



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 6 AUGUST 2020
1.00pm**

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

Date: 6 August 2020

Time: 1.00pm

Certificate of Qualified Advice

Background


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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

This Council Meeting will be streamed live to:

www.launceston.tas.gov.au/Council/Meetings/Listen

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

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

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

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

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

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

Questions or statements must be e-mailed to contactus@launceston.tas.gov.au by 11.00am, Thursday, 6 August 2020 and must include your name and a contact telephone number. If you cannot e-mail your questions or statement, please call our Customer Service Centre on 6323 3000 for assistance.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

9 April 2020

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

Dear Michael

COUNCIL MEETING

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

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

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

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

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

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

Yours sincerely



Councillor A M van Zetten
MAYOR

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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 23 July 2020 be confirmed as a true and correct record.

5 DEPUTATIONS

No Deputations have been identified as part of this Agenda

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

7 COMMUNITY REPORTS

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

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

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

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

8.1.1 Public Questions on Notice - Mr Robin Smith - Council Meeting - 23 July 2020

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton (Chief Executive Officer)

QUESTIONS and RESPONSES:

The following question, submitted via e-mail to the Council on 23 July 2020 by Mr Robin Smith, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Would Council kindly consider raising the height of the fence it erects each year around the Brisbane St Mall Christmas tree as it has been too easily scaled by people in recent years?

Response:

Not at this stage. The existing fence surrounding the Brisbane Street Mall Christmas tree is relatively new and was purchased specifically for the Christmas tree. Increasing the height of the fence will increase the risk and detract from the tree display. There would also be a significant cost involved to raise the height of the fence.

ATTACHMENTS:

1. Public Questions on Notice - Mr Robin Smith - 23 July 2020
-

Attachment 1 - Public Questions on Notice - Mr Robin Smith - 23 July 2020

Dear Sir/Madam,

Would council kindly consider raising the height of the fence it erects each year around the Brisbane St. Mall Christmas tree as it has been too easily scaled by people in recent years?

CCTV records commonly reveal the risks associated with two or three incursions nightly together with significant vandal damage from the removal or destruction of the displays.

One broken electrical lighting circuit can blackout most of the tree for the remainder of the season because sometimes the height at which the cable is cut is so high in the tree that electricians are unable to repair without the use of specialised high access equipment.

I am confident the cost of damage, disruption and repair exceeds what would be the cost of raising the fence.

Thank you.

Yours sincerely,

Robin Smith

8.2 Public Questions Without Notice

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

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

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

9 PLANNING AUTHORITY

9.1 Residential - Construction of an Additional Dwelling with Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston

FILE NO: DA0672/2019

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Leslie Tibor Penzes
Property:	59 Frederick Street and 68 Margaret Street, Launceston
Zoning:	Inner Residential
Receipt Date:	29/11/2019
Validity Date:	21/04/2020
Further Information Request:	22/04/2020
Further Information Received:	10/06/2020
Deemed Approval:	6/08/2020
Representations:	Five

PREVIOUS COUNCIL CONSIDERATION:

DA0321/2001 - Use existing building for architects office (home occupation) (Heritage Listed Building) - under delegation

DA0172/2007 - Construction of a building - extend rear of dwelling and repaint façade (Heritage Listed Place) Minor Construction - construct garage (vary side and rear setback) - under delegation

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

STANDARDS REQUIRING COUNCIL DISCRETION

- 11.4.10 Rear and side setbacks
- 11.4.13 Overlooking
- 11.4.16 Density control of multiple dwellings
- 11.4.17 Private open space for multiple dwellings
- 11.4.23 Development for discretionary uses
- 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

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 DA0672/2019 Residential - Construction of an Additional Dwelling with Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Site Plan, Prepared by Les Penzes Architect, Drawing No. 1119/01A, Scale 1:200, Dated April 2020.
- b. Site & Ground Floor Plan, Prepared by Les Penzes Architect, Drawing No. 1119/02A, Scale 1:100, Dated April 2020.
- c. Roof & First Plan, Prepared by Les Penzes Architect, 1119/01A Drawing No. 1119/03A, Scale 1:100, Dated April 2020.
- d. Elevations, Prepared by Les Penzes Architect, 1119/01A Drawing No. 1119/04A, Scale 1:200, Dated April 2020.

2. LEGAL TITLE

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

3. WASTE DISPOSAL BINS - DOMESTIC

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

- a. An area must have minimum dimensions of 2.4m by 1.8m.
 - b. Screened to not be visible from any public road or thoroughfare.
-

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

- c. Be located in a convenient position that allows ease of access from the building and moving the bin to the kerbside on collection days.
- d. Be provided prior to the commencement of the use, maintained and used for the duration of the use.

4. SCHEDULE OF MATERIALS/COLOURS

Prior to the commencement of the works, a printed sample and schedule of external building materials, finishes and colours, must be submitted for approval by the Manager City Development. Once approved, the schedule will be endorsed to form part of the planning permit.

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No.TWDA 2019/01790-LCC, Dated 19/06/2020 and attached to the permit.

6. 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

7. NO VEGETATION REMOVAL

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

8. FENCING

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (ie. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of:

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m - 2.1m elsewhere when measured from the highest finished level on either side of the common boundaries other than the length of the eastern boundary required to maintain full access rights between properties.

9. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

- a. a mail receptacle must be provided and appropriately numbered for each dwelling unit.
 - b. the multiple dwelling must be provided with a minimum 6m³ waterproof, lockable storage area or similar easily accessible area within the dwelling.
 - c. either internal or external clothes drying facility to be provided for the dwelling to the satisfaction of the Council.
-

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

10. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

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

11. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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.

13. SINGLE STORMWATER CONNECTIONS

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

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

14. SOIL AND WATER MANAGEMENT PLAN

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

15. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

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

Dwelling No	Strata Lot No.	Street Address
1 (new dwelling)	1	59 Frederick Street
2 (existing No 59)	2	1/61 Frederick Street
3 (existing No 61)	3	2/61 Frederick Street

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

16. NO BURNING OF WASTE

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

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.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0672/2019. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

REPORT:

1. THE PROPOSAL

The proposal is to extend and develop the garage at the rear of a residential site as a two-storey dwelling.

Two single-storey co-joined dwellings are located at the front of the site and the garage is located off the rear south-eastern corner of the site from where it angles across the rear on a 45° east/west axis. At ground level, the garage will retain its use and be adjoined by a laundry, bathroom, bedroom and home office (this being transferred from one of the cottages). On the upper level, and inset at least 2m from the side boundary, is a main bedroom with window seat, bathroom and an open plan kitchen, dining and lounge area. A deck extends off the dining/lounge area. The front of the dwelling will be clad in *Scyon Matrix* with a paint finish. The other elevations will be clad in vertically running *Night Sky* custom orb. Concrete block walls clad the garage section.

Parking for the new dwelling will be provided within the two-car garage. Parking for the front dwellings is to be formalised midway through the depth of the site between the buildings.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the southern side of Frederick Street, Launceston just west of the intersection with Margaret Street at the base of the hillside to the west of the central City. It has an area of 748.87m² and contains two existing dwellings constructed in 1860 and occupying an area of 135m². Vehicular access to the rear of the site is via a Right of Way (RoW) which extends along the rear of a group of terraces fronting Margaret Street and belonging to one of the terraces addressed as 68 Margaret Street. The RoW of 68 Margaret Street benefits from a 2m wide RoW burdening part of the eastern boundary of the subject title.

Other than a restaurant on the south-eastern corner of Margaret and Frederick Streets, and a pathology lab to the west at 67-71 Frederick Street, adjoining land is primarily developed and used for residential purposes. A number of the homes are of historic significance.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

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 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 development at the rear of the dwelling meets the zone purpose by proposing an additional dwelling upon fully serviced inner city site within proximity of the central city and particularly clauses 11.1.1.1, 11.1.1.3, 11.1.1.4 and 11.1.1.5.

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

Clauses 11.3.1 to 11.3.5 do not apply to the use of Residential - multiple dwellings.

11.4 Development Standards

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

The extent of development proposed is respectful of the surrounding area and its existing character.

A1.1 Site coverage must be no greater than 60%; and

A1.2 No less than 25% of the site must be pervious to rainfall.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

Complies
 The roofed area of the existing dwellings is 135m² and for the extended garage/third dwelling approximately 102m² to total 237m². As the site has an area of 748.87m² the site cover is 31.65% to meet A1.1.

The existing dwellings have approximately 120m² of garden area and the new dwelling will have an area of at least 108m² therefore, approximately 30% remains pervious to meet A1.2.

11.4.8 Building height

Objective:
 To ensure that the building height respects the character of the surrounding area.

Consistent
 The height of the proposed extension is respectful and in keeping of the character of the surrounding area.

A1 Building height must be no greater than 9m.

Complies
 The maximum height of the building is 6.5m.

11.4.9 Frontage setbacks

Objective:
 To ensure that the setbacks from a frontage respect the character of the surrounding area.

Consistent
 The setbacks from a frontage respect the character of the surrounding area.

A1.1 The primary frontage setback must be no less than:
 (a) 4m; or
 (b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in the Figure 11.4.9 below; and Figure 11.4.9 - Primary Frontage Setback for infill lots.

A1.2 Setback from a frontage other than a primary frontage must be no less than 3m; and

A1.3 Porches, pergolas, verandas, that are less than 3.6m high and eaves may encroach no greater than 1.5m into the setbacks of this standard.

Complies
 The proposed dwelling will be located at the rear of the site with a setback of at least of 21m from the frontage to meet (a).

11.4.10 Rear and side setbacks

Objective:
 To ensure that the setbacks are compatible with the character of the surrounding area and minimise the impacts on the amenity and solar access of adjoining dwellings.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

<p>Consistent The setback of the garage extension is compatible.</p>
<p>A1 Buildings must be set back from the rear boundary no less than 2.5m.</p>
<p>Relies on Performance Criteria The existing garage has a section of wall on the rear boundary but the rear wall of the garage is then set at 45 degrees to the rear boundary due to the presence of easements across the back of the site. At ground floor level the setback of the extension to the garage has a minimum setback off the rear boundary of 6m but the upper level commences above existing section of the garage with a setback of only 2.3m and must be considered against the performance criteria.</p>
<p>P1 Building setback to the rear boundary must be appropriate to the location, having regard to:</p> <ul style="list-style-type: none"> (a) the ability to provide adequate private open space; (b) the character of the surrounding area and location of buildings on adjoining lots; (c) the impact on the amenity, solar access and privacy of habitable rooms, windows, and private open space of nearby or adjoining buildings; and (d) the size, shape and orientation of the lot.
<p>Complies As the rear wall of the building is angled away from the rear boundary the encroachment into the setback is minimal. The triangular area at the rear of the dwelling provides space for recreation and landscaping, in addition to land at the front of the dwelling which has solar access.</p> <p>The rear of the property adjoins the rear garden area of a property fronting Margaret Street but the extension is not considered to impact on the amenity of the neighbouring property. As the dwelling is at 45 degrees to the rear boundary, the encroachment on the setback is limited and increases over the length of the rear wall. Overlooking is unlikely as the closest upper level window is the kitchen, which is setback 6m off the rear and angles away from the neighbouring property. The orientation of the proposal will also minimise overshadowing, as the sun will be at its highest point in the day when shadowing will occur. The performance criteria are met.</p>
<p>A2 Buildings must be set back from side boundaries no less than:</p> <ul style="list-style-type: none"> (a) for lots 1,000m² or less, 1m, plus 0.3m for every metre of building height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m; or (b) for lots greater than 1,000m² , 2.0m, plus 0.3m for every metre of building height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m.
<p>Relies on Performance Criteria The lot is less than 1,000m² and requires assessment under point (a). The building has a maximum height of 6.5m with the extension setback 2m off the eastern side boundary and 1.8m from the western side. Therefore, the eastern setback is met but a variation must be considered to the west against the performance criteria.</p>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

