



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
THURSDAY 12 AUGUST 2021  
1.00pm**

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

Date: 12 August 2021

Time: 1.00pm

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## Certificate of Qualified Advice

### Background


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

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

### Certification

I certify that:

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



**Michael Stretton**  
Chief Executive Officer

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## 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 and can be accessed at:  
[www.launceston.tas.gov.au/Council/Meetings/Listen](http://www.launceston.tas.gov.au/Council/Meetings/Listen) .

The following information was provided to members of the public in respect of attendance at the Council Meeting.

## PUBLIC ATTENDANCE AT THE COUNCIL MEETING

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed. Members of the public will be required to check in on arrival via the *Check In Tas App* as per the Direction Under Section 16 - Contact Tracing - No. 7 - *Public Health Act 1997*.

## PUBLIC QUESTION TIME - AGENDA ITEM 8

Questions received in writing by close of business Wednesday of the week prior to the Council Meeting are treated as Questions on Notice. Your question and an answer will be published in the Agenda of the Council Meeting. Questions may be submitted to the Chief Executive Officer at [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au), PO Box 396, Launceston TAS 7250, or Town Hall, St John Street, Launceston.

If attending the Council Meeting in person, you may ask up to three questions during Public Question Time. If accepted, your questions will be either answered at the Meeting, or Taken on Notice and answered at a later Council Meeting.

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## PUBLIC COMMENT ON AGENDA ITEMS

When attend the Council Meeting, you will be asked if you wish to comment on an item in the Agenda. Prior to debate on that Agenda Item, you will be invited by the Chair to move to the public microphone at the doors to the Council Chambers and state your name and address.

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

## LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

At the City of Launceston, the positions of General Manager Community and Place, General Manager Organisational Services, General Manager Infrastructure and Assets and General Manager Creative Arts and Cultural Services do not assume the functions and powers of the term *general manager* in a legislative sense: any legislative functions and powers to be delegated to these roles will be made by Council or the Chief Executive Officer. 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.

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19 January 2021

Mr Michael Stretton  
Chief Executive Officer  
City of Launceston  
P O Box 396  
**LAUNCESTON TAS 7250**

Dear Michael

### **COUNCIL MEETINGS**

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

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

I request that you make the necessary arrangements for the Ordinary Meetings of Council to be convened on the following dates for 2021:

28 January	11 February	25 February	11 March
25 March	8 April	22 April	6 May
20 May	3 June	17 June	1 July
15 July	29 July	12 August	26 August
9 September	23 September	6 October	21 October
4 November	18 November	2 December	16 December

commencing at 1.00pm in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely



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

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

**2 MAYORAL ACKNOWLEDGEMENTS**

**3 DECLARATIONS OF INTEREST**

*Local Government Act 1993 (Tas) - 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 29 July 2021 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 (Tas) - sections 57 and 58*

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

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**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.)*

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**8.1.1 Public Questions on Notice - Ms Susan Rafferty - Council Meeting - 29 July 2021****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, asked at the Council Meeting on 29 July 2021 by Ms Susan Rafferty, have been answered by Mrs Leanne Hurst (General Manager Community and Place Network).

**Questions:**

[With reference to the Environmental Impact and Attenuation Code]:

1. What specific performance criteria within the Attenuation Code are applicable to the Veolia site on Churchill Park Drive?

**Response:***Background:*

*DA0711/2019 was assessed by an independent planner who prepared a report and recommendations for the Council Meeting held on 17 September 2020. Council, sitting as a Planning Authority, determined to refuse the submitted Development Application. Subsequently, that decision was appealed by the applicant and, following consideration by the Resource Management and Planning Appeal Tribunal, the Council was instructed to issue a planning permit with conditions.*

*The only applicable Use Standard within the Environmental Impacts and Attenuation Code (E11) relates to particular uses listed in Table E11.1. The assessment report prepared by the independent planning consultant addressed the relevant Performance Criteria in the report referenced above.*

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**8.1.1 Public Questions on Notice - Ms Susan Rafferty - Council Meeting - 29 July 2021 ...(Cont'd)**

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2. What is the attenuation distance between the facility boundary and the nearest residences as this information is not available with regard to Churchill Park Drive?

***Response:***

*As a disposal site, dealing with non-putrescible wastes, the attenuation distance is 50m as noted in the report prepared by the independent assessing planner, as noted above.*

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## 8.1.2 Public Questions on Notice - Dr John Ball - Council Meeting - 29 July 2021

**FILE NO:** SF6381

**AUTHOR:** Anthea Rooney (Council and Committees Officer)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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### **QUESTIONS and RESPONSES:**

The following question, asked at the Council Meeting on 29 July 2021 by Dr John Ball, has been answered by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network).

#### **Questions:**

[With reference to general amenity in planning matters in South Launceston]:

1. Have you an example or a plan for a local playground as there is not one in the area?

#### **Response:**

*The City of Launceston's key playspace in South Launceston is Coronation Park. The Council has undertaken some recent investment into this space (prior to Council's Community Care and Recovery Package response to COVID-19 impacts). Further direction for service provision in parks and playspaces across Launceston will be provided by the Public Open Space Strategy review, which will begin within the next few weeks.*

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**8.2 Public Questions Without Notice**

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

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

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

## **9 PLANNING AUTHORITY**

### **9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston from Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House)**

**FILE NO:** SF7104/DA0102/2020

**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)

**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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#### **DECISION STATEMENT:**

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

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

Applicant:	Rebecca Green and Associates
Property:	3-7 George Street, Launceston
Zoning:	Particular Purpose 7 - Boags Brewery, Urban Mixed Use
Receipt Date:	2/03/2020
Validity Date:	4/03/2020
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	15/04/2020
Representations:	NA

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

DA0506/2013 - Tourist Operation, Community Meeting and Entertainment and Hotel Industry - Change of Use to Visitor Centre including Museum, Bar, Restaurant and Function Centre, Exterior Alterations and Extensions and Signage.

DA0419/2014 - Tourist Operation, Community Meeting and Entertainment and Hotel Industry - Change of Use to Visitor Centre Including Museum/Gallery, Bar, Restaurant and Function Centre; Exterior Alterations and Extensions and Signage.

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**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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**RECOMMENDATION:**

That Council:

1. pursuant to the former section 33(3) and 34 of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 62 to the Launceston Interim Planning Scheme 2015 to rezone part 3-7 George Street, Launceston from Particular Purpose PPZ 7 - Boags Brewery to Urban Mixed Use as shown in Attachment 2 (ECM Doc Set ID 4274527).
2. pursuant to the former section 35 (1)(a) of the *Land Use Planning and Approvals Act 1993*, certifies the draft amendment (ECM Doc Set ID 4274527).
3. in accordance with former section 38(1) (a) of the *Land Use Planning and Approvals Act 1993* determines the period for public exhibition to be 28 days.
4. pursuant to the former section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0102/2020 for Bulky Goods Sales - Change of Use to Showroom (Auction House) at 3-7 George Street, Launceston subject to the following conditions:

**1. ENDORSED PLANS AND DOCUMENTS**

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

- a. Planning Report, Prepared by Rebecca Green and Associates, February 2000.

**2. LEGAL TITLE**

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

**3. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2020/00277-LCC, 13/03/2020 and attached to the permit.

**Notes**

A. General

*This permit was issued based on the proposal documents submitted for DA0102/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's Planning staff can be contacted on 6323 3000.*

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**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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*This permit takes effect after:*

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

*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) <<http://www.rmpat.tas.gov.au>>*

**D. Permit Commencement**

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

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**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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*E. Signage*

*Separate approval may be required for any signage proposed on the site.*

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

**REPORT:**

**1. Introduction**

An application was made under the former section 43A of the *Land Use Planning and Approvals Act 1993* (the Act), by Rebecca Green and Associates on behalf of Tulloch Auctions to initiate Amendment 62 to the Launceston Interim Planning Scheme 2015 to rezone part of the property known as 3-7 George Street, Launceston Particular Purpose PPZ 7 - Boags Brewery to Urban Mixed Use and to determine Development Application DA0102/2020 - Bulky Goods Sales - Change of use to showroom (auction house).

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

**2. Background**

The following summarises the history of the site provided in the Planning Submission: The site was formerly zoned Commercial under the *Launceston Planning Scheme 1996*, which included the total of the Boags Brewery sites. Under the draft *Launceston Interim Planning Scheme 2012*, the subject site was proposed to be zoned Urban Mixed Use, along with all properties associated with Boags Brewery located along the south eastern side of William Street. A submission to the *Launceston Interim Planning Scheme 2012* requested that the area of the subject site be included within the Particular Purpose Zone 7 - Boags Brewery. The site was identified as being owned and operated as part of Boags Brewery, which at the time were looking at future expansion and operations into the future.

Tullochs Auctions occupied the subject site from at least 1993 to 2013 on a month by month lease arrangement. Tullochs Auctions returned to the subject site in April 2019 for its inner city location. Tullochs Auctions were not aware their use rights had lapsed (vacant since 2013) and that bulky goods sales is a prohibited use within the PPZ - 7 zone.

