourth of six themes (Mobile and Accessible) over the Launceston Christmas parade weekend in December. The final theme will be completed in the first six months of 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% Complete
<b>Focus Area:</b> To develop and consistently utilise contemporary and effective community engagement processes.		
Develop a Community Engagement Policy, Strategy, Framework and Toolkit, as well as to provide training to our identified 'Champions' across the City of Launceston.	Chief Executive Officer	50%
<b>Comment</b>		
The Community Engagement Strategy is complete and specific 'Champion' training has been undertaken with around 25 identified employees. This continues on an ongoing basis. An updated Community Engagement Policy and Toolkit is yet to be completed.		
This action is to be carried over to the 2020/2021 financial year.		

**Strategic Priority 2:** We *Facilitate Prosperity* by seeking out and responding to opportunities for growth and renewal of our regional economy.

We use our influence and resources to deliver the foundations for ongoing economic development. We want Launceston to be the heart of a thriving regional economy.

**10-Year Goal:** To have realised opportunities that grow and sustain our economy, and foster creative and innovative people and industries.

Action	Network	% Complete
<b>Focus Area:</b> To provide an environment that is supportive to business and development within the municipality.		
Cultural Strategy <ul style="list-style-type: none"> <li>Complete and commence implementation of a Cultural Strategy for the City of Launceston</li> </ul>	Creative Arts and Cultural Services	70%
<b>Comment</b>		
Key next steps: <ul style="list-style-type: none"> <li>October 2019: Community engagement completed</li> <li>November 2019: Cultural Strategy final draft completed</li> </ul> <p>The Cultural Strategy will be considered by Council early in 2020 for release for further community engagement.</p>		

## 19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)

**Strategic Priority 3:** We are a *Progressive Leader* that is accountable to our governance obligations and responsive to our community.

Our decision-making and actions are evidence-based, strategic, transparent and considered. We are ethical, fair and impartial in complying with, and enforcing the law.

**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.

Action	Network	% Complete
<b>Focus Area:</b> To ensure decisions are made on the basis of accurate and relevant information.		
Level of Service Planning Stage 1 <ul style="list-style-type: none"> <li>Commence planning to document service levels, review appropriateness of services, and engage with the community around expectations.</li> </ul>	Organisational Services	Not Started
<b>Comment</b>		
Intention is to commence in May 2020 once a dedicated project resource is employed.  Progress on this action is recruitment dependant.		
Action	Network	% Complete
<b>Focus Area:</b> To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations.		
Organisational Alignment Project <ul style="list-style-type: none"> <li>Implement outcomes of the Organisational Alignment Project.</li> </ul>	Chief Executive Officer	90%
<b>Comment</b>		
The Organisational Alignment project has been substantially completed. It is intended that the recruitment process for the vacant roles will be completed in early 2020. Work will continue on the revised governance structures for UTAS Stadium and QVMAG over the next two-three years, however, these elements of the project will be separately reported moving forward.		

19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)

Action	Network	% Complete
<b>Focus Area:</b> To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations.		
Organisational Cultural Development Roadmap <ul style="list-style-type: none"> <li>Continue to implement an organisational development program, with a focus on organisational culture, Lean and leadership development.</li> </ul>	Organisational Services	50%
<b>Comment</b>		
<p>The Cultural Roadmap contains seven focus areas for improvement including the Organisational Alignment Project (OAP), Cultural Action Planning and Embedding our Values and Behaviours. All of these things have been progressing steadily and simultaneously, with some areas more advanced along the timeline will an increased focus on developing our leaders and setting them up to succeed in our revised organisational structure. Through the recent OAP, a number of other opportunities for improvement were identified, and these have been incorporated into the Cultural Roadmap: for example, the need for a greater focus on professional and skill development and more accountable, inclusive and collaborative leadership. Our Cultural Roadmap already included a focus on many of these items, and the OAP feedback has reinforced their importance and helped us to identify areas of priority.</p> <p>The implementation of actions which form part of our Cultural Roadmap will progress over a number of years - the actions are currently planned out until June 2021.</p>		
Action	Network	% Complete
<b>Focus Area:</b> To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations.		
Review organisational Information and Communications Technology (ICT) Strategy.	Organisational Services	Not Started
<b>Comment</b>		
The current strategy is due for review and will commence once the Organisational Alignment Project embeds new resources to support a holistic review. This action will rollover into 2020/2021.		
Action	Network	% Complete
<b>Focus Area:</b> To maintain a financially sustainable organisation.		
Diversifying our Income Streams <ul style="list-style-type: none"> <li>Conduct a feasibility study on diversifying income streams for Creative Arts and Cultural Services</li> </ul>	Creative Arts and Cultural Services	Deferred by Council on 31 October 2019
<b>Comment</b>		
The action will become part of governance review for Creative Arts and Cultural Services.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% Complete
<b>Focus Area:</b> To provide for the health, safety and welfare of the community.		
Workplace Health and Safety • Review Safety Management System and commence implementation of review findings.	Organisational Services	40%
<b>Comment</b>		
Project is underway and an external consultant has been engaged to support the review.		
Some components of the developed safety improvement plan will roll over to 2020/21.		
Action	Network	% Complete
<b>Focus Area:</b> To fairly and equitably discharge our statutory and governance obligations.		
Commence renegotiation of the City of Launceston Enterprise Agreement.	Organisational Services	5%
<b>Comment</b>		
Planning for negotiations is being undertaken - formal negotiations will have commenced by March 2020.		

**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.

We facilitate our community's sense of place by enhancing local identity. We want people to be proud to say that Launceston is "my city".