<p>P2 Building setback to the rear boundary must be appropriate to the location, having regard to:</p> <ul style="list-style-type: none"> (a) the ability to provide adequate private open space; (b) the character of the area and location of buildings on adjoining lots; (c) the impact on the amenity, solar access and privacy of habitable rooms, windows, and private open space of nearby or adjoining buildings; and (d) the size, shape and orientation of the lot.
<p>Complies</p> <p><i>(a) the ability to provide adequate private open space;</i> The dwelling will have an area of private open space at the rear of the dwelling of 108m². A deck and further open space is provided to the north-western side of the dwelling with a northern orientation.</p> <p><i>(b) the character of the area and location of buildings on adjoining lots;</i> The area contains a range of building styles and configurations but most are parallel with boundaries. The proposed building is angled across the site due to a drainage main which crosses the rear of the site.</p> <p>Development of the adjoining lots varies with there being no dominant style. To the east is a row of terraces, to the south a building fronting Margaret Street which was originally developed as a shop, which has been converted to a residence. To the west is a co-joined dwelling and a large commercial building used as a pathology laboratory which fronts Frederick Street. Other development along Frederick Street is primarily single- or part two-storey residential cottages. There is also a more contemporary dwelling at 65 Frederick Street, with direct frontage to the street.</p> <p>The proposal is contemporary but is not necessarily out of character. It is proposed with a dark grey colour scheme and is not considered to be prominent or reflective. The narrower elevations of the dwelling are those closer to adjoining properties to minimise the visual impact of the proposal from what is currently relatively undeveloped space.</p> <p><i>(c) the impact on the amenity, solar access and privacy of habitable rooms, windows, and private open space of nearby or adjoining buildings; and</i> The proposal is unlikely to impact on the property to the west, as directly adjoining the site is a 4.1m wide access driveway and car park associated with the pathology laboratory. Beyond the access lane are two co-joined dwellings at 63 Frederick Street. The proposed building is angled across the rear of the site, due to the location of drainage mains which cross the site, and the side wall which angles away from the western boundary. Both dwellings face east with their private open space at the rear. As the proposal is only 4.1m wide, has a maximum wall height of 5m at the nearest point, and is directly east of the co-joined dwellings it will not cause a significant impact on solar access to the site.</p>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

The upper level of the proposal contains a dining room window in the western elevation. As the wall of the window is angled to the boundary the window will be setback 3m so it should not directly overlook into the neighbour's property. In addition, a large tree at the western end of the extension is to be retained.

As the private open space of the nearby dwellings are to the western side, the proposed variation to the western side boundary will have no effect.

(d) the size, shape and orientation of the lot.

The site runs north west/south east and adjoins the rear of dwellings along Margaret Street well above the minimum for the zone but is similar to other lots in the area. Number 63 Frederick Street adjoins the western boundary and is an internal lot with two dwellings.

The performance criteria are addressed.

11.4.11 Walls on boundaries

Objective:
To ensure that the location, length and height of a wall on a boundary:

- (a) is compatible with the character of the area; and
- (b) minimises the impact on the amenity of adjoining sensitive uses.

Consistent
There are no walls to be constructed on the boundary.

11.4.12 Location of car parking

Objective:
To:

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

Consistent
Car parking is appropriately located.

A1 Shared driveways or car parks of residential buildings must be located no less than 1.5m from the windows of habitable rooms.

Complies
The shared right of way driveway is 2m away and complies with A1.

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

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

Complies
The proposed five car parking spaces are behind the front dwellings.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

<p>A3 A garage or carport must be:</p> <ul style="list-style-type: none"> (a) within 10m of the dwelling it serves; and (b) located no less than 5.5m from a frontage; or (c) with a setback equal to or greater than the setback of the dwelling to the frontage; or (d) in line with or behind the front building line of the dwelling, if the dwelling is facing an internal driveway.
<p>Complies The only enclosure for cars is the existing garage which is located at the rear of the site.</p>
<p>A4</p> <ul style="list-style-type: none"> (a) The total width of the door or doors on a garage facing a frontage must be no wider than 6m; or (b) the garage must be located within the rear half of the lot when measured from the frontage.
<p>Complies The existing garage doors have a width of 5m which is located in the rear of the site to meet (a) and (b).</p>

11.4.13 Overlooking

<p>Objective: To minimise:</p> <ul style="list-style-type: none"> (a) overlooking into private open space and habitable room windows; and (b) the impact on the amenity of the adjoining and the subject site.
<p>Consistent The proposal will have minimal impacts on the nearby dwellings.</p>
<p>A1.1 A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window or private open space of dwellings within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio must:</p> <ul style="list-style-type: none"> (a) be offset no less than 1.5m from the edge of one window to the edge of the other; or (b) have sill heights no less than 1.7m above floor level; or (c) have fixed, obscure glazing in any part of the window less than 1.7m above floor level; or (d) have permanently fixed external screens to no less than 1.7m above floor level; and (e) have obscure glazing and screens must be no greater than 25% transparent; or <p>A1.2 New habitable room windows, balconies, terraces, decks or patios that face a property boundary at ground level must have a visual barrier no less than 1.8m high.</p>
<p>Relies on Performance Criteria The proposed deck off the front of the dwelling is approximately 6.5m from the western side boundary and approximately 11m from the rear of the nearest dwelling located across the adjoining property's access way. The deck is 9m from the eastern side boundary to comply with the acceptable solution. The deck and windows of the proposed dwelling are within 9m of the private open space and garden of the existing dwellings on the site and therefore will require assessment against the performance criteria. The lower ground windows are well clear and angled away from the boundaries to meet A1.2. The western boundary has a 1.8m high fence as a visual barrier.</p>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

P1 Buildings must be designed to minimise the potential for loss of amenity caused by overlooking of adjacent dwellings having regard to:

- (a) the setback of the existing and proposed building;
- (b) the location of windows and private open spaces areas within the development and the adjoining sites;
- (c) the level and effectiveness of physical screening by fences or vegetation;
- (d) the topography of the site; and
- (e) the characteristics and design of houses in the immediate area.

Complies
 The private open space of the front dwellings consists of a low 15m² deck directly at their rear and areas of private garden. The existing decks are offset and 9.1m away from the proposed deck and 11m from the upper level lounge room windows. The private garden areas are partly shielded from the proposed deck and lounge window by vegetation. As the deck is to have a solid, although only 1m high balustrade, views to the open space of the front dwellings will be limited from a seated position on the deck and from the lounge window. Direct views from the lounge are further limited due to the angled orientation of the new dwellings.

The density of development and current orientation of dwellings in the area does limit the existing level of amenity and the proposal is not considered to significantly alter this situation.

The performance criteria are considered to be addressed.

11.4.14 North-facing windows

Objective:
 To allow adequate solar access to existing north-facing habitable room windows.

Consistent
 The new dwelling will receive adequate solar access.

A1 If a north-facing habitable room window of an existing dwelling is within 3m of a boundary on an abutting lot, a building must be set back from the boundary no less than 1m, plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m for a distance of 3m from the edge of each side of the window as indicated in Figure 11.4.14

Complies
 The proposed dwelling will have a northern orientation that will not be impacted by an obstruction.

11.4.15 Daylight to windows

Objective:
 To allow adequate daylight into habitable room windows.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

<p>Consistent Habitable windows will receive adequate daylight.</p>
<p>A1 Where the minimum distance between: (a) a new window in a habitable room and an existing building; or (b) a new building constructed directly opposite an existing habitable room window, is less than 3m, a light court with an area of no less than 3m² and dimension of no less than 1m clear to the sky must be provided.</p>
<p>Complies The habitable room windows of the new development are at least 9m away from the windows in the front dwellings and dwellings to the east fronting Margaret Street.</p>

11.4.16 Density control of multiple dwellings

<p>Objective: To ensure that multiple dwellings and other forms of residential development are interspersed with single dwellings in a manner that ensures that single dwellings remain the primary form of dwellings in a road and the surrounding area.</p>
<p>Consistent The area contains a mix of development styles but predominantly single dwellings. The proposed multiple dwellings will be interspersed between the existing development.</p>
<p>A1 Multiple dwellings must have a site area per dwelling of no less than 350m².</p>
<p>Relies on Performance Criteria The site has an area of 786m² with the development of three dwellings on the site resulting in a density of one dwelling per 262m². The performance criteria must, therefore, be addressed.</p>
<p>P1 Multiple dwellings must not detract from the character of the surrounding area, having regard to: (a) the character of the streetscape; (b) the density of dwellings in the surrounding area; (c) the proximity of multiple dwellings on nearby sites; and (d) the proximity to public transport routes and services; and must have a site area per dwelling of not less than 250m².</p>
<p>Complies The development should not detract from the character of the area. Across the frontage are two co-joined dwellings which leaves approximately half of the site developed with only a garage and therefore, a lower density than a number of other lots. Developing the rear section of the site is similar to that of the adjoining internal lot and development to the west at 63 Frederick Street. Along the eastern boundary and the frontage along Margaret Street is a strip of terraces where each dwelling has a density of approximately 1 per 140m². The proposal is considered to meet (a), (b) and (c), and as the site is within ten minutes' walk of the centre of the City and the density is higher than 250m² it also meets (d).</p>
<p>A2 Dwellings must have a density no greater than 40% by lot number, of the number of lots on land zoned Inner Residential along the road to which the site has frontage.</p>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

Complies
 Frederick Street extends from George Street at its eastern end to Reserve Street to the west. Including the subject property, there are six sites over the scope of approximately 110 properties with more than one dwelling, therefore, density is considered appropriate to meet the acceptable solution.

11.4.17 Private open space for multiple dwellings

<p>Objective: To provide adequate and useable private open space for the needs of residents.</p>
<p>Consistent Each dwelling will have adequate open space for residents.</p>
<p>A1.1 Each multiple dwelling must have private open space: (a) with a continuous area of 24m² and a horizontal dimension of no less than 4m; (b) directly accessible from, and adjacent to, a habitable room other than a bedroom; (c) with a gradient no steeper than 1:16; (d) located on the side or rear of the dwelling; and (e) that is not provided within the setback from a frontage. A1.2 Where all bedrooms and living areas in a multiple dwelling are above ground floor, each multiple dwelling must have private open space, with direct access from a habitable room other than a bedroom, of: (a) a balcony of 8m² with a minimum dimension of 2m² ; or (b) a roof-top area of 10m² with a minimum width of 2m² .</p>
<p>Relies on Performance Criteria The existing dwellings have level open space to the rear of each which are accessible from the dining areas and are in excess of 24m² to comply with the A1.1. The proposed dwelling has areas of open space but the spaces, however, do not meet the acceptable solutions as they are not accessible from a habitable room. Therefore, assessment against the performance criteria is required.</p>
<p>P1 Multiple dwellings must be provided with sufficient private open space to meet the reasonable needs of the residents having regard to: (a) the size and usability of the private open space; (b) the accessibility of the private open space; (c) the availability of common open space; (d) the availability of and access to public open space; (e) the orientation of the lot to the road; and (f) the ability of the private open space to receive adequate solar access.</p>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

<p>Complies The proposed dwelling has two sections of open space at ground level; one a triangular area of open space to its south with an area of approximately 108m² and another around its north-western side. Both will receive sunlight during the day but each are not directly accessible from a habitable room. A north facing deck is proposed off the lounge/dining area of the upper floor. This will receive sunlight throughout the whole day. In addition, the Brickfields Park is 50m away to the east along Frederick Street and access to Royal Park/Seaport extends off the northern end of Margaret Street. The performance criteria are addressed.</p>
<p>A2 The southern boundary of private open space must be set back from any wall 2m high or greater on the north of the space, no less than (2m + 0.9h) metres, where 'h' is the height of the wall as indicated in Figure 11.4.17.</p>
<p>Complies The site allows sufficient open space to the north of the proposed dwelling which is not encumbered by proximity of the dwelling to a wall to meet the acceptable solutions.</p>

11.4.18 Site facilities for multiple dwellings

<p>Objective: To provide adequate site and storage facilities for multiple dwellings.</p>
<p>Consistent Each dwelling has a storage area.</p>
<p>A1 Each multiple dwelling must have access to 6m³ of secure storage space not located between the primary frontage and the facade of a dwelling.</p>
<p>Complies The existing dwellings each have a storage area. There is sufficient space in the garage of the new dwelling to provide storage options to meet the acceptable solutions.</p>
<p>A2 Mailboxes must be provided at the frontage.</p>
<p>Complies Mailboxes are provided at the frontage for each dwelling. The existing dwellings have a mail slot in their front doors and the proposed dwelling will have a mail box adjacent to the driveway.</p>
<p>A3 No less than 2m² per dwelling must be provided for bin and recycling enclosures and be located behind a screening fence of no less than 1.2m.</p>
<p>Complies Complies by condition. Each dwelling has areas set aside to store waste and recycling bins to meet the acceptable solutions.</p> <p>It is noted that the western side dwelling utilises a Right of Carriageway for its bins. The subject title does not recognise this but it is shown on the title of 67-71 Frederick Street as a 2m Right of Carriageway and is annotated as ABCD. The bins should be stored at the rear of the dwelling and this is noted in the condition for waste disposal bins.</p>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

11.4.19 Common property for multiple dwellings

Objective: To ensure that common areas are easily identified.
Consistent Common areas are identified.
A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking, including visitor parking; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.
Complies The common area is limited to access and parking. At this stage there is no intent for the site to be strata titled.