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**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

The Particular Purpose Zone 7 - Boags Brewery is shown below in gold:

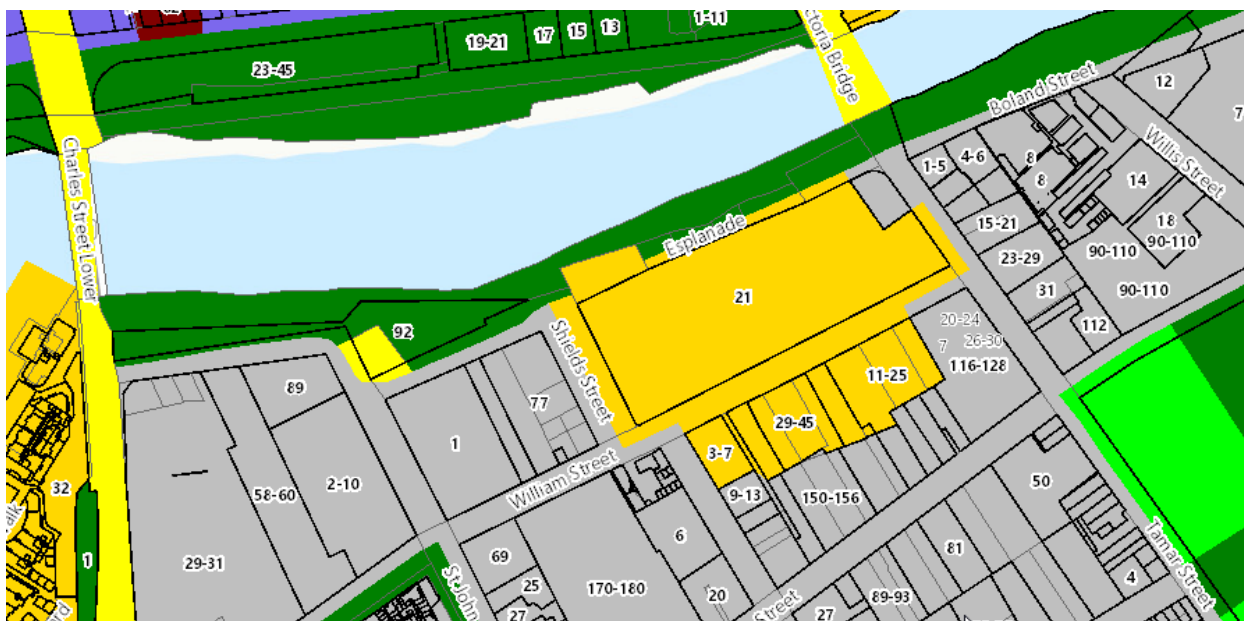


Figure 1 - Current Zoning Map

### 3. Draft Amendment

The draft amendment to rezone part of the property known as 3-7 George Street, Launceston from Particular Purpose PPZ 7 - Boags Brewery to Urban Mixed Use will allow the Bulky Goods Sales use (where the floor area of the building is 1,075m<sup>2</sup>) to have a permitted use status as in Table 15.2, ie:

Bulky Goods Sale	If for:
	(a) a single tenancy with a gross floor area less than 3,500m <sup>2</sup> .

### 4. Requirements of the Act

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

*43A. Application for a permit when amendment requested*

- (1) *A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*

**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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- (2) *Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit referred to in subsection (1) concurrently with the preparation of the requested amendment to the planning scheme.*
- (3) *An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

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

*33. Request for amendment of planning scheme*

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

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

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

*38. Public exhibition of draft amendment*

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

**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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**PART A: Considerations for the Amendment**

**5. Assessment**

**5.1 City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review**

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

*Strategic Priority 2 - We facilitate prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.*

The draft amendment will facilitate the development of an appropriately positioned parcel of land with ready access to the central business area of the City. The site has previously been used for the purpose of an auction house and has remained vacant since the business relocated in 2013. Allowing the change in the zone facilitates the opportunity for growth and renewal of the economy particularly required in the current climate.

*Strategic Priority 3 - We are a Progressive leader that is accountable to our governance obligations and responsive to our community.*

The draft amendment allows for a response from a request from the community to alter the zone to facilitate the use of an appropriately located site so that use and development of the land can be appropriately located.

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

The draft amendment is consistent with point 4 *to support the central business district (CBD) and commercial areas as activity places during day and night*. As it facilitates the use of a currently vacant building adjacent to the CBD.

*Strategic Priority 6 - We protect our Environment by caring for our unique natural assets and amenity, and sensitivity managing future development opportunities.*

Approval of the draft amendment assists the environment by utilising a vacant inner City building and therefore containing commercial activities within the one central location.

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**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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*Strategic Priority 7 - We are a City Planning for our Future by ensuring our approach to strategic land use, development and infrastructure investment is coordinated, progressive and sustainable.*

The draft amendment will enable for the future use and development of an appropriately located and serviced building. The building has remained vacant for a number of years and the proposed zone change will allow for the current use to continue operating and will provide a greater range of options for the future.

The proposed amendment will allow for the property to be used as it has previously been used within a central and more assessable location to benefit all stakeholders and members of the wider community. This directly aligns with the key directions of the priorities of the Strategic Plan.

## **5.2 Northern Regional Land Use Strategy**

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

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

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

The Strategy identifies that:

The transition between land use categories will be reflected in municipal planning schemes through land use zones. This will assist in minimising the potential for any adverse impacts by settlements on non-urban areas. The land use categories help to, amongst other matters:

- *prevent unplanned expansion of urban settlements; and*
  - *promote sustainable land use and development;*
-

**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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The proposed change will have a minimal impact on the greater region and allows for a vacant inner city building to be provide with a greater range of options for its future use and development. As stated in the Planning report the draft amendment to *Reinforce the role of the Launceston Principal Activity Centre as the primary focus for administration, government, business, commercial, cultural, high order retail goods (including bulk good locations/precincts) recreational, arts and tourism activity for the region.* RAC-P2; and

*Provide for a range of land uses to be incorporate into the activity centres appropriate to their role and function within the Activity Centres Hierarchy.*

The amendment is considered appropriate and to have a minimal impact on the region as a whole.

### **5.3 Consideration of Section 32**

#### **32. Requirements for preparation of amendments**

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

*(a-d)*

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

*(ea) must not conflict with the requirements of section 30O; and*

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

These requirements are addressed below.

#### **5.3.1 Land Use Conflict**

The draft amendment will allow for a greater range of use and development on the site under the same zoning as surrounding land rather than the specific and limiting requirements of the current particular use zone and provides surety for the continuing use of the site.

#### **5.3.2 Section 30O**

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

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

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

The draft amendment seeks to provide clarity to the continuing use of the site by allowing for a number of options rather than the limiting uses of the existing zone.

The draft amendment replaces the Particular Purpose PPZ 7 - Boags Brewery to Urban Mixed Use and will not be inconsistent or in conflict with any other relevant local or common provision in the Scheme. It will not revoke or amend a current overriding local provision.

### **5.3.3 Regional Impact**

The draft amendment will not impact upon the use and development of the region in environmental, economic and social terms.

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

### **Consideration against section 43C**

#### *43C. Applications referred to in section 43A*

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

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

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

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

The draft amendment is proposed for a developed inner City site and will have limited impacts on the environment.

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

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

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

The draft amendment will facilitate economic development by implementation of the Urban Mixed Use Zone by allowing for a greater range of options of which the site might be utilised to assist its continued use.

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

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

TasWater has issued their consent for the proposal.

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

The objectives of Part 2 must also be considered:

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

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

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

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

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

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The draft amendment will allow for a greater range of uses for an existing inner building. The change helps to centralise commercial type uses and for additional functions served with one trip to the City. It will also assist the provision of continued uses for the site.

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

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

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

The application is made under former section 43A of the Act and includes a change to the zoning of the site to reflect its most recent historical use as an auction house.

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

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

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

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

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

## **5.6 State Legislation and Policies**

State Policy on the Protection of Agricultural Land 2009

State Policy on Water Quality Management 1997

State Coastal Policy 1996

Gas Pipelines Act 2000

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

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**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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## **5. Referral Agencies**

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has issued its Submission to Planning (Authority Notice TWDA No. 2020/00277-LCC) stating that it does not object to the application for amendment and development application and conditions are imposed.

## **PART B. DEVELOPMENT APPLICATION**

### **1. THE PROPOSAL**

Approval is sought to use the existing building for auction rooms. The business had previously used the building but moved out in 2013. It has not been used since that time.

No works are proposed to the building.

The business is to be open to the public between 9am to 4.30pm - Monday to Friday and 10am to 12pm - Saturday.

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

The property is located on the south-eastern corner of George and William Streets. Land to the east and to the north over William Street operates as Boags Brewery. Land to the west along William Street supports a number of uses including offices, multiple dwellings, bulky goods sales, a flour mill and a gymnasium. To the south along George Street are offices and service type industries with retail and food services beyond Paterson Street.

The site is level and, while the land in the vicinity is potentially contaminated, as there is no development proposed impacts are minimised. The property is also listed by the Tasmanian Heritage Council and under the planning scheme as a place of Local Heritage significance. As development is not proposed an assessment against the heritage code is not required.

### **3. PLANNING SCHEME REQUIREMENTS**

#### **3.1 Zone Purpose**

##### **15.0 Urban Mixed Use Zone**

##### **15.1.1 Zone Purpose Statements**

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

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

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**9.1 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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

15.1.1.4 To create:

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

**Consistent**

The use is permitted in the zone.

**15.3 Use Standards**

**15.3.1 Hours of operation**

Objective:

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

**Consistent**

The use will not create any amenity concerns to nearby residential uses.

A1 Commercial vehicles must only operate between 6am and 10pm.

**Complies**

The business is to be open to the public between 9am to 4.30pm Monday to Friday and 10am to 12pm Saturday. Any commercial vehicle movement will be contained within the appropriate hours.

**15.3.2 Mechanical plant and equipment**

Objective:

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

**Consistent**

The business will not use equipment which will impact on nearby sensitive uses.

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

**Complies**

The business will not utilise any of the noted equipment, nor any forklifts or lifting type machinery which might generate noise.

**15.3.3 Light spill and illumination**

Objective:

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

**Consistent**

Lighting will not impact on the area.

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<p>A1 The use must:</p> <ul style="list-style-type: none"> <li>(a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential and Low Density Residential zones; and</li> <li>(b) contain direct light from external light sources within the boundaries of the site.</li> </ul>
<p><b>Complies</b> The site is not adjacent to the General Residential, Inner Residential and Low Density Residential zone.</p>

15.3.4 Noise level

<p>Objective: To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.</p>
<p><b>Consistent</b> The use is unlikely to cause any unreasonable impacts on the amenity of the area.</p>
<p>A1 Noise generated by a use on the site must:</p> <ul style="list-style-type: none"> <li>(a) not exceed a time average A-weighted sound pressure level (L<sub>aeq</sub>) of 5dB(a) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or</li> <li>(b) be in accordance with any permit conditions required by the Environment Protection Authority or an environmental protection notice issued by the Director of the Environment Protection Authority.</li> </ul>
<p><b>Complies</b> The use will not operate with noise levels above that recommended especially given the background noise during the daytime hours of operation.</p>

15.3.5 Retail impact

<p>Objective: To ensure that the economic, social and environmental impact of significant new retail use and development is consistent with the activity centre hierarchy.</p>
<p><b>Consistent</b> The use is consistent with the retail hierarchy.</p>
<p>A1 If for no permit required or permitted use class.</p>
<p><b>Complies</b> To retain a Permitted status the acceptable solution states: Bulky goods sales if for: (a) a single tenancy with a gross floor area of less than 3,500m<sup>2</sup>.</p> <p>The two-storey building has a floor area of approximately 1,480m<sup>2</sup> and therefore, meets the requirements.</p>

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## **15.4 Development Standards**

### 15.4.1 Building height, setback and siting

**Objective:**

To ensure that building bulk and form, and siting:

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

**Not Applicable**

The building is existing and no changes are proposed which might otherwise impact on the streetscape.