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

Action	Network	% complete
<b>Focus Area:</b> To promote and enhance Launceston's rich heritage, culture and natural environment.		
Launceston City Heart - Wayfinding and Connectivity Implementation - City Deal Agreement • Implementation of wayfinding treatments in the CBD (Launceston City Heart area).	Infrastructure and Assets	15%
<b>Comment</b>		
A number of trial wayfinding signs have been installed around the City and Seaport area. Remaining signage will be installed in the next two quarters.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To promote and enhance Launceston's rich heritage, culture and natural environment.		
Launceston Heritage List Review and Precincts • A review of the City of Launceston's local heritage list.	Community and Place	40%
<b>Comment</b>		
This project is on track and in the third year of a five year review.		
Action	Network	% complete
<b>Focus Area:</b> To promote and enhance Launceston's rich heritage, culture and natural environment.		
Collection Audit • As part of the Digital Cultural Experience migrate QVMAG collection information onto new platform.	Creative Arts and Cultural Services	50% (see comments)
<b>Comment</b>		
<p>The Digital Cultural Experience (DCE) is a project run through the Office of the Coordinator-General. The audit of the QVMAG collections is a project of City of Launceston which will generate data. The DCE plans to procure a new platform for receiving migrated data by February 2020. The QVMAG audit pilot project has generated 350 new entries since the beginning of July 2019. The estimate of collection objects held by QVMAG is 1.5 million. The pilot phase is 50% complete and will finish in June 2020. The full audit project will begin in July 2020.</p> <p>Pilot phase on track - audit is a three to five year project which on completion will become integrated into business as usual.</p>		
Action	Network	% complete
<b>Focus Area:</b> To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.		
St John Street Redevelopment - City Deal Agreement • Commence the redevelopment of St John Street (Central North and Central South) as part of Stage 1 of the Launceston City Heart Masterplan.	Infrastructure and Assets	10%
<b>Comment</b>		
Work is nearing completion on the identification of future arrangements for re-locating the bus interchange from St John Street. Once complete, the St John Street Redevelopment Plan will be reviewed and refined, with work expected to commence on the re-development in 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To support the central business district (CBD) and commercial areas as activity places during day and night.		
Launceston City Heart • Implement Stage 2 Implementation Planning.	Infrastructure and Assets	Not Started
<b>Comment</b>		
This project will not commence until the review of the St John Street redevelopment has been completed and once the Organisational Alignment Project provides additional resources in the Place Making/Project Management teams.		

**Strategic Priority 5:** We *Serve and Care* for our Community by providing equitable and efficient services that reflects needs and expectations of our community.

We are invested in our community's long term health, well-being, safety and resilience. We want to be trusted and respected by our community.

**10-Year Goal:** To offer access to services and spaces for all community members, and to work in partnership with stakeholders to address the needs of vulnerable communities.

Action	Network	% complete
<b>Focus Area:</b> To develop and manage infrastructure and resources to protect our community from natural and other hazards.		
Review and implement planning controls to align with 2018 River Flood Study.	Community and Place	15%
<b>Comment</b>		
A draft discussion paper has been prepared which has been workshopped with Council and key stakeholders.		
Action	Network	% complete
<b>Focus Area:</b> To develop and manage infrastructure and resources to protect our community from natural and other hazards.		
Stormwater Management Plans • Analyse results of hydraulic modelling developed over the past three years to finalise stormwater management plans for key urban catchments.	Infrastructure and Assets	100%
<b>Comment</b>		
The Stormwater Management Plan was adopted by Council at its Meeting held on 28 November 2019.		



**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To plan for and provide services and facilities that recognise the changing demographics and needs of our community.		
<i>My Place My Future</i> (Northern Suburbs Revitalisation Strategy) • Stage 2 Implementation.	Community and Place	60%
<b>Comment</b>		
The <i>My Place My Future</i> Plan was successfully launched in August 2019 with the next stage of this project to be implementation and delivery of the plan. This implementation Plan is currently being developed and should be released early in 2020. Prior to its release, another period of community consultation will take place to ensure that actions in the four year delivery plan are appropriate.		
Action	Network	% complete
<b>Focus Area:</b> To plan for and provide services and facilities that recognise the changing demographics and needs of our community.		
Review Council's Access Action Plan.	Community and Place	70%
<b>Comment</b>		
The review is on track, with extensive consultation occurring at present. Draft themes have been workshop with the Access Advisory Committee and at a Council Workshop. The first draft of the Plan is scheduled for early 2020.		
Action	Network	% complete
<b>Focus Area:</b> To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.		
Continue to roll out the <i>ABCDE</i> Learning Sites approach to Mowbray.	Community and Place	80%
<b>Comment</b>		
The consultation, workshops, project planning, and delivery of the Mowbray Learning Site has been completed with an asset map delivered, project list being refined and the launch of the <i>Dear Mowbray</i> video completed.		
Action	Network	% complete
<b>Focus Area:</b> To define and communicate our role in promoting social inclusion and equity.		
Develop a Social Inclusion Framework.	Community and Place	Not Started
<b>Comment</b>		
Project to be split over 2019/2020 and 2020/2021, commencing March 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

**Strategic Priority 6:** We *Protect our Environment* by caring for our unique natural assets and amenity, and sensitively managing future development opportunities.

We strive to minimise the impact of our actions on the environment, while planning for, adapting to and managing the impact of climate change. We want to protect the special character and values of our city for future generations.

**10-Year Goal:** To enhance the unique natural character, values, and amenity of our city by minimising the impacts of our organisation’s and our community’s activities in the environment.

Action	Network	% complete
<b>Focus Area:</b> To contribute to air and river quality improvements in Launceston.		
River Health Action Plan - Implementation <ul style="list-style-type: none"> <li>The project will include the implementation of the River Health Action Plan (catchment management and combined system improvements, public education and policy development) and management of the sediment raking program (data review, hydrological modelling and community).</li> </ul>	Infrastructure and Assets	50%
<b>Comment</b>		
<ul style="list-style-type: none"> <li>The Council has been working closely with TasWater to develop the implementation plan for the combined drainage works.</li> <li>The 12 month program delivered by the Council to remove cross connections from separated sewer systems into stormwater in Trevallyn and Riverside is on track.</li> <li>Significant work has been undertaken on sediment management within the Estuary with communication of the work to the community and key stakeholders occurring in October and November 2019.</li> <li>Detailed communications plan to be developed for the commencement of combined systems projects that will also outline the expected benefits of the collective River Health Action Plan Actions will be developed in November and December.</li> <li>Continuation of Tamar Action Grants process, with further rounds of funding for land holders to be released.</li> </ul>		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To reduce our and the community's impact on the natural environment.		
Sustainability Strategy Commence development of a Sustainability Strategy that will: <ul style="list-style-type: none"> <li>Identify actions and strategic projects to improve resource recovery and diversion away from landfill.</li> <li>Outline an energy and greenhouse gas reduction action plan to enable the City of Launceston to reduce its carbon footprint.</li> <li>Identify actions to build community and infrastructure resilience in light of the potential impacts of future climate change.</li> </ul>	Infrastructure and Assets	80%
<b>Comment</b>		
The Sustainability Strategy was adopted by Council on 3 October 2019. A greenhouse gas audit has commenced and will likely be completed by March/April 2020.		

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

We play a leading role in balancing the enviable amenity of our municipality with the needs of future development and growth. We want to influence the delivery of the right investment for our City and Region.