11.4.20 Streetscape integration and appearance

Objective: To: (a) integrate the layout and form of residential development with the road; and (b) promote passive surveillance; and (c) enhance streetscapes.
Consistent The proposal will not impact on the streetscape.
A1 Dwellings, other than outbuildings, must: (a) have a front door and a window to a habitable room in the wall that faces a road; or (b) if not immediately adjacent to a road, face an internal driveway or common open space area.
Complies The proposed dwelling will not be visible from the street but the front entry does front onto the internal right of way access.
A2 Dwellings, other than outbuildings, must provide a porch, shelter, awning, recess, or similar architectural feature that identifies and provides shade and weather protection to the front door.
Complies The proposed dwelling will have a shelter over the front door.
A3 The height of fences on and within 4.5m of a frontage must be no higher than: (a) 1.2m if solid; or (b) 1.8m, provided that the part of the fence above 1.2m has openings which provide no less than 50% transparency.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

Complies

The application does not include installation of fencing within 4.5m from the frontage and the eastern side boundary does not have fence. The Council does have a policy of requiring multiple dwelling sites to be fenced with such a condition to be imposed to define the boundary of the site and right of way prior to the parking areas, which is consistent with this clause.

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

The application does not include any outbuildings or swimming pool.

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

A limited quantity of earthworks is proposed for the development.

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

The extent of earthworks is minimal with approximately 500mm maximum cut adjoining the western boundary to level the site for building purposes. A condition will be imposed to restrict cut in accordance with the acceptable solution.

11.4.23 Development for discretionary uses

Objective:

To ensure that development for discretionary uses is sympathetic to the form and scale of residential development and does not adversely impact on the amenity of nearby sensitive uses.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

<p>Consistent The proposed development for a third dwelling on the site has a discretionary use status and is considered to be sympathetic to the mixed character of residential development in the vicinity.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria The discretionary status of the use requires consideration against the performance criteria.</p>
<p>P1 Development must be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the setback of the building to a frontage; (b) the streetscape; (c) the topography of the site; (d) the building height, which must not be greater than 8.0m; (e) the bulk and form of the building; (f) the height, bulk and form of buildings on the site, adjoining lots and adjacent lots; (g) setbacks to side and rear boundaries; (h) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings; (i) the degree of overshadowing and overlooking of adjoining lots; (j) mutual passive surveillance between the road and the building; (k) any existing and proposed landscaping; (l) the visual impact of the building when viewed from adjoining or immediately opposite lots; (m) the location and impacts of traffic circulation and parking; and (n) the character of the surrounding area.
<p>Complies The proposal is considered to be compatible with the existing scale of residential development and the level of amenity:</p> <ul style="list-style-type: none"> (a) <i>the setback of the building to a frontage;</i> (b) <i>the streetscape;</i> (c) <i>the topography of the site;</i> <p>The proposed dwelling will be located at the rear of the relatively level site with a setback of at least 2.1m from the frontage, and will have little impact on the streetscape to meet (a), (b) and (c).</p> <ul style="list-style-type: none"> (d) <i>the building height, which must not be greater than 8.0m;</i> The maximum height of the building is 6.5m. (e) <i>the bulk and form of the building;</i>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

(f) the height, bulk and form of buildings on the site, adjoining lots and adjacent lots;

The proposal is for extensions to the existing garage including a second storey. It is to be in the rear garden area which adjoins the rear of a set of residential terrace along the eastern boundary, two co-joined dwellings are located on an internal lot to the west, and to the south a garden of a property fronting Margaret Street. The building will be visible but is not considered to be obtrusive to the adjoining properties due to the angle of the building on its site and the relatively narrow frontages of those properties.

The two storey form of the proposal is consistent with the height of the terraces, a dwelling on the Frederick Street frontage to the west of the site and the height of the Pathology Laboratory to the at 67-71 Frederick Street.

(g) setbacks to side and rear boundaries;

The proposed setbacks are able to meet the development requirements.

(h) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings;

(i) the degree of overshadowing and overlooking of adjoining lots;

The proposed dwelling will have an impact on the level of solar gain received by the two front windows in the dwelling to the west. Currently the neighbouring dwelling receives sunlight by 9am but the proposal will limit solar gain to approximately 11.00am. The front windows north-eastern facing windows will receive angled sun to around 2.45pm. This is considered sufficient.

The density of development in the area is relatively high and some degree of overlooking is already present. The setbacks of the development meet the development requirements of the zone and are not considered to impact further on the area.

(j) mutual passive surveillance between the road and the building;

The development is at the rear of the site and therefore limits passive surveillance with the road but the dwelling overlooks the internal driveway and is visible from adjoining properties.

(k) any existing and proposed landscaping;

There is landscaping in the rear section of the site and these are all proposed to be retained.

(l) the visual impact of the building when viewed from adjoining or immediately opposite lots;

The proposed dwelling will be visible from adjoining lots which surround its internal location but the impact is not considered to be significant because of the orientation of the proposal and the relative view lines between properties.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

(m) the location and impacts of traffic circulation and parking; and

The proposed parking spaces are currently used for parking purposes with the owner having to reduce the number of cars on the site in response to the area being developed.

(n) the character of the surrounding area.

The area has a residential character primarily resulting from the separation from commercial areas provided for by the location of the Brickfields Park and the western side of Margaret Street providing an unofficial boundary to residential development in West Launceston.

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 subdivision.

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 to state the site is not contaminated by previous uses of adjoining sites. The level of potential contamination from adjoining sites is not considered to have an impact on human health of residents, construction crew or the environment and meets E2.4.3. No further assessment of the code will be undertaken.

E2.6 Development Standards**E4.0 Road and Railway Assets Code**

E4.1 The purpose of this provision is to:

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

Consistent

The proposal will not impact on the safety or efficiency of the road network or cause a conflict between uses.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(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.
Consistent The proposal will not have a significant impact on existing junctions.
A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.
Complies The site is not accessed from a category 1 or 2 road.
A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.
Complies The speed limit of surrounding streets is not more than 60km/h.
A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.
Complies The increase in vehicle movements resulting from the proposal is not considered to be greater than 5-6 per day to comply with the acceptable solution.

E4.6 Development Standards

E4.6.2 Road accesses and junctions

Objective: To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.
Consistent The existing access point is not considered to impact on the safety and efficiency of the road network.
A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.
Complies A new access is not 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.

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<p>Complies The site has one existing access point for entry and exit.</p>

E6.0 Parking and Sustainable Transport Code

<p>E6.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) ensure that an appropriate level of parking facilities are provided to service use and 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.
--

<p>Consistent Suitable parking can be provided on site. In addition, the site is approximately 10 minutes walk from the centre of the City, is on a bus and cycle route.</p>

E6.5 Use Standards

E6.5.1 Car parking numbers

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
--

<p>Consistent An appropriate level of parking can be provided on site.</p>

<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or (d) be in accordance with an acceptable solution contained within a parking precinct plan.

<p>Complies Table E6.1 requires parking of one space for each one bedroom dwelling, two spaces for the two bedroom new dwelling plus one visitor space to total five. Five spaces are required and five spaces are proposed.</p>

<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require six or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p>
--

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

Complies
 Accessible car parking spaces are not required for multiple dwellings.

E6.5.2 Bicycle parking numbers

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

Consistent
 Bicycle parking can be provided but is not required for multiple dwellings.

E6.5.3 Taxi spaces

Objective:
 To ensure that access for taxis is provided to meet the needs of the use.

Consistent
 Taxis can access the site but is not required for multiple dwellings.

E6.5.4 Motorcycle parking

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

Consistent
 Motorcycle parking can be provided.

A1 Except for dwellings in the General Residential zone, uses that require greater than 20 car parking spaces by Table E6.1 must provide one motorcycle parking space on site with one additional motorcycle parking space on site for each additional 20 car parking spaces required.

Complies
 As only five car parking spaces are required, specific motorcycle parking is not.

E6.6 Development Standards

E6.6.1 Construction of parking areas

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

Consistent
 Parking will be provided to an appropriate standard.

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.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

Complies

All spaces will have a gradient of less than 10%, will have a bitumen or concrete surface and be suitably drained.

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

Parking areas are designed and will be laid out to provide convenient, safe and efficient parking.

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.

Complies

The parking areas will be provide for forward entry and exit from the site, have a grade less than 10%, and have dimensions to meet the acceptable standards.

E6.6.3 Pedestrian access

Objective:

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

Consistent

Pedestrian access for the additional dwelling is via the Right of Way as only five spaces are required and specific pedestrian access is, therefore, not necessary.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

E13.0 Local Historic Cultural Heritage Code

E13.1 The purpose of this provision is to:

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

Consistent

The proposal is not considered to have an impact on the historic cultural heritage significance of local heritage place, the front two dwellings being listed under this Code. The garage being extended was approved in 1997 and has no recognised heritage significance.

E13.6 Development Standards

E13.6.4 Site coverage

Objective:

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

Consistent

The site cover will be increased but is not considered to impact on the historic cultural heritage significance of local heritage place.

A1 No acceptable solution.

Relies on Performance Criteria

P1 The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to:

- (a) the topography of the site;
- (b) the cultural heritage values of the local heritage place and setting;
- (c) the site coverage of buildings on sites in the surrounding area; and
- (d) the pattern of development in the surrounding area.

Complies

The two dwellings at the front of the site are those of historic significance. While the density of the site is increasing the development is confined to the rear section and the existing curtilage of the existing dwellings site is retained.

The density and pattern of residential development in the surrounding area where is generally high and of a mixed configuration. The proposed density is consistent with that of the property at 63 Frederick Street and lower than the terraces to the east.

The proposal is considered able to meet the performance criteria.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

E13.6.5 Height and bulk of buildings

Objective: To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.
Consistent The proposed dwelling will be of a height and scale which is in keeping with development on site and in the vicinity.
A1 No acceptable solution.
Relies on Performance Criteria
P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the character and appearance of the existing building or place; (c) the height and bulk of other buildings in the surrounding area; (d) the historic cultural heritage significance of adjacent places; and (e) the streetscape.
Complies The dwelling will be two-storey which is similar to the terraces buildings aligning the eastern boundary of the site. Its overall height is also similar to the steeper pitched rooves of the single storey dwellings at the front of the site. The design is contemporary and while different, is not considered to conflict with the front cottages. As the development is at the rear of the site it is not visually linked to the buildings of historic significance on the street frontage and does not specifically form a particular part of the streetscape. The development is considered to meet the performance criteria.