### 15.4.2 Location of car parking

**Objective:**

To ensure that car parking:

- (a) does not detract from the streetscape; and
- (b) provides for vehicle and pedestrian safety.

**Not Applicable**

The application does not include the provision of car parking and therefore meets the objective.

### 15.4.3 Active ground floors

**Objective:**

To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.

**Not Applicable**

There will be no change to the building facade and the level of pedestrian access will be maintained.

### 15.4.4 Pedestrian access to dwellings

**Objective:**

To ensure pedestrian access to residential development is safe and convenient.

**Not Applicable**

The application does not include any residential development, therefore, there will be no impact on pedestrian access.

### 15.4.10 Lot size and dimensions

**Objective:**

To ensure:

- (a) the area and dimensions of lots are appropriate for the zone; and
  - (b) adjoining land, especially residential zones, is protected from adverse impacts on amenity.
-

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**Not Applicable**

Subdivision is not proposed as part of the application. The use is proposed to that part of the property located between George Street and the adjoining lane and not the part of the title on the eastern side of the lane.

**38.0 Particular Purpose Zone 7 - Boags Brewery**

**38.1.1 Zone Purpose Statements**

38.1.1.1 To provide for the continued operation of the Boags Brewery.

38.1.1.2 To provide for complementary uses and developments that support, supply or facilitate the operation of the brewery, including hospitality and tourism related use or development.

**Not Applicable**

The portion of the property on the eastern side of the lane parallel to George Street, zoned Particular Purpose Zone 7 - Boags Brewery is not part of this application.

**38.4 Development Standards**

**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**

The proposed use will not be impacted by the potentially contaminated land.

This Code applies to:

- (a) a use, on potentially contaminated land, that is a sensitive use, or a use listed in a use class in Table E2.2.1 and is one of the uses specified as a qualification; or
- (b) development on potentially contaminated land.

As there is no development proposed and the use is not *sensitive* the code does not apply in this case.

**E2.6 Development Standards**

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

E6.1 The purpose of this provision is to:

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

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**Consistent**  
 The site is located within the car parking exemption area which applies to the central City area and does not provide any parking. No further assessment of this code will be undertaken.

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure and Assets Network	N/A
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2020/00277-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

**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 DA0102/2020 - Amendment 62 - Rezone Part 3-7 George Street, Launceston From Particular Purpose PPZ-7 to Urban Mixed Use; Bulky Goods Sales - Change of Use to Showroom (Auction House) ...(Cont'd)**

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**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst - General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - Amendment 62 - 3-7 George Street, Launceston (*electronically distributed*)
  2. Draft Instrument - Amendment 62 - 3-7 George Street, Launceston (ECM Doc Set ID 4274527) (*electronically distributed*)
  3. Endorsed Plans, Planning Report - Amendment 62 - 3-7 George Street, Launceston, Planning Report, Prepared by Rebecca Green and Associates, February 2000 (*electronically distributed*)
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## COUNCIL AGENDA

Thursday 12 August 2021

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### 9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings

**FILE NO:** DA0229/2021

**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)

**DIRECTOR:** Leanne Hurst (General Manager Community and Place Network)

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#### **DECISION STATEMENT:**

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

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

Applicant:	Artas Architects
Property:	65-77 Gleadow Street, Invermay
Zoning:	Commercial
Receipt Date:	4/05/2021
Validity Date:	7/05/2021
Further Information Request:	13/05/2021
Further Information Received:	23/06/2021
Deemed Approval:	12/08/2021
Representations:	Four

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

DA0261/2018 - Subdivision - Subdivide land into six lots plus roads.

DA0091/2019 - Service Industry - New vehicle detailing and cleaning workshop, Bulky Goods Sales - Two new motor vehicle showrooms and service centres, Storage - Group store.

DA0047/2020 - Bulky Goods Sales - Construction of a showroom; installation of signage, subdivide one lot into five and associated works within Goderich Street road reserve.

#### **STANDARDS REQUIRING COUNCIL DISCRETION**

23.3.2 Emissions impacting sensitive uses  
23.3.3 Retail impact  
23.4.2 Streetscape  
23.4.4 Site landscaping  
E16.7.2 Flood Impact  
E2.6.2 Excavation  
E4.5.1 Existing road accesses and junctions  
E6.5.1 Car parking numbers

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**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

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**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0229/2021 Bulky Goods Sales - Demolish existing buildings and construction of three showroom buildings at 65-77 Gleadow Street, Invermay subject to the following conditions:

**1. ENDORSED PLANS AND DOCUMENTS**

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

- a. Site Plan (Lots 2-4), Prepared by Artas Architects, Project No. 201040, Drawings No. A0002-DA04, Scale 1:500, Dated 23/06/2021.
- b. Traffic Impact Assessment, Lots 2-4 Gleadow St, Prepared by GHD, Dated 1 June 2021.
- c. Flood Assessment Report, Lot 2 Gleadow St, Prepared by pitt&sherry, Rev A, Dated 13 May 2021.
- d. Lot 2 Ground Floor Plan, Prepared by Artas Architects, Project No. 201040, Drawings No. A120-DA01, Scale 1:100, Dated 4/05/2021.
- e. Lot 2 Elevations, Prepared by Artas Architects, Project No. 201040, Drawings No. A210-DA01, Scale 1:100, Dated 4/05/2021.
- f. Flood Emergency Management Plan Lot 2 Gleadow St, Prepared by pitt&sherry, Rev A, Dated 13 May 2021.
- g. Lot 3 Ground Floor Plan, Prepared by Artas Architects, Project No. 201040, Drawings No. A121-DA01, Scale 1:100, Dated 4/05/2021.
- h. Lot 3 Elevations, Prepared by Artas Architects, Project No. 201040, Drawings No. A211-DA01, Scale 1:100, Dated 4/05/2021.
- i. Flood Emergency Management Plan Lot 3 Gleadow St, Prepared by pitt&sherry, Rev A, Dated 13 May 2021.
- j. Lot 4 Ground Floor Plan, Prepared by Artas Architects, Project No. 201040, Drawings No. A122-DA01, Scale 1:100, Dated 4/05/2021.
- k. Lot 4 Elevations, Prepared by Artas Architects, Project No. 201040, Drawings No. A212-DA01, Scale 1:100, Dated 4/05/2021.
- l. Flood Emergency Management Plan Lot 4 Gleadow St, Prepared by pitt&sherry, Rev A, Dated 13 May 2021.
- m. Environmental Management Plan Lots 2-4 Gleadow St, Prepared by rare, Project No. 210100, Issue 01, Dated 10/06/2021.

**2. LEGAL TITLE**

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

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**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

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**3. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7am to 6pm

Saturday - 8am to 5pm

No works on Sunday or Public Holidays

**4. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/00760-LCC, 26/05/2021 and attached to the permit.

**5. SITE LANDSCAPING**

The landscaping must be:

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

**6. RECIPROCAL RIGHTS OF WAY**

Prior to the commencement of any construction works for the warehouses located on either Lot 2 or Lot 3 reciprocal rights of way are to be created over Lot 1, Lot 2 and Lot 3 to facilitate access to the loading bays for the warehouses to be located on Lot 2 and Lot 3.

**7. DRIVEWAY AND PARKING AREA CONSTRUCTION**

Before the use commences, all those 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.

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

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

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**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

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

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

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

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

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

**10. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)**

All redundant crossovers located in Gleadow Street are to be removed prior to the use of the warehouse on Lot 2 commencing.

Where not already undertaken in association with the development of Lot 1, the existing Gleadow Street access to Lot 1 is to be widened in accordance with the recommendations contained in the GHD report *Lot 2-4 Gleadow Street Traffic Impact Assessment Revision 1*, dated 1 June 2021.

No works to install, remove or modify a vehicular crossing are to be undertaken without the issue of a Vehicular Crossing Permit for the works. Modification of a vehicular crossing includes any widening of the kerb layback or the driveway apron, in any form whatsoever. An application for such work must be lodged electronically via the Council's eServices web portal or on the approved hard copy form.

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

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**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

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**11. SOIL AND WATER MANAGEMENT PLAN**

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

**12. NOISE - REVERSING ALARMS**

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

**13. PERMITTED ACTIVITIES**

No processing or manufacture of goods is permitted on the site. Activities are limited to storage and retail sale of bulky goods.

**14. DEMOLITION**

The Developer must:

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

**15. CONTAMINATED LAND**

The applicant must comply with the Environmental Management Plan prepared by Rare, Project No. 210100, dated 10 June 2021 and complete all works and measures required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

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

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**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

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## **Notes**

### **A. General**

*This permit was issued based on the proposal documents submitted for DA0229/2021. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's Planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

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

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

### **B. Restrictive Covenants**

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

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

### **C. Appeal Provisions**

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

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

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

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**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

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**D. Permit Commencement**

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

**E. Signage**

*Separate approval will be required for any signage proposed on the site.*

**F. Potentially Contaminated Site**

*There is a 'potentially contaminated site' alert for this property due to historical land use. The proposed change of use does not require any further investigation at this time, however, if the use of this site changes to a more sensitive use (eg. residential premises) then an Environmental Site Assessment in accordance with the requirements of the Environmental Management and Pollution Control Act 1994 will be required by the Council prior to further approvals being granted.*

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**REPORT:**

**1. THE PROPOSAL**

The application is for the construction of three bulky goods outlets on proposed Lots 2, 3 and 4 of 65-77 Gleadow Street, Invermay approved by Subdivision DA0047/2020. While the development can be contained on the parent lot, and the application was lodged indicating the existence of the three lots. The final plan for the subdivision has been submitted to the Council for consideration during processing of the development application and has now been forwarded to the Recorder of Titles for issuing of titles.

Lots 2 and 3 currently contain buildings, their use and redevelopment approved by DA0091/2019, which are used by Jackson Motor Company for car detailing, storage and offices and are to be demolished to allow the development to be undertaken.

Lot 2 has an area of 6125.87m<sup>2</sup> and fronts onto Gleadow Street which is the northern boundary of the parent site. A building of 2,349.90m<sup>2</sup> is proposed to be used as a furniture warehouse. Car parking is proposed in the front setback for 48 cars.

Lot 3 has an area of 5,986.09m<sup>2</sup> and fronts onto the new street of Overend Way. A building of 2,709.90m<sup>2</sup> is proposed to be used for the sale of electrical goods. Car parking is proposed in the front setback for 44 cars.

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**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

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Lot 4 has an area of 3,082.38m<sup>2</sup> and fronts onto the new street of Overend Way. A building of 1,879.93m<sup>2</sup> is to be used to sell office supplies. Car parking is proposed in the front setback for 24 cars.