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

Action	Network	% complete
<b>Focus Area:</b> To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.		
University of Tasmania (UTAS) Relocation - City Deal Agreement <ul style="list-style-type: none"> <li>Engage with UTAS on the project to relocate to Inveresk to ensure it integrates with the precinct and City in a planned manner.</li> </ul>	Chief Executive Officer	50%
<b>Comment</b>		
The development applications for the Library and Student Experience building and bridge to Willis Street have been approved by the Council. Construction is expected to commence in early 2020.		
Work on the parking plan for the precinct is progressing and is due for completion early in 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To ensure our suite of strategic planning initiatives are coordinated, and representative of our community's needs and aspirations.		
City Deal Agreement • Continue to work with the commonwealth and state governments to successfully implement all of the City of Launceston's commitments under the City Deal program to deliver a range of economic and social benefits to the City.	Chief Executive Officer	50%
<b>Comment</b>		
Work on Launceston City Deal projects is continuing. The Regional Economic Development Strategy was approved by the Council in December, and this follows the delivery of the <i>My Place My Future</i> Plan, River Health Action Plan, Greater Launceston Transformation Project and City Heart projects. Work is nearing completion on and the inaugural Launceston City Cultural Strategy.		
Action	Network	% complete
<b>Focus Area:</b> To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
Launceston Transport Strategy • Develop a Transport Strategy for the municipality that captures the challenges and opportunities that come with the growth and development across the city, the relocation of UTAS to Inveresk and the trends and technological advances in sustainable transport planning and operation.	Infrastructure and Assets	95%
<b>Comment</b>		
The State Government and Northern Councils are collaboratively working on a Transport Vision for the Greater Launceston area. This vision will include an action plan which identifies the primary investigations and/or on-the-ground works which are needed to understand and address the challenges and opportunities which exist throughout the transport network.		
The Vision will be considered by Council early in 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
Traffic Signal Project <ul style="list-style-type: none"> <li>Upgrade of the City's aging traffic signal infrastructure (owned by State Growth), targeted improvement of intersections, implementation of data capture technology and data analytics, and provide a framework to encourage more sustainability transport options.</li> </ul>	Infrastructure and Assets	50%
<b>Comment</b>		
The first year of the three year project is on track.		
Action	Network	% complete
<b>Focus Area:</b> To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
St Leonards Residential Growth Strategy and Masterplan.	Community and Place	50%
<b>Comment</b>		
Significant consultation and investigation activity has been completed. Long term financial plan modelling will now be undertaken. Regional transport network impacts will further inform the draft strategy and masterplan.		
Action	Network	% complete
<b>Focus Area:</b> To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
South Prospect Residential Growth Strategy and Masterplan.	Community and Place	60%
<b>Comment</b>		
A concept site development plan has been prepared for the purposes of discussion and feasibility analysis.		
Further work is necessary to develop the concepts into rezoning's and planning scheme amendments for inclusion in the Launceston Local provision schedules later in 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To ensure that our application of the land-use planning system at a local and regional level is effective and efficient.		
Launceston Planning Scheme • Finalise the local provisions of the Launceston Planning Scheme for translation to the new State-wide planning scheme framework.	Community and Place	90%
<b>Comment</b>		
Local provisions have been endorsed by Council and submitted to the Tasmanian Planning Commission for consideration prior to the formal public advertising process.  Awaiting Planning Commission decision.		

**REPORT:**

Progress against 2019/2020 Annual Plan Actions for the period ending 31 December 2019 is summarised by the following table:

Action Status	No. of Actions	%
Not Started:	4	13%
In progress:	26	81%
Complete:	1	3%
Deferred:	1	3%
<b>Total number of Actions:</b>	<b>32</b>	<b>100%</b>

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending  
31 December 2019 ...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

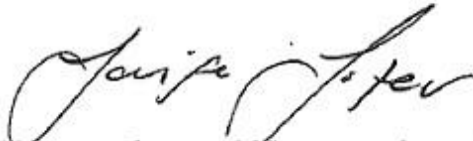
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Louise Foster - General Manager Organisational Services Network**

**19.2 Budget Amendments (for Council) - 2019/2020****FILE NO:** SF7024**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider changes to the Council's 2019/2020 Statutory Estimates.

*This decision requires an absolute majority of Council in accordance with section 82 (4) of the Local Government Act 1993 (Tas).*

**RECOMMENDATION:**

That Council, by absolute majority:

1. pursuant to section 82(4) of the *Local Government Act 1993* (Tas) approves the following changes to the 2019/2020 Statutory Estimates:
    - (a) Revenue
      - (i) the net decrease in revenue from external grants and contributions of \$442,400.
    - (b) Expenses
      - (i) the net decrease in operations expenditure of \$8,000.
    - (c) Capital Works Expenditure
      - (i) the net decrease in expenditure from external funds of \$442,400.
      - (ii) the increase in Capital expenditure of \$8,000.
  2. notes that amendments from Recommendation 1. result in:
    - (a) the operating surplus being amended to \$6,791,048 (including capital grants of \$8,671,962) for 2019/2020.
    - (b) the capital budget being increased to \$28,344,338 for 2019/2020.
- 

**REPORT:**

The budget amendments are changes to the Statutory Estimates which require a Council decision. The changes relate to external grant revenue and transfers between Operations and Capital projects.

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**19.2 Budget Amendments (For Council) - 2019/2020 ...(Cont'd)**

	<b>Operations \$'000</b>	<b>Capital \$'000</b>
<b>Statutory Budget as at 1/07/2019</b>	3,826	25,379
Adjustments approved by Council to 30/09/2019	3,399	3,399
Balance Previously Advised as at 30/09/2019	<u>7,225</u>	<u>28,778</u>
 <u>Amendments</u>		
Capital to Operations	(52)	(52)
Operations to Capital	60	60
External Funds	(442)	(442)
<b>Statutory Budget as at 31/12/2019</b>	<b><u>6,791</u></b>	<b><u>28,344</u></b>
 Deduct Capital Grants and Contributions	 <u>(8,672)</u>	
<b>Underlying Operating Budget Deficit</b>	<b><u>(1,881)</u></b>	

The table summarises all other budget agenda items and includes reconciliations of the budgeted operating result and capital expenditure. Details of the amendments are as follows:

**1(a) The following items need to be reallocated from Capital to Operations.**

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23900	Invermay/Lindsay Street Traffic Signals (R2R)	\$51,800	\$51,800	\$0	\$0
OP22838	Roads Transfers from Capital to Operations 2019/2020	\$0	\$0	\$51,800	\$51,800
	<b>Totals</b>	<b>\$51,800</b>	<b>\$51,800</b>	<b>\$51,800</b>	<b>\$51,800</b>

**The project scope of works:**

The Invermay/Lindsay Street Traffic signals project has been cancelled. Expenditure on the project is operational in nature and has been transferred to operations. A budget amendment is required to transfer the matching budget from capital to operations.