E13.6.6 Site of buildings and structure

Objective: To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.
Consistent The siting of the development is compatible with the existing buildings at the front of the site which are of historic cultural heritage significance.
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;

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

<p>(e) the historic cultural heritage significance of adjacent places; and (f) the streetscape.</p>
<p>Complies The proposed dwelling is positioned on an angle across the rear of the site because of a drainage easement. The orientation also minimises the impacts on adjoining properties and is suitably setback from the buildings of historic cultural heritage significance at the front of the site. Development of adjoining properties consists of various configurations including up to all boundaries. The proposal is, therefore, not considered inappropriate.</p>

E13.6.7 Fences

<p>Objective: To ensure that fences are compatible with the historic cultural heritage significance of local heritage places and their setting.</p>
<p>Consistent The application does not propose any fencing although a condition will require a section of fencing along a proportion of the eastern side boundary but this is consistent with other fencing on site.</p>
<p>A1 New fences must be designed and constructed to match existing original fences on the site.</p>
<p>Complies A section of paling fencing is required along the eastern side boundary from the frontage to the small shed.</p>

E13.6.8 Roof form and materials

<p>Objective: To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent The roof form and materials are compatible with the existing buildings at the front of the site and other development in the area.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>
<p>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.</p>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

Complies
 The proposed roof is pitched and is considered to be compatible with the dominant roof form of the front dwellings and has a visual link with the historic buildings. As the proposed dwelling is at the rear of the site it does not have a significant impact on the streetscape.

 The roof is to be clad in custom orb with a Zinalume finish and is considered to meet the performance criteria.

E13.6.9 Wall materials

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

Consistent
 The wall cladding will be compatible with the local heritage places at the front of the site.

A1 No acceptable solution.

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

Complies
 The front buildings are of masonry construction with a rendered finish. The front wall of the proposed extension, which is seen in conjunction with the existing cottages will be clad in light weight panels with a paint finish and 'mini orb' sheet feature panels, adding to the black painted block walls and 'custom orb' sheeting of the garage. As the proposed building is at the rear of the site, is to be clad in dark unobtrusive colours and separated by distance and a tree it is not considered to impact on the character of the existing cottage at the front of the site or the streetscape.

E13.6.12 Tree and vegetation removal

Objective:
 To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not impact on the historic heritage significance of local heritage places and their settings.

Consistent
 There are no trees to be removed.

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditional consent provided with recommended conditions.
Environmental Health	Conditional consent provided with recommended conditions.
Heritage/Urban Design	<p>The plans have been reviewed and it is <i>"concluded that the proposed development of a third dwelling over an existing garage is acceptable in terms of heritage impacts and may be considered as an appropriate response to provide increased residential density in the developed fringe of the inner city."</i></p> <p>The only concern raised was confirmation of the colour scheme. A condition is included for a colour scheme to be provided prior to issue of the building permit.</p>
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA2019/01790-LCC, Dated 19/06/2020.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	The Tasmanian Heritage Council has issued a Notice of No Interest with Exemption No.2944.
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 25 April to 11 May 2020. Four representation submissions were received with one submission containing two conditions. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>ISSUE 1: The proposed extension will block winter light and will appear as a black metal dwelling to the rear of the property.</p>
<p>COMMENT 1: <i>The proposal is setback at least 5m from the rear of the properties to the east and is generally to the south west to minimise overshadowing of those dwellings. It is to have a dark colour scheme but this should not have a significant visual impact on the adjoining dwellings which generally have only service type areas at their rear.</i></p>
<p>ISSUE 2: Privacy of the adjoining terraces and properties will be impacted.</p>
<p>COMMENT 2: <i>The proposed development complies with the development requirements where view lines to the north, dwelling orientation and boundary setbacks from the upper level rooms and deck will minimise impacts of overlooking.</i></p>
<p>ISSUE 3: The proposed development is not compatible with other buildings in the area.</p>
<p>COMMENT 3: <i>The proposal is modern and different to the other buildings but as the area contains a range of building styles and configurations with no dominant building form it is not incompatible.</i></p>
<p>ISSUE 4: The right of way access to the site, which also serves the terraces is too narrow to take any additional loading. The owners of the subject site have four cars and there is a tenants car. With the owner also operating his architect business there will be more visitors. This is a concern as there have already been burglaries of properties where access has been gained over the right of way. There is an additional portion of the right of way which is needed to reverse from the terraces which has not been shown</p>
<p>COMMENT 4: <i>The right of way, which is part of 68 Margaret Street, is 3.20m wide. It is wider for a section adjoining the proposal by a 2m burdening easement over the subject site to assist vehicle movements for the terraces, with this shown on the plans. The development requires five car spaces and these will be provided on site including the</i></p>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

<p><i>ability to turn. The owner's Home Occupation as an architect is to transfer to the proposed dwelling where it meets the requirements under the Planning Scheme. The proposed dwelling will offer more surveillance for the rear of the site and reduce unnecessary access to this area.</i></p>
<p>ISSUE 5: Overshadowing of the garden to the south.</p>
<p>COMMENT 5: <i>Due to the angle of the proposed dwelling in relation to the rear boundary the garden to the south will received sufficient sunlight throughout the day. Shadowing will be unlikely until around 3.00pm.</i></p>
<p>ISSUE 6: Traffic impact of cars upon adjoining properties.</p>
<p>COMMENT 6: <i>The development requires parking for five cars and the necessary spaces are provided. The owner currently parks vehicles at the rear of the site and there should be little change to that proposed.</i></p>
<p>ISSUE 7: Does the property have legal rights over the Rights of Way over 68 Margaret Street? And isn't the applicant trying to add the adjoining 2m x12m Right of Way to increase the property value.</p>
<p>COMMENT 7: <i>The property has a Benefitting Easement over the Right of Way of 68 Margaret Street, referenced C439110, and registered on 18 September 2003. The property is also subject to a 2m Burdening Easement, referenced C439113 and also registered on 18 September 2003, this assisting with turning from the terraces.</i></p>
<p>ISSUE 8: Commercial nature of front tenancies is a concern in respect of the number of users of the right of way.</p>
<p>COMMENT 8: <i>The two existing cottages are to be used as long term residential rentals. Any change will require further approvals. One car space will be provided for each cottage and two spaces will be provided for the proposed dwelling within the existing garage. One visitor space will be provided on site. Turning circles are shown for the new spaces with use of the garage an existing situation.</i></p>
<p>ISSUE 9: The title is misleading and indicates the property has two titles.</p>
<p>COMMENT 9: <i>The title contains two titles which were joined by an Adhesion Order, referenced C804697 and registered on 17 May 2007.</i></p>
<p>ISSUE 10: Where are the parking areas draining to?</p>

9.1 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

<p><i>COMMENT 10:</i> <i>The parking areas will be sealed and stormwater will have to be appropriately collected and drained within the property boundary.</i></p>
<p><i>ISSUE 11:</i> The proposed deck will look directly into the rear of the terraces, should it have screens?</p>
<p><i>COMMENT 11:</i> <i>The deck is approximately 11m from the property boundary. Screening is only required where such a deck is within 9m of a habitable room window or private open space.</i></p>
<p><i>ISSUE 12:</i> The height of the extension will obstruct morning sunlight to dwelling to the west of the site especially in the winter and will make the property more damp.</p>
<p><i>COMMENT 12:</i> <i>The proposal may limit morning sun to the dwelling until approximately 10.45am from where angled sun will be received until around 11.00am. The dwelling's open space is at the rear of the site.</i></p>
<p><i>ISSUE 13:</i> The development will reduce the property values of the neighbouring western dwelling.</p>
<p><i>COMMENT 13:</i> <i>This is not a planning consideration.</i></p>

A meeting was held at one of the representor's homes with three representors to clarify issues raised and discuss the concerns in relation to the provisions of the planning scheme. Concerns of a fourth representor were discussed in a meeting held at the Town Hall offices prior to the representation being received.

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 Residential - Construction of an Additional Dwelling With Right of Way Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

**9.1 Residential - Construction of an Additional Dwelling With Right of Way
Access Over 68 Margaret Street at 59 Frederick Street, Launceston ...(Cont'd)**

ATTACHMENTS:

1. Locality Map - 59 Frederick Street and 68 Margaret Street, Launceston (*distributed electronically*)
 2. Plans to be Endorsed - 59 Frederick Street and 68 Margaret Street, Launceston (*distributed electronically*)
 3. TasWater SPAN - 59 Frederick Street and 68 Margaret Street, Launceston (*distributed electronically*)
 4. Tasmanian Heritage Council Notice of No Interest - 59 Frederick Street and 68 Margaret Street, Launceston (*distributed electronically*)
 5. Representations - 59 Frederick Street and 68 Margaret Street, Launceston (*distributed electronically*)
-

10 ANNOUNCEMENTS BY THE MAYOR**10.1 Mayor's Announcements****FILE NO:** SF2375

Tuesday 28 July 2020

- Officiated at a Public Citizenship Ceremony

Thursday 30 July 2020

- Chaired the *Friends of Library* Annual General Meeting
-

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.)

12.1.1 Councillors' Questions on Notice - Councillor P S Spencer - Installation of Soap Dispensers - Council Meeting - 23 July 2020**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 23 July 2020 by Councillor P S Spencer, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Is it possible to install soap dispensers in toilet facilities operated by the Council?

Response:

In alignment with the principles of Crime Prevention through Environmental Design (CPTED), it has been current practice for the Council not to install soap dispensers in many Council owned public toilet facilities. However, in light of the COVID-19 pandemic and public health recommendations, Building Asset Management is currently undertaking a review of this matter, with a particular focus on public toilets in outer urban areas. Currently, all public toilets in the CBD (aside from City Park) do have soap dispensers.

12.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions Without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

13 COMMITTEE REPORTS**13.1 Municipal Emergency Management Committee Meeting - 2 July 2020****FILE NO:** SF3177**AUTHOR:** Stephen Loiterton (Emergency Management Officer)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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 2 July 2020.

REPORT:

The Meeting of the Municipal Emergency Management Committee held on 2 July 2020 discussed the following:

- State Emergency Service and Tasmania Police thanked the City of Launceston for provision of staff to assist the regional COVID-19 pandemic response. City of Launceston has also provided staff to support the Meals on Wheels program and the Launceston City Mission.
- While emergency services are still involved in COVID-19 pandemic operations, they are progressing return to *normal* operations following peak of the response.
- Recovery planning and implementation in relation to COVID-19 pandemic is well underway.
- Planning being undertaken for potential COVID-19 pandemic complications in relation to a concurrent emergency, especially impacts on evacuations.
- Review of Municipal Emergency Management Plan progressing.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

**13.1 Municipal Emergency Management Committee Meeting - 2 July 2020
...(Cont'd)**

SOCIAL IMPACT:

Not considered relevant to this report.

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

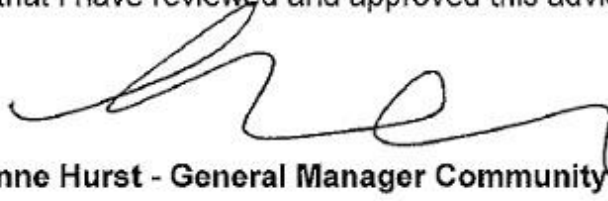
BUDGET & FINANCIAL ASPECTS:

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.



Leanne Hurst - General Manager Community and Place Network

13.2 Tender Review Committee Meeting - 23 July 2020**FILE NO:** SF0100/CD.019/2020**AUTHOR:** Anthea Rooney (Council and Committees Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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 select the recommended tenderers listed for each schedule in the table below and register each tenderer for the City of Launceston Consultancy Services Panel 2020-2023, Contract Number CD.019/2020.