The buildings are to be formed of precast concrete panels. Glazing is proposed to two elevations of the buildings on Lot 2 and 3 but only for the front of the building on Lot 4. Awnings are proposed over the main and service entrances, the latter a pedestrian door and roller door.

While signage is not proposed, each building has 2.2m deep signage panels incorporated within the facades with glazing. These will provide consistency between the adjoining buildings but final signage will be subject to further applications.

Landscaping is proposed along the frontages and within the car parks. The car parks are to be linked via Rights of Way to facilitate access of both delivery vehicles and customers.

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

The site is located adjacent to the south-western corner of Goderich and Gleadow Streets, Invermay. The northern boundary of the parent site has frontage to Gleadow Street and the western boundary fronts Doyne Street while the southern boundary fronts the new street of Overend Way.

The area has a mixed use character with land to the west of Goderich Street developed, and used, for light industrial, service industries, storage and bulky good sales. Land to the east of Goderich Street has been developed and used for residential and service type purposes. Immediately south of the site are four large scale commercial uses including Bunnings, JB HiFi, Pet Stock and Officeworks. The Good Guys has opened on land to the east of the site.

Access from the central City area is most direct over the Charles Street bridge via Overend Way, Overend Way being one way off Goderich Street and heads west to Doyne Street.

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- 9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)

### 3. PLANNING SCHEME REQUIREMENTS

#### 3.1 Zone Purpose

##### 23.0 Commercial Zone

<p>23.1.1 Zone Purpose Statements</p> <p>23.1.1.1 To provide for large floor area retailing and service industries.</p> <p>23.1.1.2 To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility.</p> <p>23.1.1.3 To ensure uses support and do not threaten the established activity centre hierarchy.</p>
<p><b>Consistent</b></p> <p>The proposal is for three large floor retail outlets in an area with similar uses which is subject to heavy volumes of traffic and is able to provide car parking for customers. The location is also within 20 minutes walk of the central city and is not considered to threaten the retail hierarchy due to the scale and bulky nature of the items being sold.</p>

#### 23.3 Use Standards

##### 23.3.1 External storage of goods

<p>Objective:</p> <p>To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.</p>
<p><b>Consistent</b></p> <p>External storage of items will not detract from the amenity of the area.</p>
<p>A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.</p>
<p><b>Complies</b></p> <p>The nature of the three outlets will not require the external storage of goods for sale. Each outlet also has a large <i>back of house</i> area for storage of items not on display.</p>

##### 23.3.2 Emissions impacting sensitive uses

<p>Objective:</p> <p>To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive uses.</p>
<p><b>Consistent</b></p> <p>The retail nature of the proposed uses will not cause emissions to sensitive uses.</p>
<p>A1 Uses must be set back from the site of a sensitive use a distance of no less than 100m.</p>
<p><b>Relies on Performance Criteria</b></p> <p>There are sensitive uses located on the northern side of the street upon 66, 68 and 70 Gleadow Street, which are approximately 32m from Lot 2 and Lot 3 and must be addressed against the performance criteria.</p>

**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

<p>P1 The use must not adversely impact on the amenity of nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature of the proposed use;</li> <li>(b) the characteristics of the emissions;</li> <li>(c) the proximity and number of sensitive uses in the area;</li> <li>(d) the topography of the site;</li> <li>(e) background levels;</li> <li>(f) any mitigation measures proposed; and</li> <li>(g) the character of the surrounding area.</li> </ul>
<p><b>Complies</b>                  The uses are proposed to open standard retail hours with the application form stating 8.30am to 5.30pm Monday to Saturday. Given the operation of the existing outlets it would be expected opening hours would include Sunday. The area is level and the high traffic volumes along Goderich Street provide a buffer against any noise levels that might result from the coming and going of customers. The proposed uses are not considered to impact on the amenity of those sites.</p>

23.3.3 Retail impact

<p>Objective:                  To ensure that the impact of retail and business use and development is appropriate.</p>																				
<p><b>Consistent</b>                  The impact of the proposed use and development is appropriate for the area.</p>																				
<p>A1 If for a no permit required or permitted use class.</p>																				
<p><b>Relies on Performance Criteria</b>                  The proposed floor area of the outlets are:</p> <table border="1" data-bbox="165 1464 1426 1668"> <thead> <tr> <th>Lot Number</th> <th>Retail Space</th> <th>Back of House</th> <th>Amenities</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Lot 2</td> <td>1,529.65m<sup>2</sup></td> <td>654.89m<sup>2</sup></td> <td>106.13m<sup>2</sup></td> <td>2,290.67m<sup>2</sup></td> </tr> <tr> <td>Lot 3</td> <td>1,766.90m<sup>2</sup></td> <td>756.84m<sup>2</sup></td> <td>122.65m<sup>2</sup></td> <td>2,646.39m<sup>2</sup></td> </tr> <tr> <td>Lot 4</td> <td>1,100.39m<sup>2</sup></td> <td>636.66m<sup>2</sup></td> <td>88.24m<sup>2</sup></td> <td>1,825.29m<sup>2</sup></td> </tr> </tbody> </table>	Lot Number	Retail Space	Back of House	Amenities	Total	Lot 2	1,529.65m <sup>2</sup>	654.89m <sup>2</sup>	106.13m <sup>2</sup>	2,290.67m <sup>2</sup>	Lot 3	1,766.90m <sup>2</sup>	756.84m <sup>2</sup>	122.65m <sup>2</sup>	2,646.39m <sup>2</sup>	Lot 4	1,100.39m <sup>2</sup>	636.66m <sup>2</sup>	88.24m <sup>2</sup>	1,825.29m <sup>2</sup>
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<p>Where the floor area is in excess of the permitted use status of 2,000m<sup>2</sup> for bulky goods sales it must be considered against the performance criteria. The floor areas of Lot 2 and 3 must be addressed. Lot 4 complies.</p>																				
<p>P1 Uses must have acceptable impacts on the viability of the activity centre hierarchy, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature, scale and intensity of the use;</li> <li>(b) the products and services sold;</li> <li>(c) the proximity to the Central Business zone or the activity centres of Mowbray and Kings Meadows; and</li> <li>(d) the proximity to a major road and public transport system that links activity centres.</li> </ul>																				

**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

<p><b>Complies</b></p> <p>The proposed development and use of the land is not considered to impact on the viability of the activity centre hierarchy given regard to:</p> <p>(a) <i>the nature, scale and intensity of the use.</i> The proposed uses function as large scale operations of specific products where the operators gain a market share by being able to purchase goods to be sold in bulk. Customers benefit by being able to access a greater range of products</p> <p>(b) <i>the products and services sold.</i> The products and services predominantly rely on the availability of having a vehicle to transport the purchase item home.</p> <p>(c) <i>the proximity to the Central Business zone or the activity centres of Mowbray and Kings Meadows.</i> The proposed uses are similar to the uses and scale of development upon adjoining land to the east and south. The uses are considered appropriate for the area with it within a 20 minute walk of the City centre. As the site is also between the Central Business Zone and the Mowbray Activity Centre it does not require customers to have to travel out of their way to access the uses nor to be in conflict with the nearby centres. A number of people park in this area and walk into the City over the pedestrian bridge at Seaport.</p> <p><i>and</i></p> <p>(d) <i>the proximity to a major road and public transport system that links activity centres.</i> The site is also adjacent to the major traffic route of Goderich Street where it extends northwards from Bathurst Street and over the Charles Street Bridge. A number of traffic management measures have been undertaken either side of the bridge to facilitate entry and exit to this developing area.</p>
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**23.4 Development Standards**

**23.4.1 Building height, setback and siting**

<p><b>Objective:</b> To ensure that building bulk and form, and siting:</p> <p>(a) is compatible with the streetscape and character of the surrounding area; and (b) protects the amenity of adjoining lots.</p>
<p><b>Consistent</b> The design of the buildings is compatible with the streetscape and character of the area.</p>
<p><b>A1 Building height must be no greater than:</b></p> <p>(a) 10m; or (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.</p>
<p><b>Complies</b> The buildings are all proposed with a height of 8.5m.</p>
<p><b>A2 Setback from a frontage must be:</b></p> <p>(a) no less than 5.5m; or (b) no less than the setback of an adjoining building.</p>

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<p><b>Complies</b> The buildings are all setback 22.5m from their respect street frontage and meet A2.</p>
<p>A3 Buildings can be built up to the side and rear boundaries.</p>
<p><b>Complies</b> The buildings on Lot 2 and Lot 3 will be setback at least 7m from the side boundaries and the building on Lot 4 extends to its side boundaries.</p>
<p>A4 Where the site is located on the boundary of the General Residential, Inner Residential and Low Density Residential zones, new buildings or alterations to existing buildings, must:</p> <ul style="list-style-type: none"> <li>(a) be set back a horizontal distance of no less than 3m from the zone boundary; and</li> <li>(b) have a solid fence no less than 1.8m high on the zone boundary.</li> </ul>
<p><b>Complies</b> The parent and future sites do not adjoin either the General Residential, Inner Residential or Low Density Residential zone.</p>
<p>A5 The façade and entrance of the primary building, must be clearly visible and accessible from a road, for pedestrians and persons with a disability.</p>
<p><b>Complies</b> The façade and entrance of each building will be visible and accessible from the adjoining street including for persons with a disability.</p>

23.4.2 Streetscape

<p><b>Consistent</b> The development will be acceptable within the streetscape.</p>
<p>A1 Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must:</p> <ul style="list-style-type: none"> <li>(a) have external walls constructed with no less than 50% brick, concrete, masonry or glass;</li> <li>(b) have external walls, unless brick or glass, painted or finished with a texture coat; and</li> <li>(c) have no less than 50% glazing to the external walls of the office components of the buildings.</li> </ul>
<p><b>Complies</b> The buildings are not be clad with precast concrete panels with the façades, and eastern walls for Lots 2 and 3, complemented with extensive glazing.</p>
<p>A2 Car parking must not be located within 3m of the frontage.</p>
<p><b>Relies on Performance Criteria</b> Car parking will be located within 3m of the frontage and the performance criteria must be addressed.</p>
<p>P2 Car parking must be located to minimise visual impact on the streetscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the nature of the proposed use;</li> </ul>

**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

<ul style="list-style-type: none"> <li>(c) the number of car spaces;</li> <li>(d) the visibility of the car parking from the road;</li> <li>(e) the use of measures to mitigate impacts including screening and landscaping;</li> <li>(f) the location of car parking on adjoining sites; and</li> <li>(g) the character of the streetscape.</li> </ul>
<p><b>Complies</b></p> <p>Car parking is proposed in front of the buildings with a 1.5m landscaping strip along the front title boundary. Each crossover is to be bordered by a mature tree and a similar tree is proposed adjoining the corners of the building. In addition, each site has been integrally developed with a landscape strip in the road reserve with street trees. This concept is consistent over the site of the ex-timber mill area and this is considered appropriate and suitable to address the performance criteria.</p>