**Summary Table**

<b>Capital to Operations</b>	<b>Operations</b>	<b>Capital</b>
Invermay/Lindsay Street Traffic Signals	\$51,800	(\$51,800)
<b>TOTAL</b>	<b>\$51,800</b>	<b>(\$51,800)</b>

**19.2 Budget Amendments (For Council) - 2019/2020 ...(Cont'd)**

**1(b) The following items need to be reallocated from Operations to Capital.**

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP22733	Launceston Traffic Signal Project	\$1,300,000	\$50,000	\$0	\$1,250,000
OP22826	Howick Street Bike Lane Installation	\$35,000	\$10,000	\$0	\$25,000
CP24093	Wellington/Howick Intersection Works	\$50,000	\$0	\$60,000	\$110,000
	<b>Totals</b>	<b>\$1,385,000</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$1,385,000</b>

**The project scope of works:**

Intersection reseal at Wellington/Howick Streets, renewal of existing asset required to remove surface defects. To improve intersection accessibility the access ramps are to be upgraded. Bike lanes to be installed to improve the safety of cyclists as well as promote active travel behaviours and improvements to be made to line markings for westbound traffic to reduce confusion and increase available turning space.

**Summary Table**

Operations to Capital	Operations	Capital
Wellington/Howick Intersection Works	(\$60,000)	\$60,000
<b>TOTAL</b>	<b>(\$60,000)</b>	<b>\$60,000</b>

**1(c) The following items have been affected by external funding changes and affect both the Capital and Operations budgets.**

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10066.12160	Capital Grants Sports Facilities	(\$3,507,400)	\$175,000	\$0	(\$3,682,400)
CP23964	Churchill Park Sports Centre Stage 2	\$1,432,248	\$0	\$175,000	\$1,607,248
	<b>Totals</b>	<b>(\$2,075,152)</b>	<b>\$175,000</b>	<b>\$175,000</b>	<b>(\$2,075,152)</b>

**The project scope of works:**

As part of the Federal Election promise, the City of Launceston (CoL) was expecting to receive a grant to the sum of \$500,000, which had been budgeted for as external funds not received. The CoL is still awaiting receipt of the grant deed, but has received written confirmation that a grant to the sum of \$675,000 will instead be received. External funds not received have been increased by \$175,000 to reflect this change in funding.

19.2 Budget Amendments (For Council) - 2019/2020 ...(Cont'd)

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23958	Karoola Recreation Ground Equestrian Facility	\$100,000	\$7,400	\$0	\$92,600
G10066.12160	Capital Grants Sports Facilities	(\$3,682,400)	\$0	\$7,400	(\$3,675,000)
	<b>Totals</b>	<b>(\$3,582,400)</b>	<b>\$7,400</b>	<b>\$7,400</b>	<b>(\$3,582,400)</b>

**The project scope of works:**

Originally the CoL was anticipating the receipt of \$90,000 from external funding, which had been budgeted for. The external funding actually received was \$82,600, meaning that external budgeted funds had been overestimated by \$7,400. The external funds not received of \$7,400 have been removed.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP22826	Howick Street Bike Lane Installation	\$25,000	\$25,000	\$0	\$0
CP24093	Wellington/Howick Intersection Works	\$110,000	\$0	\$25,000	\$135,000
	<b>Totals</b>	<b>\$135,000</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$135,000</b>

**The project scope of works:**

Intersection reseal at Wellington/Howick Streets, renewal of existing asset required to remove surface defects. To improve intersection accessibility the access ramps are to be upgraded. Bike lanes to be installed to improve the safety of cyclists as well as promote active travel behaviours and improvements to be made to line markings for westbound traffic to reduce confusion and increase available turning space.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24056	Tennis Centre Upgrade	\$3,300,000	\$200,000	\$0	\$3,100,000
G10066.12160	Capital Contributions - Sporting Grounds	-\$3,675,000	\$0	\$200,000	-\$3,475,000
	<b>Totals</b>	<b>(\$375,000)</b>	<b>\$200,000</b>	<b>\$200,000</b>	<b>(\$375,000)</b>

**The project scope of works:**

During the initial stages of this project's bidding, the CoL's contribution was anticipated to be \$500,000, with Tennis Tasmania agreeing match this funding. At a later stage, CoL's contribution had decreased to \$300,000. The CoL was hoping that Tennis Tasmania would still contribute \$500,000, however, Tennis Tasmania has decided to reduce its funding to \$300,000 to match the CoL contribution.

**19.2 Budget Amendments (For Council) - 2019/2020 ...(Cont'd)**

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23900	Invermay/Lindsay Street Traffic Signals (R2R)	\$1,551,800	\$1,000,000	\$0	\$551,800
CP23943	Granville Street Retaining Wall and Kerb (R2R)	\$500,000	\$0	\$1,000,000	\$1,500,000
	<b>Totals</b>	<b>\$2,051,800</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$2,051,800</b>

**The project scope of works:**

The Invermay/Lindsay Street Traffic Signals project has been cancelled. A budget amendment is required to redistribute the Roads to Recovery (R2R) funding not yet received towards the Granville Street Retaining Wall and Kerb project.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23900	Invermay/Lindsay St Traffic Signals (R2R)	\$551,800	\$500,000	\$0	\$51,800
G10075.12160	Roads External Grants	(\$2,485,000)	\$0	\$500,000	(\$1,985,000)
	<b>Totals</b>	<b>(\$1,933,200)</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>(\$1,933,200)</b>

**The project scope of works:**

The Invermay/Lindsay Street Traffic Signals Project has been cancelled. Roads to Recovery (R2R) funding of \$500,000 is no longer going to be received. This requires a budget amendment to remove the \$500,000 that CoL are no longer going to receive.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10010.12505	Capital Contributions - General	\$0	\$65,000	\$0	(\$65,000)
CP24028	Town Hall Internal Fabric Renewal	\$50,000	\$0	\$65,000	\$115,000
	<b>Totals</b>	<b>\$50,000</b>	<b>\$65,000</b>	<b>\$65,000</b>	<b>\$50,000</b>

**The project scope of works:**

Allianz has contributed \$65,000 to CoL towards Town Hall Internal Fabric Renewal project. These funds are to go towards disability accessibility improvements within Town Hall.