Recommended Tenderers	
Engineering Services	
1.	GHD Pty Ltd
2.	Pitt and Sherry (Operations) Pty Ltd
3.	Rare Innovation Pty Ltd
4.	Cardno (NSW/ACT) Pty Ltd
5.	WSP Australia Pty Ltd
6.	JMG Engineers and Planners
Architectural Services	
1.	Philip Lighton Architects
2.	ARTAS Architects
3.	Cumulus Studio Pty Ltd
4.	Morrison and Breytenback Architects Pty Ltd

REPORT:

The Tender Review Committee Meeting, held on 23 July 2020, determined the following:

That the recommendation of the Tender Review Committee to select the recommended tenderers listed for each schedule in the table below and register each tenderer for the City of Launceston Consultancy Services Panel 2020-2023, Contract Number CD.019/2020 be accepted.

13.2 Tender Review Committee Meeting - 23 July 2020 ...(Cont'd)

Recommended Tenderers	
Engineering Services	
1.	GHD Pty Ltd
2.	Pitt and Sherry (Operations) Pty Ltd
3.	Rare Innovation Pty Ltd
4.	Cardno (NSW/ACT) Pty Ltd
5.	WSP Australia Pty Ltd
6.	JMG Engineers and Planners
Architectural Services	
1.	Philip Lighton Architects
2.	ARTAS Architects
3.	Cumulus Studio Pty Ltd
4.	Morrison and Breytenback Architects Pty Ltd

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

5. To maintain a financially sustainable organisation.

BUDGET & FINANCIAL ASPECTS:

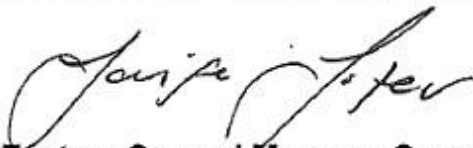
Not considered relevant to this report.

13.2 Tender Review Committee Meeting - 23 July 2020 ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

14 COUNCIL WORKSHOPS

Local Government (Meeting Procedures) Regulations 2015 - Regulation 2(c)

14.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

That, pursuant to Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:

Workshops conducted on 30 July and 6 August 2020

Four Year Delivery Plan

Councillors engaged in a discussion of the revised four year delivery plan and provided feedback on the content.

Long Term Financial Plan

Councillors engaged in a discussion on the modelling of future rating scenarios which will form the basis for the review of the long term financial plans.

Ten Days on the Island

Councillors received a presentation from Ten Days on the Island delegates.

Introducing Place Making - The Concept and the Team

Councillors received an overview of the both the place making concept and the newly formed team.

Showcase of Entry in the Tourism Council of Tasmania Top Towns Competition

Councillors viewed the City of Launceston's video entry into the competition.

Greenhouse Gas Audit

Councillors were provided with an update on the Greenhouse Gas Audit.

14.1 Council Workshop Report ...(Cont'd)

Albert Hall Upgrade Works

Councillors reviewed the proposed works and priorities for the \$10m Australian Government commitment to the Albert Hall.

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.

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:

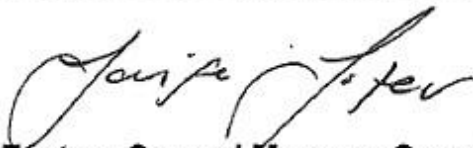
Not considered relevant to this report.

14.1 Council Workshop Report ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

15 NOTICES OF MOTION

Local Government (Meeting Procedures) Regulations 2015 - Regulation 16(5)

No Notices of Motion have been identified as part of this Agenda

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items have been identified as part of this Agenda

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS**18.1 Disposal of an Interest in Land at 66 Victoria Street, Youngtown****FILE NO:** 131410**AUTHOR:** Wezley Frankcombe (Governance and Legal Officer)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider disposing of an interest in Council land.

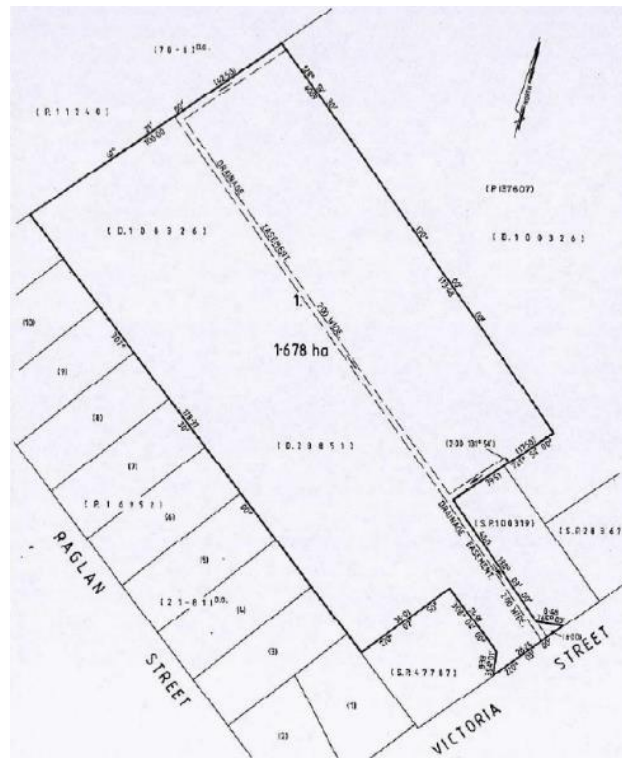
This decision is required to be made by absolute majority according to section 177 of the Local Government Act 1993 (Tas).

RECOMMENDATION:

That Council:

1. notes the valuation advice marked Attachment 1 (ECM Doc Set Id 4346305) concerning the interest in the drainage easement located at 66 Victoria Street, Youngtown. The valuation of the respective easement is \$5,700.00 for 465m² of land.
 2. notes, the interest in land that Council has in the property that is recommended to be sold is a drainage easement created by SP137357.
 3. decides, pursuant to section 177 of the *Local Government Act 1993* (Tas), to dispose of an interest in the relevant land:
 - (a) for nil or the sum of \$1.00 in order to allow the owner/s of the burdened land to consolidate and remove the drainage easement from that portion of land CT137357/1 as identified in the plan below:
-

18.1 Disposal of an Interest in Land at 66 Victoria Street, Youngtown ...(Cont'd)



REPORT:

The Infrastructure and Assets Network has advised that the respective drainage easements are not currently in use. Further to this, given the existing lots proposed to be served by it now are alternately served, the Council is in a position to say that it is unnecessary. The subdivision of 66 Victoria Street, Youngtown has the majority of the services in the road reserve and as such there is no need to create (or in this case maintain) an easement.

Notwithstanding the valuation advice, it is recommended that the easements are disposed of for nil or \$1 consideration for the following reasons:

- The easements in question are redundant, and accordingly the Council loses no practical benefit in disposing of its relevant interests.
 - It is not justifiable to charge for disposal in the circumstances, given that the easements are not being used and have no identified future use.
 - The Council did not pay any money for the easements when they were created in the Council's favour. Rather, the easements were created as part of the Council's approval of the final plan when created.
-

18.1 Disposal of an Interest in Land at 66 Victoria Street, Youngtown ...(Cont'd)

- To require payment for the easements would see a gain to the Council that is not justifiable in the circumstances.

The owner/s of the burdened land has advised their strong interest for the Council to dispose of the interest.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

18.1 Disposal of an Interest in Land at 66 Victoria Street, Youngtown ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Shane Eberhardt - General Manager Infrastructure and Assets Network

ATTACHMENTS:

1. Valuation - 66 Victoria Street, Youngtown
-

Attachment 1 - Valuation - 66 Victoria Street, Youngtown

VALUATION REPORT

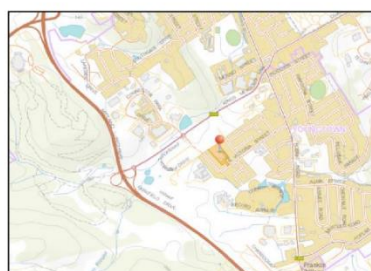
Property Address: 66 Victoria Street, Youngtown TAS 7249

Our Reference: LG20/1427

Date of Valuation: 21th July 2020



Aerial Photograph



Location Map

Title:

The land which forms the subject of this valuation advice is contained within Certificate of Title Volume 137357, Folio 1.

Ownership:

Simon Michael Lionetti and Kiah Patricia Lionetti

Purpose of Valuation:

To assess the value of the interest held by City of Launceston in the drainage easement over part of the land comprised in CT 137357/1 for potential disposal/extinguishment purposes, as indicated on the copy of the title plan appended to this report.

Subject Land Area:

The land parcel of which the subject easement forms a part has a total area of 1.678 Hectares, according to the Title Plan provided by Launceston City Council and appended to this report.

According to calculations based on the dimensions indicated on the title plan, the subject easement has a total land area of approximately 465 square metres (sqm).

We reserve the right to review our assessment of value should a formal survey of the easement indicate an area that differs significantly from the affected land area as outlined above.

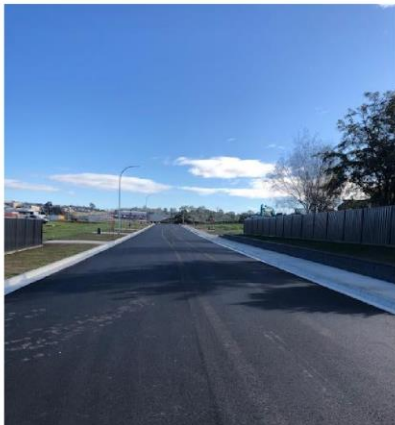
City of Launceston Council Land at 66 Victoria Street	LG Valuation Services Pty Ltd LG20/1427
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Land Description:

The subject title comprises a slightly irregular shaped parcel of land which is generally level in contour.

The land parcel of which the subject easement forms a part is currently being developed as part of a residential subdivision. From our on-site observations it appears that infrastructure works have occurred over part of the easement including roadway construction and installation of in ground services.

These works have not been taken into account in our assessment of value for the subject easement which is predicated on the basis of the underlying land value only, exclusive of surface improvements which have been undertaken as part of the subdivision scheme.

Site Photograph:

Overview of easement – view south to north

Location:

The property is located in a developing outer suburban mixed use precinct, approximately 6 kilometres to the south of Launceston's Central Business District (CBD).

The immediately surrounding area is in a growth phase, with the subject land being situated in proximity to a major residential subdivision currently under construction on the opposite (western) side of Raglan Street.

The subject land is located a short distance from the intersection of the Midland Highway and the Kings Meadow Link road which connects residential suburbs to the south and east of the city to the Midland Highway.

Surrounding development includes a mixture of freestanding residential dwellings to the south and east of the subject land, and commercial and light industrial properties to the north on the opposite side of the Kings Meadow Link.

City of Launceston Council Land at 66 Victoria Street	LG Valuation Services Pty Ltd LG20/1427
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Planning:

The subject land is currently zoned “10.0 General Residential” under the prevailing Launceston Interim Planning Scheme 2015.

Our research indicates that the overall land parcel containing the subject easement has planning consent for subdivision to provide some 16 residential lots. As at the date of our inspection subdivision works had commenced with the construction of roadways and services to service the proposed lots.

Notwithstanding the current subdivision that has been commenced over the subject land, in assessing our opinion of value for the subject easement we have had regard to the value of the overall land parcel as an englobo site; that is, undeveloped land that whilst zoned to allow for subdivision into smaller parcels is taken to be largely undeveloped and unserved as at the date of valuation.

Market Sales:

In establishing applicable valuation parameters for the subject property, we have examined market activity within the locality over recent years and have analysed relevant sales for comparison purposes.

Our research revealed that there have been few sales of vacant land within the immediate locality of Youngtown over recent years, and accordingly it has been necessary to extend our search for market sales evidence of englobo land sales to other similar developing suburban localities around Launceston to assess applicable market parameters.