23.4.4 Site landscaping

<p><b>Objective:</b></p> <p>To ensure that new development improves the amenity of the site and the streetscape.</p>
<p><b>Consistent</b></p> <p>The proposed landscaping is considered appropriate within the developing streetscape.</p> <p>A1 New buildings or extensions with a gross floor area greater than 100m<sup>2</sup> or 50% of the existing gross floor area, whichever is less, must:</p> <ul style="list-style-type: none"> <li>(a) landscape an area within the front setback of not less than the 50% of that area; and</li> <li>(b) provide a minimum of one tree capable of growing to a height of no less than 10m planted for every 1,000m<sup>2</sup> of site area. Trees must be located within a minimum 3m diameter landscaped area.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>Landscaping is proposed for the three lots with a strip along the width of each lot within the front setback, other than for the crossovers but does not meet the acceptable solutions. A total of 14, rather than a necessary 17 trees are proposed over the three sites although the majority are proposed on Lot 2. The trees are not proposed within a 3m diameter landscaped area. As (a) and (b) are not meet the performance criteria must be addressed.</p>
<p><b>P1</b> Landscaping must improve the amenity and appearance of the site and the streetscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the existing vegetation on the site;</li> <li>(c) shade for users of the site and car parking areas;</li> <li>(d) the location, type and growth of the proposed vegetation;</li> <li>(e) the area set aside for landscaping and its suitability;</li> <li>(f) any proposed screening; and</li> <li>(g) the character of the streetscape and surrounding area.</li> </ul>

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**Complies**

The proposed landscaping will improve the amenity and appearance of the site and the streetscape, given:

- (a) *the topography of the site.*  
The land is level and each site will be seen within its streetscape context.
  - (b) *the existing vegetation on the site.*  
The sites are vacant of vegetation.
  - (c) *shade for users of the site and car parking areas.*  
The northern most lot, Lot 2, fronts onto Gleadow Street and will have a greater number of trees to break up the site and shade the car park areas along. The remaining two lots are to the south and while proposed with vegetation will have their car parking partly shaded by the proposed buildings.
  - (d) *the location, type and growth of the proposed vegetation.*  
The trees to be planted align each vehicular entrance and major corner of the buildings. The trees also compliment ones the developer has recently planted within the streetscape.
  - (e) *the area set aside for landscaping and its suitability.*  
The depth of the landscape plantings along the frontages is 1.5m which is below the acceptable solution of 3m, but where trees are to be planted the landscaped areas are enlarged to support their growth
  - (f) *any proposed screening.*  
The extent of landscaping proposed along the frontage and throughout the site will provide suitable screening to break up the building façades.
- and
- (g) *the character of the streetscape and surrounding area.*  
The development will enhance the area where landscaping has traditionally been limited and not maintained. A number of properties in the general area, particularly to the north, were established with differing regulations.

The performance criteria are considered to be addressed.

**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**

The proposed use and development of the site is not considered a risk on human health or the environment.

**E2.5 Use Standards**

Objective:

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

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**Consistent**

The site has previously been assessed as being suitable for the intended uses based on National Environmental Protection Measures.

**E2.6.2 Excavation**

**Objective:**

To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.

**Consistent**

Management plans have been provided to ensure excavation works will limit impacts on human health and the environment.

A1 No acceptable solution.

**Relies on Performance Criteria**

P1 Excavation does not adversely impact on health and the environment, having regard to:

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

**Complies**

To ensure excavation works will have a minimal impact on human health and the environment Management Plans have been lodged. They include criteria to address steps to be taken when exposing previously undisturbed soil during bulk earthworks and excavation for drains and underground services.

Safety measures include retaining disturbed material on site (in this case the material can be used for fill necessary to raise levels for flood protection), advising a nominated consultant if any suspect material is found and being aware the nature of imported material bought to the site.

The performance criteria (c) is addressed.



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

<p>E4.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> <li>(a) protect the safety and efficiency of the road and railway networks; and</li> <li>(b) reduce conflicts between sensitive uses and major roads and the rail network.</li> </ul>
<p><b>Consistent</b></p> <p>The proposal is submitted with Traffic Impact Assessment to protect the safety and efficiency of the road network.</p>

**E4.5 Use Standards**

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

<p>Objective:</p> <p>To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.</p>
<p><b>Consistent</b></p> <p>The safety and efficiency of roads is not considered to be reduced by the proposed development and use to existing yet new accesses and junctions.</p>
<p>A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>
<p><b>Relies on Performance Criteria</b></p> <p>The level of traffic to and from the site/sites is considered likely to increase by more than 40 movements per day. Therefore, the performance criteria must be addressed.</p>
<p>P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature and efficiency of the access or the junction;</li> <li>(d) the nature and category of the road;</li> <li>(e) the speed limit and traffic flow of the road;</li> <li>(f) any alternative access to a road;</li> <li>(g) the need for the use;</li> <li>(h) any traffic impact assessment; and</li> <li>(i) any written advice received from the road authority.</li> </ul>
<p><b>Complies</b></p> <p>The increase in vehicle traffic as a result of the proposed development is not considered to be unsafe or to unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) <i>the increase in traffic caused by the use.</i></p> <p>A Traffic Impact Assessment forms part of the submission. It estimates that the development of the three lots will generate 750 movements per weekday with a 95 in the morning peak and 127 vehicle peak of an afternoon. Higher numbers are predicted of a Saturday with approximately 862 vehicles per day a midday peak of 209 vehicles.</p>

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(b) *the nature of the traffic generated by the use.*

The nature of the traffic for the bulky goods sales uses will be customers of the various tenancies. By selling like type of goods some customers will likely shop in more than one of the outlets for a single vehicle trip.

(c) *the nature and efficiency of the access or the junction.*

Given that the new outlets will have a number of access points via direct street frontage and rights of way traffic modelling (which has not included Lindsay Street as it is considered that customers will not use this access due to existing congestion) suggests the network has sufficient capacity for the proposal. The new access adjoining the Good Guys and onto Overend Way, Doyne Street and the signalisation of the Goderich/Gleadow Streets intersection specifically provide a function of providing access and means of travel through the area to facilitate its development and distribute traffic movements to improve the capacity and efficiency of the road network.

(d) *the nature and category of the road.*

Goderich Street is a category 1 road and is subject to high volumes of traffic heading north/south through the city. Other roads in the vicinity are local roads.

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

The speed limit of the adjoining section of Goderich Street is 60km/h with the local roads having a 50km/h limit.

(f) *any alternative access to a road.*

Access to the proposed development can be gained off the new link road from Goderich Street, off Gleadow Street and via Doyne Street/Overend Way from Lindsay Street. The options serve to reduce impacts on any one access point. It is noted that the road system has been developed to deal with development of these lots (DA0047/2020). Similarly, vehicles leave via Overend Way and Doyne Street to either Lindsay or Gleadow Streets. Access to Goderich Street is then via either Lindsay, Gleadow or Forster Streets.

(g) *the need for the use.*

The proposed uses will serve various consumer needs for either residential or commercial purposes depending on the needs of the customers. Having a greater range of options within the city provide for comparative shopping and competitive prices based on the market place at the time. Some goods might also be available in the central City but buildings with an appropriate floor area are not available.

(h) *any traffic impact assessment.*

A traffic impact assessment has been lodged with the application. It concludes that given the number of likely vehicle trips, number of access arrangements, design of the parking areas and the traffic modelling that the development can be supported.

and

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

The Council's Infrastructure and Assets Network had requested further information when the application was lodged but are satisfied with the proposed development.

The performance criteria are addressed.

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**E4.6 Development Standards**

**E4.6.1 Development adjacent to roads and railways**

<p><b>Objective:</b> To ensure that development adjacent to category 1 or category 2 roads or the rail network:</p> <ul style="list-style-type: none"> <li>(a) ensures the safe and efficient operation of roads and the rail network;</li> <li>(b) allows for future road and rail widening, realignment and upgrading; and</li> <li>(c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.</li> </ul>
<p><b>Consistent</b> The proposal is not considered to impact on the safe and efficiency of Goderich Street as a Category 1 State Road.</p>
<p>A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> <li>(a) new buildings;</li> <li>(b) other road or earth works; and</li> <li>(c) building envelopes on new lots.</li> </ul> <p>A1.2 Buildings must be:</p> <ul style="list-style-type: none"> <li>(a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or</li> <li>(b) an extension which extends no closer than:             <ul style="list-style-type: none"> <li>(i) the existing building; or</li> <li>(ii) an immediately adjacent building.</li> </ul> </li> </ul>
<p><b>Complies</b> The development is approximately 80m from the road reserve.</p>

**E4.6.2 Road accesses and junctions**

<p><b>Objective:</b> To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>
<p><b>Consistent</b> The application does not involve the creation of any addition of any new access points or junction, these were approved as part of DA0047/2020.</p>

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

<p><b>E6.1 The purpose of this provision is to:</b></p> <ul style="list-style-type: none"> <li>(a) ensure that an appropriate level of parking facilities are provided to service use and development;</li> <li>(b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;</li> <li>(c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;</li> </ul>
--

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- (d) ensure that parking does not adversely impact on the amenity of a locality;
- (e) ensure that parking spaces and accesses meet appropriate standards; and
- (f) provide for the implementation of parking precinct plans.

**Consistent**

The proposed development will provide sufficient parking for the intended use and development. In addition, the land adjoins bicycle and pedestrian routes to various areas in the city and the area is within 20 minutes walk of the City centre. Goderich Street is also a major traffic route for the delivery of goods and services.

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

**Objective:**

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

**Consistent**

Sufficient car parking is proposed.

**A1 The number of car parking spaces must:**

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

**Relies on Performance Criteria**

Table E6.1 requires the use of Bulky Goods to provide one space per employee plus one space per 100m<sup>2</sup> of gross floor area. Refer to the table below:

Lot Number	Number of Employees	Floor Area	Number of Spaces Required	Number of Spaces Provided
Lot 2	18	2,349.90m <sup>2</sup>	41	58
Lot 3	20	2,709.00m <sup>2</sup>	47	61
Lot 4	15	1,878.93m <sup>2</sup>	34	24

*Note: parking numbers are taken the nearest whole number.*

Parking numbers are appropriate if 90% of the number area provided but not appropriate if more than two spaces or 5% of spaces are required.