**19.2 Budget Amendments (For Council) - 2019/2020 ...(Cont'd)**

**Summary Table**

<b>External Funding</b>	<b>Operations</b>	<b>Capital</b>
Churchill Park Sports Centre Stage 2	(\$175,000)	\$175,000
Karoola Recreation Ground Equestrian Facilities	\$7,400	(\$7,400)
Wellington/Howick Intersection Works	(\$25,000)	\$25,000
Tennis Centre Upgrade	\$200,000	(\$200,000)
Invermay/Lindsay Street Traffic Signals to Granville St Retaining Wall and Kerb	\$0	\$0
Invermay/Lindsay Street Traffic Signals	\$500,000	(\$500,000)
Town Hall Internal Fabric Renewal	(\$65,000)	\$65,000
<b>TOTAL</b>	<b>\$442,400</b>	<b>(\$442,400)</b>

**1(d)The following items need to be reallocated between Capital projects but do not alter the operating surplus.**

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
CP23899	Cimitiere (Tamar-George) Road Reconstruction	\$1,000,000	\$900,000	\$0	\$100,000
CP23943	Granville Street Retaining Wall and Kerb	\$850,000	\$350,000	\$0	\$500,000
CP24016	Retaining Wall Renewal Program	\$150,000	\$100,000	\$0	\$50,000
CP23724	Hillside Crescent (Stone-Bourke) Retain Wall	\$1,039,754	\$210,000	\$0	\$829,754
CP23980	Lonestar Road Bridge (Br#642)	\$200,000	\$100,000	\$0	\$100,000
CP24096	Gascoyne Street - Stage 2	\$0	\$0	\$300,000	\$300,000
CP24095	Poplar Parade Pavement Reconstruction	\$0	\$0	\$400,000	\$400,000
CP24094	Blaydon St Pavement Rehabilitation	\$0	\$0	\$320,000	\$320,000
CP24018	Crawford Street Pavement Improvement and kerb and chanel	\$90,000	\$0	\$40,000	\$130,000
CP23985	Urban Road Reseal Program	\$950,000	\$0	\$600,000	\$1,550,000
	<b>TOTAL</b>	<b>\$4,279,754</b>	<b>\$1,660,000</b>	<b>\$1,660,000</b>	<b>\$4,279,754</b>

**The project scope of works:**

Budget transfers are required due to the Cimitiere Street Road Reconstruction project being cancelled, projects coming in under budget and the transfer of R2R funding.

**19.2 Budget Amendments (For Council) - 2019/2020 ...(Cont'd)**

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The Cimitiere Street Road Reconstruction project has been cancelled due to the complexities of completing the project with CoL funding being distributed to other Roads projects.

The transfer of R2R funding from the cancelled Invermay/Lindsay Street Traffic Signals project to the Granville Street Retaining Wall and Kerb project has freed up Council funding to go towards other Roads projects.

Budget from the Retaining Wall Renewal project is required to commence other road projects.

The Hillside Crescent Retaining wall and Lonestar Bridge projects are under budget, surplus budget is to be transferred to other road projects.

Gascoyne Street - Stage 2, Poplar Parade Pavement Reconstruction and Blaydon Street Pavement Rehabilitation projects have now been brought forward due to the cancelation of the Cimitiere Street Road Reconstruction projects and require funding.

Additional funding is now required to complete the Crawford Street Pavement Improvements project.

Additional sites have been identified that require works as part of the Urban Road Reseal Program and therefore, require additional budget.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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**19.2 Budget Amendments (For Council) - 2019/2020 ...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

**BUDGET & FINANCIAL ASPECTS:**

As per the report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Louise Foster - General Manager Organisational Services Network**

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## 19.3 Lease - East Tamar Men's Shed Inc.

**FILE NO:** SF0377/1677

**AUTHOR:** Tricia De Leon-Hillier (Lease and Licencing Officer)

**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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### DECISION STATEMENT:

To consider leasing an area of land situated at 308 John Lees Drive, Dilston (CT247000/1) to the East Tamar Men's Shed Inc.

*This decision requires an absolute majority of Council.*

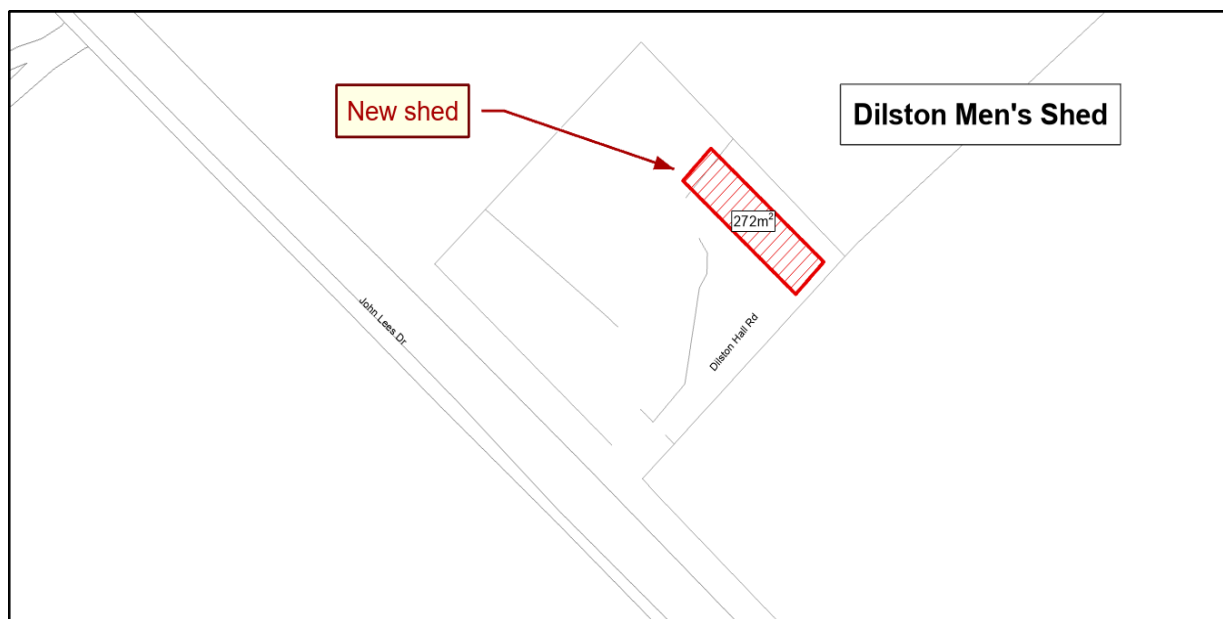
### PREVIOUS COUNCIL CONSIDERATION:

Council - 9 February 2015 - Agenda Item 18.1 - East Tamar Men's Shed Lease

### RECOMMENDATION:

That Council, by absolute majority pursuant to section 179 of the *Local Government Act 1993* (Tas):