A selection of market sales transactions which are considered relevant in determining market parameters for the subject land are summarised in the table below:

Address	Sale Date	Sale Price	Land Area (m ²)	Rate \$/m ²
2-6 Deek Street, Kings Meadows	8/03/2018	\$420,000	20,980	\$20.02
Lot 1 Celery Top Drive, St Leonards	1/11/2019	\$715,000	16,630	\$42.99
13 Basin View Drive, West Launceston	20/09/2018	\$205,000	10,760	\$19.05
9 Rose Lane, South Launceston	23/11/2018	\$150,000	13,375	\$11.21

Valuation Considerations:

Having regard to the available sales evidence, prevailing market conditions, and the particular attributes and characteristics of the subject land, we consider an appropriate range of value for the subject land would be between \$32 and \$38 per square metre.

We have been instructed to provide our assessment of the value of the interest held by City of Launceston in the subject drainage easement, as distinct from the unencumbered market value of the freehold land.

It is acknowledged that the Council’s interest in the easement constitutes a lesser interest than that of the freehold title holder, and accordingly we have adopted a lower proportional rate to reflect the Council’s interest in our valuation calculations below.

City of Launceston Council Land at 66 Victoria Street	LG Valuation Services Pty Ltd LG20/1427
--	--

Land Description	Land Area	Value Range	\$/sqm Land	Total Value
CT 137357 / 1				
Subject Land (area of easement only)	465 m2	High	32.00	\$14,885
	465 m2	Low	38.00	\$17,676
Core Land Value			35.00	\$16,281
Adjust for:				
Proportional Interest - Council		35%		\$5,698
Value of Council Interest				\$5,698
Rounded for Valuation Purposes				\$5,700

Valuation Conclusion:

Our assessment of the value of the interest held by City of Launceston in the subject easement is:

\$5,700

(FIVE THOUSAND SEVEN HUNDRED DOLLARS)

This valuation is exclusive of GST if applicable.

Date of Valuation: 21st July 2020

Signed:



Richard Carhart
MRICS AAPI CPV
Senior Valuer
LG Valuation Services Pty Ltd

24th July 2020

Part of HMC Property Group
PO Box 1470 Launceston TAS 7250
Phone (Mobile): 0408 141 030
E-mail: richard@hmval.com.au

City of Launceston Council Land at 66 Victoria Street	LG Valuation Services Pty Ltd LG20/1427
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Definitions

Compliance:

Our valuation has been prepared in accordance with the Australian Property Institute Practice Standards and Guidance Notes.

Market Change:

Due to the possible changes in market forces and circumstances in relation to the subject property, the report can only be regarded as representing our opinion of the value of the property as at the Date of Valuation.

Coronavirus Disease 2020 (COVID-19):

The coronavirus (COVID-19) is currently disrupting world economies and while clear property impacts at a local level are not yet observable, it is prudent to acknowledge this situation and continue to monitor on an ongoing basis. The International Monetary Fund is forecasting a global recession for 2020 and most Australian economists are predicting that Australia will also succumb to recession domestically, despite recent Government stimulus efforts designed to support the economy and employment.

Whilst the current observable market trajectory has been seemingly steady to this point, caution is necessary given that most property classes have benefited from a prolonged cyclical upswing in levels of value. In terms of cyclical positioning, the market is now generally viewed as being at or near the 'top of cycle'. There are additional economic challenges emerging in the market which have the potential to create significant downward pressure on market values. These challenges include the availability of property finance, headwinds facing the broader property market, very low inflation and a current environment characterised by increasing unemployment and concerning government budgetary positions and economic forecasts.

Currency of Valuation:

This valuation is current as at the Date of Valuation only.

Reliance on Valuation:

We do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of the Period of Valuation Reliance identified below, from the Date of Valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.

Period of Valuation Reliance:

The Period of Valuation Reliance for this report is 3 months. Without limiting the generality of the above, we do not assume responsibility or accept any liability where the valuation is relied upon after the expiration of three months from the date of the valuation.

City of Launceston Council Land at 66 Victoria Street	LG Valuation Services Pty Ltd LG20/1427
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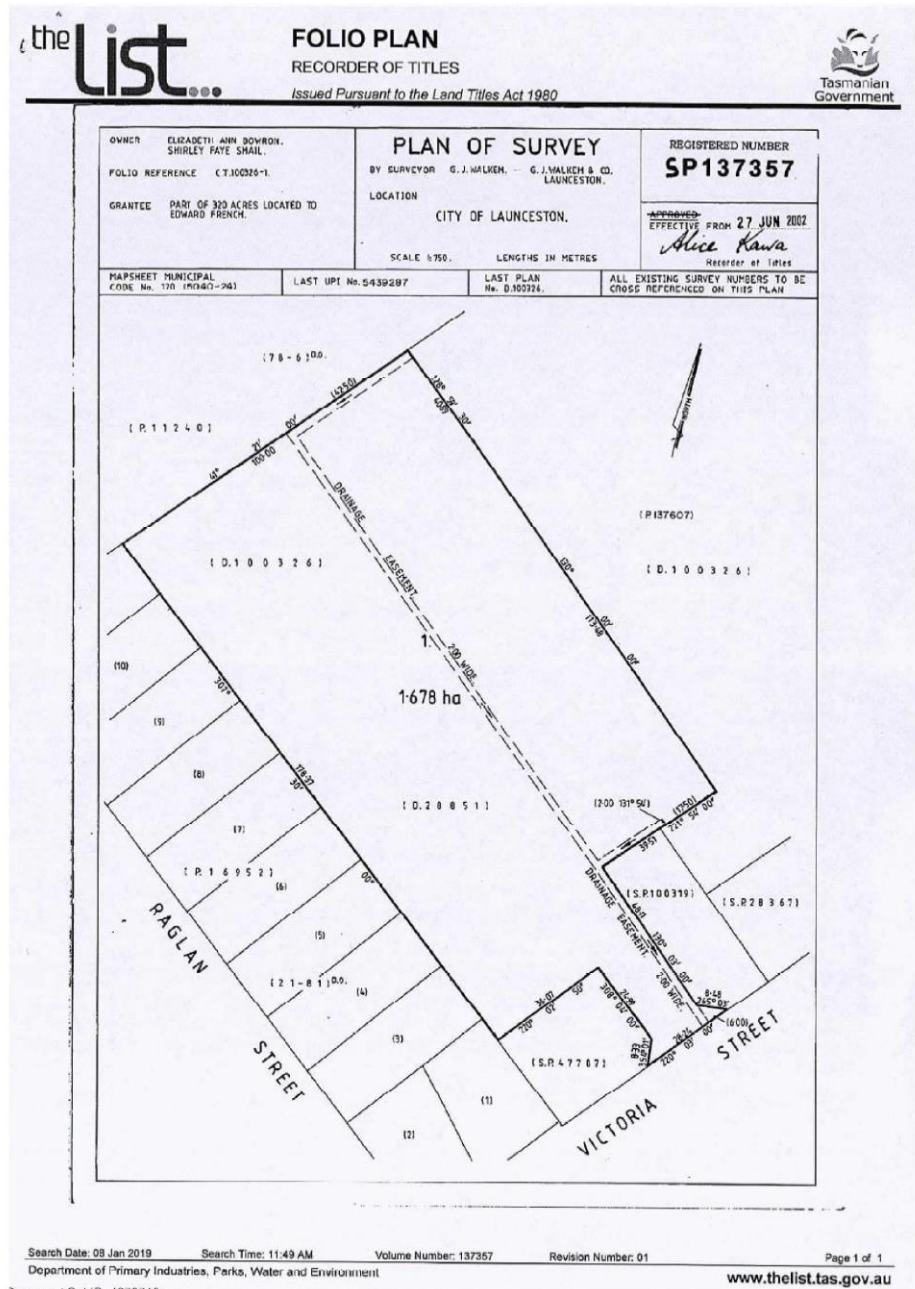
Environmental Issues:

This valuation has been assessed on the assumption that the property is free from elevated levels of contaminants and is not impacted by any environmental issues that may affect the marketability and/or value of the property. It should be noted that such environmental matters are outside our area of expertise and that the valuation contained herein has been prepared without the benefit of soil tests or external environmental impact reports.

Should any environmental issues subsequently become apparent that may impact on the marketability and/or value of the property then this valuation is not to be relied upon and the report should be returned to the valuer for review and potential revision.

City of Launceston Council Land at 66 Victoria Street	LG Valuation Services Pty Ltd LG20/1427
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Appendix 1:



18.2 Disposal of an Interest in Land at 2 Talbot Road, South Launceston**FILE NO:** SF2038**AUTHOR:** Robert Bujnowski (Properties and Legal Officer)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider disposing of an interest in Council land.

This decision is required to be made by absolute majority according to section 177 of the Local Government Act 1993 (Tas).

PREVIOUS COUNCIL CONSIDERATION:

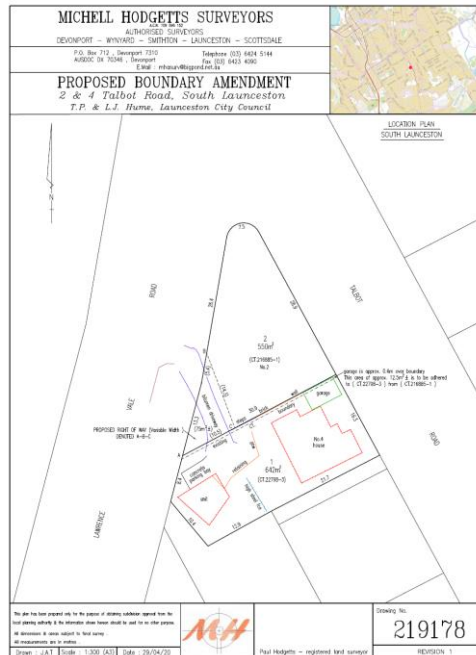
Council - 8 May 1989 - Agenda Item 10 - 2 Talbot Road - Request to Purchase

RECOMMENDATION:

That Council

1. notes the valuation advice marked Attachment 1 (ECM Doc Set ID 4345239) concerning the interests in the relevant land.
 2. decides, pursuant to section 177 of the *Local Government Act 1993* (Tas), to dispose of an interest in the relevant land by:
 - (a) creating a right of way in favour of the purchaser for the sum of \$2,750 (plus any GST), as identified in the plan below; and
 - (b) selling 12.5m² of land to the purchaser for the sum of \$1,500 in order to allow the purchaser to consolidate that portion of land to CT22798/3 as identified in the plan below.
-

18.2 Disposal of an Interest in Land at 2 Talbot Road, South Launceston ...(Cont'd)



REPORT:

Historically, on 8 May 1989, Council resolved to offer the then owners of 4 Talbot Road, South Launceston the opportunity to purchase the entire land at 2 Talbot Road, South Launceston.

It is the preference that Council retains ownership of the land at 2 Talbot Road, South Launceston less the part of the land that is to be sold to the current owners of 4 Talbot Road, South Launceston.

The property at 2 Talbot Road, South Launceston is not listed on the Council's *Public Land* map. It cannot be reasonably argued that it is a public park or garden. As it is not public land, disposal of part of the land will not require advertising under section 178 of *Local Government Act 1993 (Tas)*.

The sale will allow access from Lawrence Vale Road, South Launceston to be created via a *Right of Way* having an area of approximately 75m²+/- . The owner of the right of the *Right of Way* will be unable to lawfully exclude those who are entitled to traverse that portion of land.

18.2 Disposal of an Interest in Land at 2 Talbot Road, South Launceston ...(Cont'd)

There is currently a garage located at the north-east corner of 4 Talbot Road, South Launceston that encroaches onto the land at 2 Talbot Road, South Launceston by 12.5m^{2+/-}. Sale of the relevant 12.5m² portion of land will ensure that the owner is able to occupy this land lawfully. The relevant 12.5m² of land will be consolidated with the title of 4 Talbot Road, South Launceston.

The owner of 4 Talbot Road, South Launceston has indicated a willingness to proceed as per the recommendations referred to in this Agenda Item.