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<p>In this case Lot 2 and Lot 3 will provide too many spaces and Lot 4, requiring 90% of 34 or 31 spaces, not enough, therefore, the performance criteria must be addressed.</p>
<p>P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the availability of off-road public car parking spaces within reasonable walking distance;</li> <li>(b) the ability of multiple users to share spaces because of:             <ul style="list-style-type: none"> <li>(i) variations in car parking demand over time; or</li> <li>(ii) efficiencies gained by consolidation of car parking spaces;</li> </ul> </li> <li>(c) the availability and frequency of public transport within reasonable walking distance of the site;</li> <li>(d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</li> <li>(e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</li> <li>(f) an assessment of the actual car parking demand determined in light of the nature of the use and development;</li> <li>(g) the effect on streetscape; and</li> <li>(h) the recommendations of any traffic impact assessment prepared for the proposal; or</li> </ul> <p>P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the intensity of the use and car parking required;</li> <li>(b) the size of the dwelling and the number of bedrooms; and</li> <li>(c) the pattern of parking in the locality; or</li> </ul> <p>P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p><b>Complies</b></p> <p>The net effect of parking over the three sites is an excess of 20 car spaces.</p> <p>The minimal parking for Lot 4 is not considered a concern. There is public parking available associated with Riverbend Park to the south of Lindsay Street and on the river side of the Invermay flood levee. As the public do park in these areas and walk to the City, the same could occur for the smaller items of the office warehouse on Lot 4. At the same time the design allows for the movement of vehicles to travel between the three and the extra spaces on Lots 2 and 3 could be available on a shared basis. It would be unlikely, and unnecessary, for a customer to drive between Lot 2, 3 and 4 but more safe and efficient to walk from one premises to another. The adjoining development of Bunnings, Office Works, Pet Stock and JB HiFi operates under shared circumstances.</p>

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<p>In respect of the excess parking on Lots 2 and 3, this can help address the short fall for Lot 4. The provision of parking within the front setback is an established approach for current development in the area. The ability to provide sufficient parking is often limited and surrounding streets are too often used for such purposes.</p>
<p>In addition, the Traffic Impact Assessment concludes that the parking situation is appropriate for the development. The performance criteria are addressed.</p>
<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require 6 or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p>
<p><b>Complies</b> The proposed buildings are categorised as being in Class 6. The National Construction Code 2019 requires that such buildings provide one accessible space per 50 car parking spaces or part thereof. Therefore, each building requires at least one accessible space. Each tenancy is providing two spaces. The acceptable solution is met.</p>

**E6.5.2 Bicycle parking numbers**

<p><b>Objective:</b> To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p><b>Consistent</b> Bicycle spaces are provided for each building.</p>
<p>A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.</p>
<p><b>Complies</b> Table E6.1 requires one bicycle space per 500m<sup>2</sup>. Therefore, the following spaces are required: Lot 2 - five, Lot 3 - six and Lot 4 - four. Each building will provide the necessary number of spaces, by way of bicycle hoops, along the building frontage.</p>

**E6.5.3 Taxi spaces**

<p><b>Objective:</b> To ensure that access for taxis is provided to meet the needs of the use.</p>
<p><b>Consistent</b> Taxis can access the site.</p>
<p>A1 Except for dwellings in the General Residential zone, uses that require greater than 50 car spaces by Table E6.1 must provide one parking space for a taxi on site, with one additional taxi parking space provided for each additional 50 car parking spaces required.</p>

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<p><b>Complies</b> As the development of each lot requires less than 50 car parking spaces no specified parking spaces are required.</p>
--

**E6.5.4 Motorcycle parking**

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

<p><b>Consistent</b> Motorcycle parking can be provided on site.</p>
--

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

<p><b>Complies</b> Clause E6.2.3 explains how the specific requirements of the code apply. It includes a list of uses to which the requirement does not apply - motor cycle parking is not required for the use class of Bulky Goods Sales.</p>
---

**E6.5.5 Loading bays**

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

<p><b>Consistent</b> The development includes an area to provide for goods to be delivered and collected.</p>
---

<p>A1 A loading bay must be provided for uses with a gross floor area greater than 1,000m<sup>2</sup> in a single occupancy.</p>
--

<p><b>Complies</b> Each building has a gross floor area greater than 1,000m<sup>2</sup> and is able to provide a loading bay.</p>
---

**E6.6 Development Standards**

**E6.6.1 Construction of parking areas**

<p>Objective: To ensure that parking areas are constructed to an appropriate standard.</p>
--

<p><b>Consistent</b> Parking areas will be constructed to an appropriate standard.</p>
--

<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> <li>(a) have a gradient of 10% or less;</li> <li>(b) be formed and paved;</li> <li>(c) be drained to the public stormwater system, or contain stormwater on the site;</li> </ul>
--

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- (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and
- (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.

**Complies**

The car parks will be constructed on level ground, will be sealed and drained to the Council's stormwater system.

**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**

Car parking areas will be designed for parking spaces to be safe and convenient.

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**

Cars and vehicles will be able to enter and exit the site in a forward direction. Standard car parking spaces meet the requirements of Table E6.2. Accessible spaces will be provided either side of the entrances and are of appropriate dimensions. The acceptable solutions are met.

**E6.6.3 Pedestrian access**

**Objective:**

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



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<p><b>Consistent</b> Pedestrian access is provided.</p>
<p>A1.1 Uses that require 10 or more parking spaces must:</p> <ul style="list-style-type: none"> <li>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, except where crossing access ways or parking aisles, by:             <ul style="list-style-type: none"> <li>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</li> <li>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</li> </ul> </li> <li>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and</li> </ul> <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the main entry point to the building.</p>
<p><b>Complies</b> Each lot is proposed with a pedestrian access from the street to the front entrance of their respective building and a 2m wide path along the front of the buildings. The pathway between the building and street will line marked and protected by bollards as noted in the TIA. The acceptable solutions are met.</p>

**E6.6.4 Loading bays**

<p><b>Objective:</b> To ensure adequate access for goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</p>
<p><b>Consistent</b> Each building is proposed with a loading bay which is separated from general traffic movements through the sites.</p>
<p>A1 The area and dimensions of loading bays and access way areas must be designed in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.</p>
<p><b>Complies</b> The Traffic Impact Assessment includes details as to how the loading bays will operate, including swept paths to demonstrate the ability of large vehicles to manoeuvre through the site and area and provision of rights of ways (ROW). The Good Guys operation on Lot 1 of the parent title also relies on ROW through Lot 2.</p>
<p>A2 It must be demonstrated that the type of vehicles likely to use the site can enter, park and exit the site in a forward direction, without impact or conflicting with areas set aside for parking or landscaping, in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</p>

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**Complies**  
 Shared/reciprocal rights of way through the parent title for each lot facilitate movement of larger vehicles through the site to best minimise impacts on standard traffic. Larger/service vehicles has access/egress to Gleadow Street with the design of the recent access of Overend Way off Goderich Street not of appropriate dimensions for other than more standard vehicles.

**E6.6.5 Bicycle facilities**

**Objective:**  
 To ensure that cyclists are provided with adequate facilities.

**Consistent**  
 Facilities are provided for cyclists.

A1 Uses that require five or more bicycle spaces by Table E6.1 must provide one shower and change room facility on site, with one additional shower and change room on site for each 10 additional bicycles spaces required.

**Complies**  
 Lots 2 and 3 require shower and change room facilities. While staff facilities amenity areas are noted on plan detail of what is to be provided is not. A condition will be imposed for facilities to be installed, similar to that required for the Good Guys. The acceptable solution can be addressed via condition.

**E6.6.6 Bicycle parking and storage facilities**

**Objective:**  
 To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

**Consistent**  
 Parking spaces for bicycles are to be provided.

A1 Bicycle parking and storage facilities for uses that require five or more bicycle spaces by Table E6.1 must:

- (a) be accessible from a road, cycle path, bicycle lane, shared path or access way;
- (b) be located within 50m from the main entrance;
- (c) be visible from the main entrance or otherwise signed; and
- (d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.

**Complies**  
 Bicycle hoops are to be provides along the front of each building. The area has bicycle routes along both Goderich Street to the east and along the flood levee to the west. The acceptable solutions are met.

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<p>A2 Bicycle parking spaces must:</p> <ul style="list-style-type: none"> <li>(a) have minimum dimensions of:               <ul style="list-style-type: none"> <li>(i) 1.7m in length; and</li> <li>(ii) 1.2m in height; and</li> <li>(iii) 0.7m in width at the handlebars;</li> </ul> </li> <li>(b) have unobstructed access with a width of at least 2m and a gradient of no more 5% from a road, cycle path, bicycle lane, shared path or access way; and</li> <li>(c) include a rail or hoop to lock a bicycle to that meets AS 2890.3 1993 Parking facilities - Bicycle parking facilities.</li> </ul>
<p><b>Complies</b> Bicycle parking areas are provided along the front of each building on level area adjoining the footpath along the front of each building to meet A2.</p>

**E16.0 Invermay/Inveresk Flood Inundation Area Code**

<p>E16.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> <li>(a) reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area;</li> <li>(b) ensure that new development is sited and designed to minimise the impact of flooding; and</li> <li>(c) ensure that consideration is given in the siting, design and emergency response capability of new development on land subject to flood inundation.</li> </ul>
<p><b>Consistent</b> The proposal is not considered to increase risks or hazards from flooding with the development designed accordingly and includes an emergency management plan.</p>

**E16.6 Use Standards**

**E16.6.1 Unacceptable uses**

<p>Objective: To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.</p>
<p><b>Consistent</b> The proposed uses are acceptable in the zone.</p>
<p>A1 Must not be:</p> <ul style="list-style-type: none"> <li>(a) Education and occasional care, except in the Inveresk Cultural precinct;</li> <li>(b) Emergency services; or</li> <li>(c) Hospital services.</li> </ul>
<p><b>Complies</b> The proposed use is Bulky Goods Sales for each lot.</p>
<p>A2 Must not be Residential, unless:</p> <ul style="list-style-type: none"> <li>(a) a single dwelling in the Invermay Residential or Inveresk Residential precincts;</li> <li>(b) a multiple dwelling in the Invermay Residential Precinct; or</li> <li>(c) associated with and supporting the educational activities within the Inveresk Cultural precinct.</li> </ul>

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<p><b>Complies</b> The proposed use is Bulky Goods Sales for each lot.</p>
<p>A3 Must not be Community meeting and entertainment in the Riveredge Industrial or Inveresk Residential precincts.</p>
<p><b>Complies</b> The proposed use is Bulky Goods Sales for each lot.</p>