1. agrees to lease a parcel of land situated at 308 John Lees Drive, Dilston (CT247000/1) to the East Tamar Men's Shed Inc. as indicated on the plan below:





**19.3 Lease - East Tamar Men's Shed Inc. ...(Cont'd)**

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2. authorises the Chief Executive Officer to enter into a formal lease under the following terms:
- the term shall be five years commencing on 1 February 2020;
  - the lease amount shall be \$1 per annum if demanded;
  - tenant to be responsible for:
    - building and contents insurance;
    - energy costs;
    - volumetric and connection charges for water; and
    - sewerage charges;
    - and other service charges, if any.
  - tenant shall continuously maintain:
    - any infrastructure or any infrastructure installed by the tenant or the Council in relation to the tenant's occupation;
    - building in good and reasonable order; and
    - public liability insurance of at least \$20 million.
- 

**REPORT:**

In April 2011 the East Tamar Men's Shed (ETMS) was established due to the strong community interest. The group subsequently became incorporated. This group of men from the Dilston, Windermere, Swan Bay and Hillwood communities worked hard fundraising for their project. There are currently 34 members. That same year Council approved to licence an area of land to the east of the Dilston Memorial Hall with the intent of building and establishing a Men's Shed on the site. Fortunately the ETMS was gifted the Fire Station building and their funds committed to the fit out of the shed allowing the facility to formally open to the community in October 2015.

A five year lease agreement was approved and formalised commencing on 1 February 2015. The ETMS has been a model tenant and maintains the building in good working order. In 2017 the ETMS successfully extended the current lease footprint to undertake construction of a new workshop and storage area to provide for their growing membership as they are consistently approached by members of the community to assist with a range of projects.

The ETMS has written to the Council (Attachment 1) requesting to formalise their use and occupancy of an area of land situated at 308 John Lees Drive, Dilston (CT247000/1) known as the Dilston Memorial Hall. As the ETMS is a not for profit organisation, it is recommended that Council grant a five year lease at nominal rent with the lessee to cover all charges in respect of power usage, water and sewerage and any other services with respect to their occupancy.

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**19.3 Lease - East Tamar Men's Shed Inc. ...(Cont'd)**

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Section 179 of the *Local Government Act 1993* (Tas) provides that Council may lease public land for a period not exceeding five years without advertising.

**ECONOMIC IMPACT:**

There is no economic impact with this proposal.

**ENVIRONMENTAL IMPACT:**

This proposal will have a neutral impact on the environment.

**SOCIAL IMPACT:**

There is a positive social impact with this proposal, as it will assist in enabling a community group to continue to operate as well as allowing a group of residents to work together on a valuable project.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 5: We serve and care for our community by providing equitable and efficient services that reflects needs and expectations of our community.

10-Year Goal: To offer access to services and spaces for all community members and to work in partnership with stakeholders to address the needs of vulnerable communities.

Focus Areas:

1. To plan for and provide services and facilities that recognises the changing demographics and needs of our community.
3. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.
4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.
5. To promote and support active and healthy lifestyles of our community.

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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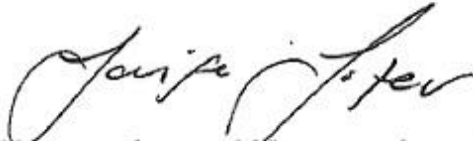
**19.3 Lease - East Tamar Men's Shed Inc. ...(Cont'd)**

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Louise Foster - General Manager Organisational Services Network**

**ATTACHMENTS:**

1. Proposal Letter from East Tamar Men's Shed Inc.
-

*Attachment 1 - Proposal Letter from East Tamar Men's Shed Inc.*



FILE No.	SF0377/1677		
EC	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCVD	16 DEC 2019		LCC
Doc No.			
Action Other	Filed	Replied	
T. DE LEON-HILLIER			

The East Tamar Men's Shed was established as a result of strong community interest and subsequently incorporated in April 2011, Fundraising for the construction of a suitable building on land available for lease from the Launceston City Council was later applied to the fitting of a building formerly occupied by The Tasmanian Fire Service. This was gifted to ETMS in 2014. The Shed was formally opened in October 2015 and the time since has seen regular attendance and an increasing membership to the point where we have fulfilled a major component of our 5 year strategic plan to expand our facilities to diversify the range of activities we can offer to the community. The Shed has become an important member of the community here on the East Tamar.

ETMS successfully extended its current lease footprint in 2017 with Launceston City Council to undertake construction of a new workshop and storage area of 151sq meters to expand the diversity of operations provided by the Shed to the members and the surrounding community, as well as accommodating an increasing membership. Further storage facilities are also desirable in future, to enable more extensive and efficient use of the workshop area.

The Shed extension is of a steel prefab construction which is attached to the existing structure and has the same steel "colorbond" exterior sits on a concrete slab.

Currently we have modern facilities for woodworking and an expanding range of metal work.

We are increasingly approached by members of the community to assist with construction projects and the manufacture of items that normally would be outside the budget of not for profit groups. The provision of extra space for a broader range of operations will engage more members of the community and increase our membership, helping to provide an extended range of lifestyle benefits for our members and the local community.

The buildings are owned by East Tamar men's Shed Inc. on land leased from The Launceston City Council.

Council Lease agreements are currently under review, and providing we can continue to demonstrate sustainability and a high level of community engagement. this lease will be extended on a 10 year cycle.

East Tamar Men's Shed inc. is currently a sustainable operation, earning sufficient revenue to pay our running costs and to provide for replacement of machinery when this becomes necessary. We see the Shed as a great place for community productivity and for the ongoing health and well-being of its members. These members are community members, and it naturally follows that the community will be better off with their sustained engagement and productivity. Some of our older

Members come regularly to simply enjoy conversation with others, and the Shed enjoys a high level of comradery on the 2 days it is regularly open. Further opening days are planned to cater for an increasing membership.

**What are the benefits to the community?**

Men's Sheds are increasingly proving their worth in communities around Australia. This Shed allows men of all ages to join together in common interests of woodworking and metal work and provides a forum for conversation, good mateship and support in times of difficulty. This Shed is currently 1 of 61 registered Men's Sheds in Tasmania. It provides a great place for retired people with a diverse range of skills to continue and share them after their formal employment is finished. It provides a great model for younger people to become involved and to learn new skills whilst assisting the development of a strong community.



Currently we have modern facilities for woodworking and an increasing range of metal work. We are limited in the amount of space we have for storage of work in progress and for materials that are necessary for ongoing operations. We are increasingly approached by members of the community to assist with construction projects and the manufacture of items that normally would be outside the budget of not for profit groups.