The recommendation is in accordance with the valuation report.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET & FINANCIAL ASPECTS:

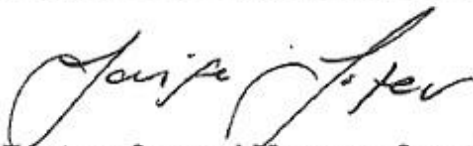
Not considered relevant to this report.

**18.2 Disposal of an Interest in Land at 2 Talbot Road, South Launceston
...(Cont'd)**

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

ATTACHMENTS:

1. Valuation - 2 Talbot Road, South Launceston
-

Attachment 1 - Valuation - 2 Talbot Road, South Launceston

VALUATION REPORT

Property Address: Land at 2 Talbot Road, South Launceston TAS 7249

Our Reference: LG20/1419

Date of Valuation: 6th July 2020



Aerial Photograph



Location Map

Title:

The land which forms the subject of this valuation advice is contained within Certificate of Title Volume 216885, Folio 1.

Ownership:

Launceston City Council

Purpose of Valuation:

Launceston City Council owns property at 2 Talbot Road as indicated on the aerial photograph above. The adjoining property owner at 4 Talbot Road wishes to address a building encroachment by purchasing approximately 12.5 square metres (sqm) of the subject land as well as obtaining legal right of way of approximately 75 sqm over the Council land, in accordance with the proposed boundary amendment plan prepared by Michell Hodgetts Surveyors appended to this report.

Land Description:

The subject title comprises a triangular shaped parcel of land with a steep fall in contour from the eastern boundary along Talbot Road towards the south western corner on Lawrence Vale Road.

City of Launceston Council Part of 2 Talbot Road	LG Valuation Services Pty Ltd LG20/1419
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Subject Land Area:

Certificate of Title 216885/1 has a total land area of 724 sqm.

The subjects of this valuation comprise two distinct areas, as described below –

1. Building encroachment of approximately 0.4 metres over boundary. Total area to be adhered to CT 22798/3 is approximately 12.5 sqm.
2. Proposed Right of Way of variable width. Total affected land area approximately 75 sqm.

The above approximate areas are based on information provided to the Council by Michael Hodgetts Surveyors. We reserve the right to review our assessment of value/s should a formal survey indicate areas that differ significantly from the land area as outlined above.

Photographs:



Frontage to Lawrence Vale Road



Overview of encroachment

Location:

The property is located within the established inner residential suburb of South Launceston, approximately 1.5 kilometres to the south east of Launceston's Central Business District (CBD).

The subject parcel of land is situated in a prominent corner position at the intersection of Talbot Road with Lawrence Vale Road and is in proximity to the major junction of High Street, Churchill Crescent and Wentworth Street. Surrounding properties comprise predominantly freestanding residential dwellings.

Planning:

The subject land is currently zoned "19.0 Open Space" under the prevailing Launceston Interim Planning Scheme 2015.

The adjoining land at 4 Talbot Road to which the encroachment land is to be adhered (CT 22798/3) is zoned "10.0 General Residential".

City of Launceston Council Part of 2 Talbot Road	LG Valuation Services Pty Ltd LG20/1419
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Market Sales:

In establishing applicable valuation parameters for the subject property, we have examined market activity within the locality over recent years and have analysed relevant sales for comparison purposes.

Our research revealed that there have been few sales of vacant land within the immediate locality of South Launceston over recent years, and accordingly it has been necessary to extend our search for market sales evidence to neighbouring suburbs to assess applicable market parameters.

A selection of market sales transactions which are considered relevant in determining market parameters for the subject land are summarised in the table below:

Address	Sale Date	Sale Price	Land Area (m2)	Rate \$/m2
5 Karla Place, South Launceston	4/10/2018	\$105,000	700	\$150
44 Meredith Crescent, South Launceston	12/07/2018	\$110,000	726	\$152
21 Thelma Street, Newstead	7/11/2019	\$125,000	620	\$202
39 Newstead Crescent, Newstead	20/02/2020	\$147,000	835	\$176
6 Jocks Court, Punchbowl	15/06/2019	\$135,000	825	\$164
5 Gallopers Rise, Punchbowl	21/01/2020	\$130,000	702	\$185

Valuation Considerations:

The market evidence outlined above indicates a range of value from \$105,000 to \$147,500 for a standard sized block of vacant land with Residential zoning classification within the general locality, with variation within this range dependent upon such factors as topography, size, proximity to services and views.

Having regard to the available sales evidence, prevailing market conditions, and the particular attributes and characteristics of the subject land, we consider an appropriate range of value for the subject land would be between \$160 and \$170 per square metre.

We have applied a discount of some 25% to the above range of values for a standard block of land to reflect the current inferior zoning classification of the subject land.

Our valuation calculations in respect of the two areas of land to be assessed are set out in turn as follows -

City of Launceston Council Part of 2 Talbot Road	LG Valuation Services Pty Ltd LG20/1419
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1. Building encroachment

Our valuation calculations are predicated on the subject area of land comprising 12.5 sqm being adhered to the existing title for 4 Talbot Road (CT 22798/3) on an unencumbered freehold basis.

Land Description	Land Area	Value Range	\$/sqm Land	Total Value
CT 216885 / 1				
Subject Land (area of encroachment only)	12.5 m2	High	160.00	\$2,000
	12.5 m2	Low	170.00	\$2,125
Core Land Value			165.00	\$2,063
Adjust for:				
Zoning		75%		\$1,547
Proportional Interest		100%		\$1,547
Value on Disposal				\$1,547
Rounded for Valuation Purposes				\$1,500

2. Proposed Right of Way

Our valuation has been assessed on the basis that the area of land containing the proposed right of way will remain in the ownership of Launceston City Council (CT 216885/1).

We have been instructed to provide our assessment of the value of the interest to be held by the adjoining land owner in the proposed right of way easement, as distinct from the unencumbered market value of the freehold land.

It is acknowledged that the adjoining land owner's interest in the easement constitutes a lesser interest than that of the freehold Title holder, and accordingly we have adopted a lower proportional rate to reflect the adjoining land owner's interest in our valuation calculations below.

Land Description	Land Area	Value Range	\$/sqm Land	Total Value
CT 216885 / 1				
Subject Land (area of r.o.w. easement only)	75 m2	High	160.00	\$12,000
	75 m2	Low	170.00	\$12,750
Core Land Value			165.00	\$12,375
Adjust for:				
Zoning		75%		\$9,281
Proportional Interest - Adjoining owner		30%		\$2,784
Value of Right of Way				\$2,784
Rounded for Valuation Purposes				\$2,750

City of Launceston Council Part of 2 Talbot Road	LG Valuation Services Pty Ltd LG20/1419
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Valuation Conclusion:

Our assessment of the value of the respective interests in the subject land as outlined above is:

1. Building encroachment:**\$1,500****(ONE THOUSAND FIVE HUNDRED DOLLARS)****2. Proposed Right of Way:****\$2,750****(TWO THOUSAND SEVEN HUNDRED & FIFTY DOLLARS)**

This valuation is exclusive of GST if applicable.

Date of Valuation: 6th July 2020

Signed:

Richard Carhart
MRICS AAPI CPV
Senior Valuer
LG Valuation Services Pty Ltd

10th July 2020

Part of HMC Property Group
PO Box 1470 Launceston TAS 7250
Phone (Mobile): 0408 141 030
E-mail: richard@hmval.com.au

City of Launceston Council Part of 2 Talbot Road	LG Valuation Services Pty Ltd LG20/1419
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Definitions

Compliance:

Our valuation has been prepared in accordance with the Australian Property Institute Practice Standards and Guidance Notes.

Market Change:

Due to the possible changes in market forces and circumstances in relation to the subject property, the report can only be regarded as representing our opinion of the value of the property as at the Date of Valuation.

Currency of Valuation:

This valuation is current as at the Date of Valuation only.

Reliance on Valuation:

We do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of the Period of Valuation Reliance identified below, from the Date of Valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.

Period of Valuation Reliance:

The Period of Valuation Reliance for this report is 3 months. Without limiting the generality of the above, we do not assume responsibility or accept any liability where the valuation is relied upon after the expiration of three months from the date of the valuation.

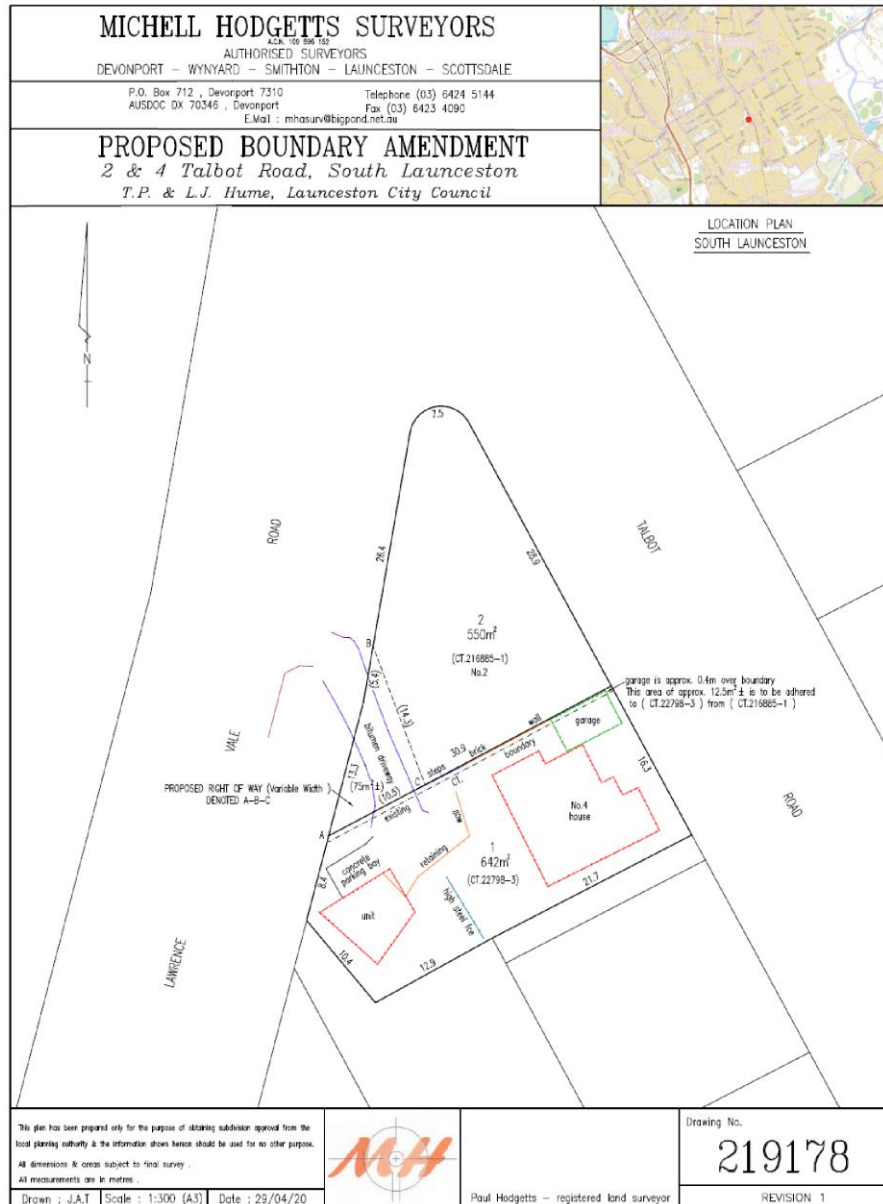
Environmental Issues:

This valuation has been assessed on the assumption that the property is free from elevated levels of contaminants and is not impacted by any environmental issues that may affect the marketability and/or value of the property. It should be noted that such environmental matters are outside our area of expertise and that the valuation contained herein has been prepared without the benefit of soil tests or external environmental impact reports.

Should any environmental issues subsequently become apparent that may impact on the marketability and/or value of the property then this valuation is not to be relied upon and the report should be returned to the valuer for review and potential revision.