**E16.7 Development Standards**

**E16.7.2 Flood Impact**

<p>Objective: To ensure that new buildings and infrastructure are sited and designed to avoid or mitigate the risk and minimise the impact of flooding.</p>
<p><b>Consistent</b> The three new buildings are sited and designed to meet the objective.</p>
<p>A3 All buildings not in the Residential use class must have a: (a) floor level of at least 3.4m AHD; and (b) gross floor area of not more than: (i) 400m<sup>2</sup>; or (ii) 10% more than that existing or approved on 1 January 2008.</p>
<p><b>Relies on Performance Criteria</b> The floor level of the proposed non-residential buildings will be below 3.4m AHD as the land contours show the natural ground level over the site as being between 1.5m AHD and 2m AHD and the floor areas of the buildings are at least 1,800m<sup>2</sup>. Therefore, the performance criteria must be addressed.</p>
<p>P3 Buildings not in the Residential use class must be sited and designed in accordance with a hydrological report and an emergency management plan prepared by a suitably qualified engineer. The report and plan must: (a) detail: (i) the risks to life; (ii) the likely impact on the use or development; and (iii) how the use or development will manage the risk to tolerable levels; during either an overtopping of the levee or a levee breach at the closest point in the levee during a 5% AEP, 2% AEP or a 1% AEP flood event; and (b) consider the following: (i) the likely velocity and depth of flood waters; (ii) the need to locate electrical equipment and other fittings above the 1% AEP flood level; (iii) the likely effect of the use or development on flood characteristics; (iv) the development and incorporation of evacuation plans into emergency management procedures for the precinct; and (v) the ability of the use or development to withstand flood inundation and debris damage and the necessity for the incorporation of any flood proofing measures in the development.</p>

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**Complies**

The submission includes a flood assessment report of each site, the reports are very similar in content.

The reports identify that any risk to life would result from people present in the Invermay flood plain if the nearby flood levees overtop or there is a flood levee breach. The primary means of protecting people as identified in Launceston's Municipal Emergency Management Plan is evacuation. As the area is subject to flooding from both the North and South Esk Rivers peak events in both rivers must be considered. Lead times within the North Esk are 12 hours and South Esk three days which allows for time for appropriate warnings to be given. The plan requires a staff member to monitor advice from TasPolice and to ensure staff have leave and do not re-enter the property until advised.

Further to this, as the site would be fully submerged (FIS) under the Australian Disaster Resilience Guideline 7-2 Flood Emergency Response Classification of the Floodplain (Australia 2017c), which is the most dangerous isolation scenario, evacuation is specifically important.

Given the lead times the uses should be able to meet this criteria.

The reports assess various modelling scenarios with three design floods events considered, minus the climate change scenario, where the times to breach the levee are provided. It also considers the impacts of climate change beyond present day. From the criteria for the current situation a 1% AEP event with an anticipated velocity of 1.5m/s the building would require a finished floor level, which includes 300mm free board, of 5.4m AHD, which is a flood depth of approximately 3.7m above natural ground. Designing a building to this level would result in failure of door and windows with this having the advantage of equalising the wall stability. In addition stock would be damaged but this is not a relative concern. The impact of the local area is considered to be relatively insignificant.

Designing the buildings to a 2090 climate change scenario the 1% AEP event is 5.4m AHD and if the riverine freeboard of 0.5m is applied the finished floor level should be 5.9m AHD. As this is not appropriate for this situation the report lists measures to be taken for the building to be flood compatible and flood resilient as summarised below:

- ensure the floor level is at least 300mm above natural ground.
- design the structure to withstand hydrodynamic loading up to 1/5m/s and hydrostatic loading up to 5.40m AHD.
- all critical infrastructure to be installed above 5.9m AHD.
- provide elevated storage where possible.
- a final emergency management plan must firstly manage risk to life and secondly minimising economic loss.

Given the assessment and recommendations the development is considered to meet the performance criteria.

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**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditions are recommended.
Environmental Health	Conditions are recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2021/00760-LCC, 26/05/2021.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A
Flood Authority	The Flood Emergency Management Plan, which is to form part of the endorsed documents, is supported.

**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 15 May to 31 May 2021. Four representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p><b>Issue 1:</b>  <b>The land has been deceptively identified as 65-67 Gleadow Street rather than Goderich Street, off which will be the principal entrance to the new link road formation. Therefore, the application has not been correctly advertised and does not meet the provisions of the LUPA Act and a lack of transparency regarding planning and traffic management issues.</b></p>
<p><i>Response 1:</i>  <i>Planning applications are linked to the property in the Council's property system and property title, that address being 65-77 Gleadow Street, the address under which the application was advertised.</i></p>

**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

<p><b>Issue 2:</b>  <b>The construction of a slip road from Goderich Street is contrary to the understood view when the Northern outlet was constructed being that new access points would be prohibited, and removal of nine mature trees within this principle highway entrance to the city is a breach of undertakings of statutory authorities.</b></p>
<p><i>Response 2:</i>                  A slip road off Goderich Street to a new street and removal of seven trees was approved by DA0261/2018 and further works regarding the link and redevelopment of the pathway was approved and has been undertaken, by DA0047/2020.</p>
<p><b>Issue 3:</b>  <b>The shared pathway along the Goderich Street frontage is well utilised by pedestrians, exercisers/dog walkers cyclists, motorised equipment, skateboards, etc. who will be at risk by the access and round-about. The traffic study does not comment on this which is a critical omission.</b></p>
<p><i>Response 3:</i>                  The pathway is existing and should be not be impacted by the proposed development. All users of the area should follow the traffic management methods, as any other area of the city. The link access is designed only for light vehicles and the three lots area all accessible via shared rights of way through Gleadow Street and the link road, recently named Overend Way.</p>
<p><b>Issue 4:</b>  <b>The Traffic Impact Assessment (TIA) does not discuss the yet to be approved developments, the impacts on the new round-about at the link road junction nor consider other types of vehicles that will be utilising the area.</b></p>
<p><i>Response 4:</i>                  The TIA discusses various traffic routes through the surrounding street blocks, the likely time of travel and the options. The Council's Infrastructure Assets Department has not raised any concern.</p>
<p><b>Issue 5:</b>  <b>Detailed covenants in favour of TasWater over the link road which will obstruct traffic flows and impose costs and traffic congestion.</b></p>
<p><i>Response 5:</i>                  This work has been completed prior to opening of the link road.</p>
<p><b>Issue 6:</b>  <b>The TIA is a self serving document that does not independently or faithfully expose or resolve traffic matters and should not be relied upon.</b></p>
<p><i>Response 6:</i>                  There is no evidence provided to substantiate this statement.</p>

**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

<p><b>Issue 7:</b>  <b>The land is within the flood plain and is subject to Seismic Risk which endangers the stability and durability of the flood levees. The application continues to promote out-of-date flood risk modelling. In addition, the Flood Emergency Plans are marked <i>draft</i> and safe the floor level should be 5.9m AHD, not 0.5m as our understanding.</b></p>
<p><i>Response 7:</i>  <i>The report addresses various flood scenarios. The 5.9m AHD level consider the climate situation of 2090 statement in the report is acknowledged. The report provides recommendations to the development in relation to risks to life and property as identified in planning scheme. The recommendations also require an upgrade to the draft management plan which will be necessary prior to occupancy of the building.</i></p>
<p><b>Issue 8:</b>  <b>The proposed landscaping, tree planting and beautification is minimal and should include some larger trees.</b></p>
<p><i>Response 8:</i>  <i>The proposed landscaping is considered appropriate.</i></p>
<p><b>Issue 9:</b>  <b>A number of concerns are raised as to quality of the application, past Council decisions of the area relating to traffic and flood impacts, and commercial undertakings of various parties.</b></p>
<p><i>Response 9:</i>  <i>It is to be noted that the application is lodged on its merits against the provisions of the planning scheme in place at the time and the site it is proposed upon. Risks of the site are known. The developers have to provide justification for their development which they themselves are responsible for.</i></p>

**6. CONCLUSION**

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

**ECONOMIC IMPACT:**

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



**9.2 DA0229/2021 - 65-77 Gleadow Street, Invermay - Bulky Goods Sales - Demolish Existing Buildings and Construction of Three Showroom Buildings ... (Cont'd)**

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**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

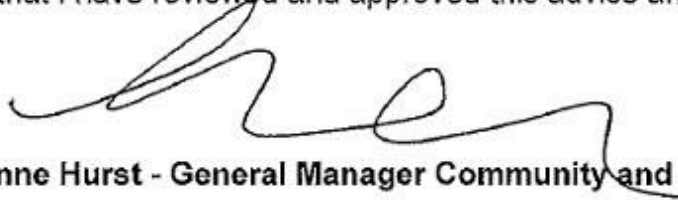
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst - General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - 65-77 Gleadow Street, Invermay (*electronically distributed*)
  2. Plans to be Endorsed - 65-77 Gleadow Street, Invermay (*electronically distributed*)
  3. Copy of Proposal Plan - 65-77 Gleadow Street, Invermay (*electronically distributed*)
  4. Representations - 65-77 Gleadow Street, Invermay (*electronically distributed*)
  5. TasWater SPAN - 65-77 Gleadow Street, Invermay (*electronically distributed*)
-

**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling****FILE NO:** DA0303/2021**AUTHOR:** Iain More (Town Planner)**DIRECTOR:** Leanne Hurst (General Manager Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	S Group
Property:	41 Mary Street, East Launceston
Zoning:	General Residential
Receipt Date:	8/06/2021
Validity Date:	9/06/2021
Further Information Request:	10/06/2021
Further Information Received:	23/06/2021
Deemed Approval:	08/08/2021, Extension to 12/08/2021
Representations:	Five

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0303/2021 - Residential - Demolish existing dwelling and garage and construction of a dwelling at 41 Mary Street, East Launceston, subject to the following conditions:

**1. ENDORSED PLANS AND DOCUMENTS**

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

- a. Cover Page, prepared by S Group, Project No. J006925, Drawing No. A00, dated 27/05/2021.
  - b. Site Plan, prepared by S Group, Project No. J006925, Drawing No. A01, dated 22/06/2021.
  - c. Demolition Plan, prepared by S Group, Project No. J006925, Drawing No. A02, dated 27/05/2021.
  - d. Ground Floor, prepared by S Group, Project No. J006925, Drawing No. A03, dated 27/05/2021.
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**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

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- e. Upper Floor, prepared by S Group, Project No. J006925, Drawing No. A04, dated 22/06/2021.
- f. Elevations 2, prepared by S Group, Project No. J006925, Drawing No. A05, dated 27/05/2021.
- g. Elevations 1, prepared by S Group, Project No. J006925, Drawing No. A06, dated 22/06/2021.
- h. Approach View, prepared by S Group, Project No. J006925, Drawing No. A07, dated 27/05/2021.
- i. Entry View, prepared by S Group, Project No. J006925, Drawing No. A08, dated 27/05/2021.
- j. Elevated Courtyard View, prepared by S Group, Project No. J006925, Drawing No. A09, dated 27/05/2021.
- k. Shadow Diagram (21 June - 9am), prepared by S Group, Project No. J006925, Drawing No. A10, dated 22/06/2021.
- l. Shadow Diagram (21 June - 12pm), prepared by S Group, Project No. J006925, Drawing No. A11, dated 22/06/2021.
- m. Shadow Diagram (21 June - 3pm), prepared by S Group, Project No. J006925, Drawing No. A12, dated 22/06/2021.
- n. Visual Siting, prepared by S Group, Project No. J006925, Drawing No. A13, dated 22/06/2021.