The continuation of our lease for a broader range of operations will engage more members of the community and increase our membership, helping to provide an extended range of lifestyle benefits for the local community.

Direct benefit from a continued lease will be for our 34 members and the subsequent members we recruit. The Dilston, Windermere, Swan Bay community has a population of 854 (ABS Census 2015). Projects we have undertaken in the past have benefited schools in Launceston, and Early Learning Centres across Tasmania.

The Dilston Swan Bay Windermere Community has benefitted from our construction and maintenance of outdoor tables at the Windermere corner Café and gates at the St Matthias' Church. We regularly assist community members with small repairs on furniture and our members enjoy an active life making items for their own use their families and to sell to the public as sustainability fundraising projects.

An increasing group of aging men who seek activity at the SHED through the facilities we provide.

	
<p>Electronics project</p>	<p>A Cold winter saturday in August brings much activity in a busy SHED. <b>East Tamar Men's Shed</b></p>

	
<p>Sharing skills</p>	<p>Social time</p>



Outdoor tables for Catholic Education Office

Early Learning block set. A continuing project for our sustainability.

We regularly partner with other community groups to provide food for functions and are available to support community special projects when required.

We have recently benefitted from engaging with the Launceston City Council Suicide Awareness initiative and will continue to act as a support group for the goal of reducing suicide rates in the Australian community.

**20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS****20.1 2019/2020 Budget - Chief Executive Officer's Report on Adjustments  
1 October to 31 December 2019****FILE NO:** SF3611**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)**DECISION STATEMENT:**

To consider adjustments made by the Chief Executive Officer to the 2019/2020 Budget.

**RECOMMENDATION:**

That, pursuant to section 82(7) of the *Local Government Act 1993* (Tas), Council receives the Chief Executive Officer's report on adjustments to the 2019/2020 budget for the period 1 October 2019 to 31 December 2019.

**REPORT:**

Pursuant to section 82(6) of the *Local Government Act 1993* (Tas), Council has authorised the General Manager (Chief Executive Officer) to adjust budgets up to \$500,000 so long as the adjustments do not alter revenue, expenditure, borrowings or capital works estimates in total. The Budget Management Policy - 12-PI-001 adopted by Council on 13 October 2014 refers.

Section 82(7) of the *Local Government Act 1993* (Tas) requires the General Manager (Chief Executive Officer) to report any adjustment and an explanation of the adjustment at the first Ordinary Meeting of the Council following the adjustment.

The following capital project adjustments have occurred in the period 1 October to 31 December 2019:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
23929	Facilities Management Design Program	\$75,000	\$63,877	\$0	\$11,123
24088	CBD CCTV Storage Expansion	\$0	\$0	\$33,000	\$33,000
24079	Macquarie House Redevelopment 2019/2020	\$0	\$0	\$30,877	\$30,877
	<b>TOTAL</b>	<b>\$75,000</b>	<b>\$63,877</b>	<b>\$63,877</b>	<b>\$75,000</b>



**20.1 2019/2020 Budget - Chief Executive Officer's Report on Adjustments  
1 October to 31 December 2019 ...(Cont'd)**

**The project scope of works:**

The remaining budget of the Facilities Management Design Program of \$63,877 will not be utilised due to design requirements funding now being built into each individual project's budgets. This excess budget will now go towards funding the CBD CCTV Storage Expansion and Macquarie House Redevelopment projects.

The Macquarie House Redevelopment 2019/2020 project was created as an unfunded project to capture works completed beyond the original Macquarie House Redevelopment project. The CBD CCTV Storage Expansion project was created as an unfunded project to increase the storage capacity of the Launceston CBD CCTV system in order to meet Tasmanian Police and Legislative requirements for minimum footage storage timeframes.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
23971	IT Infrastructure Additions 2019/2020	\$90,648	\$50,000	\$0	\$40,648
23972	IT Infrastructure Renewal 2019/2020	\$418,132	\$0	\$50,000	\$468,132
	<b>TOTAL</b>	<b>\$508,780</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$508,780</b>

**The project scope of works:**

Upon review of the program of works for the remainder of the 2019/2020 financial year, it has been acknowledged that the funds available within the IT Infrastructure Additions project will not be fully expended. This was due to some projects that were anticipated to have been completed this financial year, being completed in the prior financial year. The transfer of funds to the IT Infrastructure Renewal project will allow for the PC replacement program to be supplemented this year in order to help smooth the 'peaks and troughs' of resources, as well as reduce the funding requirements in the 2020/2021 financial year.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24030	56 Frederick Street Stormwater Improvements	\$55,000	\$48,000	\$0	\$7,000
24091	PT BMS Air Con Management System Renewal	\$0	\$0	\$48,000	\$48,000
	<b>TOTAL</b>	<b>\$55,000</b>	<b>\$48,000</b>	<b>\$48,000</b>	<b>\$55,000</b>

**The project scope of works:**

The Princess Theatre's Building Management System has been identified as 10 years old and is no longer supported by the manufacturer. The system can no longer be programmed and as a result, functionality is being lost. To enable continued operation of the Theatre's air conditioning and maintain functionality over other Building Management System operations, the system will need to be replaced.

**20.1 2019/2020 Budget - Chief Executive Officer's Report on Adjustments  
1 October to 31 December 2019 ...(Cont'd)**

It has been determined that stormwater works at 56 Frederick Street can be delayed to a future year in order to fund the urgent PT BMS Air Con Management System.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24029	56 Frederick Street Building Works	\$260,000	\$140,000	\$0	\$120,000
24092	QVMAG Royal Park Air Con Replacement	\$0	\$0	\$110,000	\$110,000
24079	Macquarie House Redevelopment 2019/2020	\$30,877	\$0	\$30,000	\$60,877
	<b>TOTAL</b>	<b>\$290,877</b>	<b>\$140,000</b>	<b>\$140,000</b>	<b>\$290,877</b>

**The project scope of works:**

A major air handling system failure has been identified at the Royal Park QVMAG, in which, components of the system have expired and require urgent replacement to preserve the Museum's collection.

In 2014 an agreement between City of Launceston (CoL) and Enterprize Tasmania Ltd was reached, which meant that the Council were required to contribute an amount towards the fit out and furnishing of Macquarie House. This amount has been negotiated to \$30,000.