City of Launceston Council Part of 2 Talbot Road	LG Valuation Services Pty Ltd LG20/1419
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Appendix 1:



18.3 Launceston Flood Authority Quarterly Report, April to June 2020**FILE NO:** SF4493**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To receive the Launceston Flood Authority Quarterly Report, April to June 2020.

RECOMMENDATION:

That Council, in accordance with Rule 26 of the *Launceston Flood Authority Rules, April 2020*, receives the Launceston Flood Authority Quarterly Report, April to June 2020 (ECM Document Set ID 4346399).

REPORT:

In accordance with the Rule 26 of the *Launceston Flood Authority Rules, April 2020*, the Authority must submit a quarterly report to the Council for the periods ending March, June, September and December.

The report for the period ending June 2020 provides an overview of the Launceston Flood Authority's operational activities, financial position and key priorities for the next quarter (Attachment 1).

ECONOMIC IMPACT:

The provision and continued maintenance of the Launceston flood levees has significant benefit to the broader community.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

18.3 Launceston Flood Authority Quarterly Report, April to June 2020 ...(Cont'd)

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.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Shane Eberhardt - General Manager Infrastructure and Assets Network

ATTACHMENTS:

1. Launceston Flood Authority Quarterly Report, April to June 2020
-

Attachment 1 Launceston Flood Authority Quarterly Report, April to June 2020**Quarterly Report - April to June 2020**

In accordance with the Rule 26 of the *Launceston Flood Authority Rules, April 2020* the Authority must submit a quarterly report to Council for the periods ending March, June, September and December.

This report is for the period ending June 2020.

Key priorities for the coming quarter

- 2020/21 operational and capital budget
- Development of Budget forecasts for the next three years
- Finalise Delegations to Council Officers
- Preparation of LFA Annual Report
- Asset Management Plan and long-term Financial Plan to be developed over this calendar year.

Operational activities undertaken

- All required inspections have been undertaken and defects prioritised through an improvement plan. A most recent example is the resurfacing of 0.5km section of Invermay Levee with gravel between Heritage Forest and Churchill Park.
- Annual contracts for mowing and weed spraying awarded to two suppliers - Complete Grounds, Garden Maintenance and Equity Labour Hire have been extended to include West Tamar and Ti-Tree Bend Silt Ponds.
- Settlement along the Invermay Levee between Goderich Street and Invermay Road continues to be monitored. It is expected to slow down significantly in a couple of years when the earth levee reaches full consolidation.
- An alternative product (AquaDam) has been acquired for emergency management purposes, providing a quicker response than sandbags when required.
- Four penstocks are planned for renewal in the next quarter, incorporating modern safety measures for our operations staff.
- Faulty Inveresk lighting has been restored from Tamar Street Bridge to Black Bridge.

Financial Position

- Revenue for 2019/20 was \$542,904 compared to the annual budget of \$528,900 which was in line with budget.
 - Expenditure for 2019/20 was \$790,396 compared to the annual budget of \$1,079,641. The favourable expenditure variance of \$289,245 was due mainly to the cessation of the sediment raking which provided a favourable expenditure variance of \$170,000 offset partly by additional expenditure of \$39,000 on levee management projects. Contract labour was budgeted at \$56,500 with zero spending and expert advice expenditure was approximately \$2,000 saving a further \$18,000 compared to budget. This expenditure does not include recovery of City of Launceston officer time to support the Authority activities which would be in the order of \$100,000.
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Quarterly Report - April to June 2020

Summary of performance

The Authority has held three Board meetings this year to consider reports on sedimentation and raking; UTas developments and operational matters.

A handwritten signature in black ink, appearing to read "Greg Preece", with a long horizontal line extending to the right.

Greg Preece
Chairperson - Launceston Flood Authority

19 ORGANISATIONAL SERVICES NETWORK ITEMS**19.1 Review of Residential Waste Charges Policy****FILE NO:** SF1047**AUTHOR:** Rachael Eberhardt (Waste Management Officer - Operations)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the changes proposed to be made to the current Residential Waste Charges Policy.

PREVIOUS COUNCIL CONSIDERATION:

Council - 11 July 2019 - Agenda Item 19.4 - Residential Waste Charges Policy

Workshop - 20 June 2020 - Draft Residential Waste Charges Policy

RECOMMENDATION:

That Council approves the changes made to the Residential Waste Charges Policy (33-Plx-005) as set out below:

Residential Waste Charges Policy

PURPOSE:

To detail the waste collection services available for residential properties including unit developments and to specify the Council's policy in relation to the collection of waste services fees and charges.

SCOPE:

The policy describes the extent of waste collection services and the Council's policy in relation to the collection of applicable waste services fees and charges that apply to:

- (a) domestic rateable properties; and
- (b) small commercial rateable properties.

POLICY:**1. General**

All domestic and small commercial rateable properties within the Launceston municipality (including Council owned properties), are liable to pay any applicable fee adopted by Council pursuant to the *Local Government Act 1993* (Tas).

19.1 Review of Residential Waste Charges Policy ...(Cont'd)

2. Standard Residential Service

All residential rateable properties, and small commercial/other rateable properties under special arrangement, that are paying the relevant waste management fee for that service will receive as standard a kerbside:

- 140 litre waste bin, collected weekly; or
- 240 litre recycling bin collected fortnightly.

Single residential rateable properties cannot opt out of the kerbside recycling or garbage service. Multiple unit dwellings may have a service amended as shown in section 4.

If, in the opinion of the General Manager Organisational Services, a property cannot be serviced due to the condition of the road (including practicability to use by collection vehicles), status/limitation given non-public roads, or due to commercial considerations (including unreasonable cost to provide the service) the ratepayer can choose to either:

- (a) provide their own service, and have the waste charge removed from their annual rates bill, or
- (b) pay the waste charge and move their bins to the nearest serviceable road on each collection day.

3. Service Upgrades and Additions

Individual rateable properties can increase/reduce the size of the waste bin for an additional fee/reduction in fee or pay for additional waste bins, in accordance with any fee structure determined by Council. Adjustments to the waste charge on your rates account for those reducing bin size will only be altered for the current rating year and up until 31 August of the same year. No alteration to the waste charge will be made where a request for a reduction in bin size following this date is received. The waste charge will be amended to reflect the change the following year. A change allocated bin size fee applies for any alterations to bins which is reflective of the contractor fee for collection and change of the bin.

4. Multiple Unit Developments (MUDs) - Special Collections

For multiple unit developments (MUDs) where there is insufficient kerbside space for each unit to place a 140 litre waste bin and a 240 litre recycling bin out for collection safely or practically, Council must apply one of the following options:

- (a) The Council's kerbside collection contractor may enter the property to provide a kerbside service for individual mobile garbage bins (MGBs) as follows:
-

19.1 Review of Residential Waste Charges Policy ...(Cont'd)

- i. An off-street collection agreement will be required between the property owner/body corporate and the Council's waste contractor which protects the contractor from damage and provides consent for the contractor's collection vehicles to enter the property.
 - ii. Multiple dwelling properties will be required to provide appropriate and accessible off-street storage of waste and recycling MGBs for an off-street collection of waste and recyclables from residents.
 - iii. Waste collection will occur weekly.
 - iv. Recycling collection will occur fortnightly.
- (b) A shared service may be provided where fewer bins with larger capacity than standard MGBs are provided and collected by the Council's kerbside collection contractor as follows:
- i. An off-street collection agreement will be required between the property owner/body corporate and the Council's waste contractor which protects the contractor from damage and provides consent for the contractor's collection vehicles to enter the property.
 - ii. For waste collection, a minimum airspace of 120 litres per unit will be provided.
 - For recycling collection, a minimum airspace of 240 litres per unit will be provided.
 - Waste collection will occur weekly.
 - Recycling collection will occur fortnightly.
- (c) A private contractor is engaged to provide garbage and recycling collection services; and
- i. Before the private contractor has commenced the service, the Council must receive documentation to its satisfaction from the owner/body corporate demonstrating that a weekly garbage and fortnightly recycling service will be provided to residents. The Council may request the owner/body corporate provides annual documentation confirming the ongoing provision of a private waste collection service; and
 - ii. then relevant Council waste management collection fees and charges will not be collected from that MUD while a satisfactory private waste collection service is provided.

A determination to allow special collections for MUDs should generally be made following review and inspection of the property concerned by the Council's officers.

A service is defined as removing waste from the property and disposing of it to a permitted receiver for the waste services type being collected.

19.1 Review of Residential Waste Charges Policy ...(Cont'd)

5. Small Commercial Rateable Properties and Schools

Small commercial rateable properties and schools can request a waste and recycling service. For small commercial properties, this service is available for properties that produce only domestic-type waste and recycling.

Small commercial rateable properties and schools can discontinue the service at any time. The waste service charge and the bins will be removed from the property at the cancellation of the service.

6. Central Business District (CBD) Waste and Recycling Service

Those properties both residential and commercial located within the CBD collection area are eligible for an opt-in service for a 140 litres or 240 litres waste and a 240 litres recycling mobile bin for a weekly waste collection and a fortnightly recycling collection. Additional services can be requested and each new service paid for.

Annual servicing costs are as per Council's annual adopted fees and charges. The annual service fee is paid in advance irrespective of whether you utilise the service for the whole or part of the billing period. There will be no refund if the service is cancelled, however, a service can be transferred to a new party or premises.

7. Waste Management Fee Opt Out Register

A register is to be kept of all rateable properties currently not paying a waste management service fee.

An annual audit of the properties is to be completed to ensure those not paying the waste management charge are still adhering to the policy.

The audit consists of a letter requesting the owner to send evidence of a collection service such as receipts or service agreements and site visits if necessary.

PRINCIPLES:

To provide standard and equitable kerbside waste collection services to the community.

RELATED POLICIES & PROCEDURES:

33-Fmx-177 Agreement - Off-Street Waste/Recycling Collection Service ... 2163982

RELATED LEGISLATION:

Local Government Act 1993 (Tas) sections 22, 93, 94, 100, 107 and 205 (Fees and Charges)

REFERENCES:

Not Applicable

19.1 Review of Residential Waste Charges Policy ...(Cont'd)

DEFINITIONS:

'Commercial rateable property' - for this policy shall be a non-residential property, from which a business is conducted.

REVIEW:

This policy will be reviewed no more than one year after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

REPORT:

The Residential Waste Charges policy has been in use for 12 months and has provided support to the Council's officers where rateable properties have wanted to opt out of the kerbside waste and recycling service.

The kerbside waste and recycling service is a universal service, costed on the basis of all rateable properties participating. Allowing properties to opt out of a universal service undermines the financial model of the service and results in the remaining ratepayers paying more for the universal service.

The issue with the policy is the wording around refunds associated with a bin downsize from a 240 litre waste bin to a 140 litre waste bin. The Council only offers a refund when a bin service is downsized until 31 August in line with rate remissions. The previous wording was ambiguous as it appeared that a refund was offered all year round.

In addition, the policy has been amended to reflect the introduction of the Central Business District(CBD) waste and recycling collection opt-in service. This service includes a weekly waste and fortnightly recycling collection and is applicable to the rate approved in the fees and charges.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

The kerbside recycling service diverts 14,700 tonnes of waste from the Launceston landfill each year. This extends the life of the landfill and achieves positive environmental impacts such as reduced greenhouse gas emissions, reduced water and energy use, and avoided extraction of virgin materials.

19.1 Review of Residential Waste Charges Policy ...(Cont'd)

SOCIAL IMPACT:

The universal kerbside service provides equitable access to a waste and recycling program to all ratepayers in Launceston. Allowing property owners to opt out of the service undermines equitable access to the service.

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:

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

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items have been identified as part of this Agenda

21 CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

That Council moves into Closed Session to consider the following matters:

21.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

21.2 Annual Remissions, Rates and Charges - Year Ended 30 June 2020

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:
(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

21.3 End of Closed Session

To be determined in Closed Council.

22 MEETING CLOSURE