In order to fund the above projects, it has been decided that the building works at 56 Frederick Street can be delayed to a future year.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
23985	Urban Road Reseal Program 2019/2020	\$1,000,000	\$50,000	\$0	\$950,000
24093	Wellington/Howick Intersection Works	\$0	\$0	\$50,000	\$50,000
	<b>TOTAL</b>	<b>\$1,000,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$1,000,000</b>

**The project scope of works:**

Intersection reseal at Wellington/Howick Street, renewal of existing asset required to remove surface defects. To improve intersection accessibility the access ramps are to be upgraded. Bike lanes to be installed to improve the safety of cyclists as well as promote active travel behaviours and improvements to be made to line markings for westbound traffic to reduce confusion and increase available turning space.

**20.1 2019/2020 Budget - Chief Executive Officer's Report on Adjustments  
1 October to 31 December 2019 ...(Cont'd)**

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24073	IT Corporate Software Additions 2019/2020	\$243,116	\$60,000	\$0	\$183,116
23970	IT Corporate Software Renewal 2019/2020	\$250,000	\$125,000	\$0	\$125,000
23972	IT Infrastructure Renewal 2019/2020	\$468,132	\$	\$185,000	\$653,132
	<b>TOTAL</b>	<b>\$961,248</b>	<b>\$185,000</b>	<b>\$185,000</b>	<b>\$961,248</b>

**The project scope of works:**

Quotes to replace the Storage Area Network (SAN) have exceeded the current budget. Funds have been transferred from other projects in order to cover the short-fall.

Due to the CIA transition being delayed, it has been decided to transfer funds from the IT Corporate Renewal and IT Corporate Additions programs to fund the upgrade.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
23731	LWC Perimeter Fencing	\$142,000	\$39,581	\$0	\$102,419
23732	LWC Russel's Plains Clay Pit Rehab	\$500,000	\$49,156	\$0	\$450,844
23571	LWC Organics Processing Facility	\$945,000	\$0	\$88,737	\$1,033,737
	<b>TOTAL</b>	<b>\$1,587,000</b>	<b>\$88,737</b>	<b>\$88,737</b>	<b>\$1,587,000</b>

**The project scope of works:**

Additional funding is required for the purchase of new Mobile Aerated Floor (MAF) units for the Organics Processing Facility at the Launceston Waste Centre. The MAFs will consist of one master unit and two slave units.

Funding will come from the budget underspend on the completed LWC Perimeter Fencing Project and the predicted underspend on the LWC Russel's Plains Clay Pit Rehabilitation project.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**20.1 2019/2020 Budget - Chief Executive Officer's Report on Adjustments  
1 October to 31 December 2019 ...(Cont'd)**

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**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

**BUDGET & FINANCIAL ASPECTS:**

As per the report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



Michael Stretton - Chief Executive Officer

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**20.2 Representation Road Safety Symposium - Councillor Jim Cox****FILE NO:** SF0121**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**DECISION STATEMENT:**

To consider Councillor Jim Cox's attendance at the Road Safety Seminar in Melbourne, 13 March 2020.

**RECOMMENDATION:**

That Council agrees to Councillor Jim Cox's attendance at the Road Safety Symposium in Melbourne, 13 March 2020.

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**REPORT:**

Due to Councillor Cox's background in road safety it would be beneficial for Councillor Cox to attend this seminar. Councillor Cox has not attended a conference in the current financial year.

The key Symposium themes are:

- understanding current trends and challenges in road safety.
- what has and has not worked in road safety.
- is Australia meeting its road safety targets and what can be learnt from the world leaders in transport safety?
- emerging trends in road safety: e-scooters, bike share, distracted driving and more.
- autonomous vehicles, mobility as a service and implications for road safety and street design.
- boosting participation and safety outcomes for walking and cycling. What can Australia learn from best practice countries?
- 30km/h zones: what is their impact on safety, travel time and their applicability to Victoria?

The Council will be represented by Michael Newby from the Infrastructure and Assets Network and it is considered appropriate that there be elected member representation at this Symposium also, given that road safety is a high priority for the Council and the region.

Further details are available online at:

<https://sensibletransport.org.au/event/road-safety-melbourne/>

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**20.2 Representation Road Safety Symposium - Councillor Jim Cox ...(Cont'd)**

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**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

3. To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.
4. To ensure our suite of strategic planning initiatives are coordinated and representative of our community's needs and aspirations.

**BUDGET & FINANCIAL ASPECTS:**

The costs associated with attendance at this Symposium are estimated at:

\$495.00	Registration
\$140.00	Airfares
\$400.00	Accommodation

which can be accommodated within existing budgets.

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**20.2 Representation Road Safety Symposium - Councillor Jim Cox ...(Cont'd)**

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



Michael Stretton - Chief Executive Officer

**ATTACHMENTS:**

1. Symposium Program
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# ROAD SAFETY SYMPOSIUM

An exploration of evidence-based road safety innovation and sustainable mobility

## Melbourne

- 8.30 - 9.00 • Registration, tea and coffee
- 9.00 - 9.30 | Mayor's Opening Address and Q&A  
City of Melbourne (Invited)
- 9.30 - 10.15 | Opening keynote: Sustainable Safety, the Dutch Approach and Emerging Challenges  
Professor Fred Wegman, Delft University
- 10.15 - 10.30 | Q&A: Professor Fred Wegman
- 10.30 - 10.50 • Morning tea
- 10.50 - 11.20 | The transport challenges faced by Australian cities and the tough decisions facing governments seeking to achieve safer, more productive cities  
John Merritt
- 11.20 - 11.35 | Q&A: John Merritt
- 11.35 - 12.05 | Findings from the Commonwealth's Inquiry into National Road Safety Strategy and the implications for achieving Vision Zero  
Associate Professor Jeremy Woolley, University of Adelaide
- 12.05 - 12.30 | Q&A: Jeremy Woolley, John Merritt, and Professor Fred Wegman
- 12.30 - 1.15 • Lunch
- 1.15 - 1.55 | Unconventional approaches to achieving better safety and liveability outcomes: The case of Amsterdam and implications for Sydney  
Meredith Glaser, University of Amsterdam
- 1.55 - 2.25 | Lessons from Australia's first 30km/h trial zone: Impacts and implications for future slow speed zones.  
Vijaya Vaidyanath, City of Yarra
- 2.25 - 2.50 | Q&A: Meredith Glaser & Vijaya Vaidyanath
- 2.50 - 3.05 • Afternoon tea
- 3.05 - 3.40 | Achieving Vision Zero: Reflections on Australia Road Safety Culture and Innovation Needed to Achieve Vision Zero  
Professor Fred Wegman, Delft University
- 3.40 - 3.55 | Q&A: Professor Fred Wegman
- 3.55 - 4.55 | Panel discussion: Achieving a safer, more sustainable transport system
- 5.00 | Close



**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**

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