**2. LEGAL TITLE**

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

**3. NON REFLECTIVE EXTERIOR FINISH**

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

**4. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

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

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

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**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

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**6. 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.

**7. 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.

**8. 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.

**9. NO BURNING OF WASTE**

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

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**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

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**10. DEMOLITION**

The Developer must:

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

**Notes****A. General**

*This permit was issued based on the proposal documents submitted for DA0303/2021. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's Planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

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

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

**B. Restrictive Covenants**

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

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

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**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

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**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

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

**E. Fireplace/Woodheater Use**

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

**F. No Approval for Alterations to Driveway Crossover**

*No approval to install a new, or alter an existing, driveway crossover in any way has been granted or is implied by the issue of this Planning Permit.*

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

It is proposed to demolish the existing dwelling and garage/carport to allow for a new dwelling to be constructed. The new dwelling will be a four-bedroom, two-storey dwelling, with an attached garage. The new dwelling will be setback 1m from the northern side setback, 1.71m from the western side setback, 1.7m from the rear setback and 7.85m from the eastern side setback. Due to the slope of the land earthworks will be required. The dwelling will have a maximum height of 7.76m above the natural ground level.

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**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The site, located at 41 Mary Street, East Launceston, is zoned General Residential and no codes are applicable to the site. The site is an internal lot with a 48m long access strip and is 1,047m<sup>2</sup> in size. The site contains an existing split level two-storey dwelling, garage and carport and has established residential gardens. The site is connected to all reticulated services.

The site slopes downwards from the north-west (65.4m AHD) to the south-west (60.5m AHD). Important to note is the topography of the surrounding area, lots located higher and lower than the subject site, somewhat unevenly. Surrounding properties are a mix of units and single dwellings on well established, vegetated sites. Surrounding setbacks are a mix of buildings constructed to the boundary in some instances, and other sites with significant rear setbacks to areas of private open space.

**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

**10.0 General Residential Zone**

<p><b>10.1.1 Zone Purpose Statements</b></p> <p>10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</p> <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</p> <p>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</p> <p>10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.</p>
<p><b>Consistent</b></p> <p>The proposal is for a replacement of an existing residential use within a residential zone, complying with the zone purpose.</p>

**10.4 Development Standards for Dwellings**

**10.4.2 Setbacks and building envelope for all dwellings**

<p>Objective:</p> <p>The siting and scale of dwellings:</p> <p>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</p>
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**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

<p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>
<p><b>Consistent</b>                  Consistency with the objective has been achieved as the proposal ensures that the scale and siting of the dwelling is considerate of surrounding properties.</p>
<p>A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</p> <p>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>
<p><b>Complies</b>                  The dwelling will be setback in excess of 4.5m from Mary Street, the primary frontage.</p>
<p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>
<p><b>Complies</b>                  The proposed garage is setback more than 5.5m from Mary Street, the primary frontage.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p>



**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

- (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and
- (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:
  - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or
  - (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).

**Relies on Performance Criteria**

The new dwelling will be setback 1m from the northern side setback, 1.71m from the western side setback, 1.7m from the rear setback and 7.85m from the eastern side setback. Due to its location, the dwelling is not able to be contained within the building envelope and reliance on the performance criteria is sought.

P3 The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
  - (ii) overshadowing the private open space of a dwelling on an adjoining property;
  - (iii) overshadowing of an adjoining vacant property; or
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and
- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:
  - (i) an adjoining property; or
  - (ii) another dwelling on the same site.

**Complies**

An assessment against the performance criteria is detailed below:

**The siting and scale of a dwelling must:**

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;

Response:

The applicant provided shadow diagrams to assist in the assessment of the impact the proposal will have regarding overshadowing.

Number 1 Sussex Street will have a habitable room window located on the south-eastern corner of the dwelling overshadowed for a small portion of the day at 9am, with the shadow estimated to move before 10am.

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Number 5 Sussex Street adjoining the property to the south will have habitable room windows that will be impacted on as a result of the proposal. This adjoining dwelling has five windows that face northwards towards the subject site, being:

- one into an upper floor stairwell;
- one into an upper floor bathroom;
- one into a lower floor lounge room; and
- two into a lower floor recreation room.

It is noted that the upper floor bathroom and stair well are not defined as habitable rooms under the scheme and cannot be considered. The other windows are identified and discussed below:

### Lower Floor Lounge Room



*Image 1 - Lower floor lounge room in red*

It is considered that the proposed dwelling will not unreasonably impact on the sunlight access to the lower floor lounge room. This is due to the windows current access to sunlight is reduced by not just the existing size of the dwelling on the subject site and its current overshadowing, being two-storey against this boundary, but also due to the existing vegetation which currently blocks sunlight to the window.

**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

Lower Floor Recreation Room



*Image 2 - Recreation room windows in red*

Similar to the lounge room, it is considered that the proposed dwelling will not unreasonably impact on the sunlight access to the lower floor recreation room. This is primarily because the existing thick vegetation currently blocks the majority of direct sunlight to these windows on the shortest day of the year. Notwithstanding, the shadow diagrams show that these windows will continue to receive sunlight from 9am and will only begin to be overshadowed at some point between 2pm and 3pm. Given this, the rooms will still be able to receive the same amount of sunlight as they currently obtain for at least five hours during the day, which is considered to be reasonable.

**(ii) overshadowing the private open space of a dwelling on an adjoining property;**

Response:

The two adjoining properties that will have their private open space impacted upon are 1 and 5 Sussex Street.

The rear yard of 1 Sussex Street is a mixture of planted trees and vegetation, a vegetable garden, as well as parking spaces and vehicular access. The shadows of the new dwelling will again overshadow much of the rear yard at 9am. However, these shadows will again be reduced as the morning goes on and by 12pm the site will maintain its current level of solar access. This is considered to be reasonable.

The area of private open space at 5 Sussex Street will not receive any overshadowing from the proposal until sometime at 3pm, meaning it will receive full sunlight for the majority of the day.

## 9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)

### **(iii) overshadowing of an adjoining vacant property; or**

Response:

This clause is not applicable.

### **(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;**

Response:

The dwelling has been designed as a response to the unique uneven topography of the area. The surrounding area, especially adjoining lots, have no coherent level ground, but instead are dwellings that have been constructed as a response to the slope at varying AHD heights. As a result, there are some larger buildings that are perceived as smaller than their actual height, or cited as less bulky than they actually are.

The design of the dwelling is unique, being of a horseshoe shape that wraps around a courtyard.

The garage, at a height of 3.24m will be located at a height of approximately 64.5m AHD, so when being viewed from the adjoining property to the north, which has a height of 69m AHD at its peak, will come across as much smaller than proposed. When viewed from the western adjoining property, due to the cut proposed, it will have a height of 1.8m, making it barely distinguishable from a fence.

The greatest concern is the 7.76m high wall along the southern boundary facing 5 Sussex Street. The dwelling as it sits now is constructed to the southern boundary and is approximately 5.4m in height, for a length of 8.8m along the boundary.

The proposal would set the dwelling back to 1.7m and increase the height by 2.36m, which is roughly in line with the roof height of the dwelling at 5 Sussex Street. It is noted however that the maximum height is only in one section, and due to the slope of the site this will be reduced down to 6.2m along the south-western portion of the site. This section, which contains the second storey, has a length of 10m. The dwelling then extends a further 4.6m at a maximum height of 5.5m.

The designer has chosen vertical and horizontal cladding to break up the wall' as well as privacy windows. Along with the height reductions along this boundary, and the amount of significant vegetation that will screen the proposal, is it considered that the dwellings overall scale and bulk is reasonable for the lot.

**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

**(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and**

*Response:*

The new dwelling will be setback 1m from the northern side setback, 1.71m from the western side setback, 1.7m from the rear setback and 7.85m from the eastern side setback.

Setbacks on adjoining properties are a mix, from built to the boundary to 20m setbacks. It is considered the proposed setbacks are generally consistent with those of the surrounding adjoining lots.

**(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:**

- (i) an adjoining property; or**
- (ii) another dwelling on the same site.**

*Response:*

There are no existing solar panels on surrounding properties that will be affected by the proposal.

An assessment of the proposal against the provisions of the clause has determined that its scale and bulk is reasonable for its location and complies with the performance criteria.

**10.4.3 Site coverage and private open space for all dwellings**

**Objective:**

That dwellings are compatible with the amenity and character of the area and provide:

- (a) for outdoor recreation and the operational needs of the residents;
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is conveniently located and has access to sunlight.

**Consistent**

A1 Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and
- (b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).

**Complies**

Site coverage is approximately 18%.

**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

10.4.6 Privacy for all dwellings

<p>Objective: To provide reasonable opportunity for privacy for dwellings.</p>
<p><b>Consistent</b> A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>
<p><b>Complies</b> An assessment of windows to habitable rooms located more than 1m above natural ground level is detailed below:</p> <p><u>Lower Floor</u> The lower floor has two windows and glass doors to habitable rooms located more than 1m above natural ground level. The doors to the entry, and the window to bedroom 4 on the lower level will be located more than 1m above natural ground level. All these windows are setback more than 3m to all side boundaries and more than 4m from the rear boundary, complying with A2(a).</p> <p>The window to bedroom 3 faces south and is less than 3m to the boundary, however, this window is 1.9m above floor level, complying with A2(B)(ii).</p> <p><u>Upper Floor</u> The top floor has three windows to habitable rooms located more than 1m above natural ground level. The first is the master bedroom which faces east and has a sill height of 1.8m, complying with A2(b)(ii).</p> <p>The western facing wall has two windows that are less than 3m from the side boundary and a sill height of less than 1.7m, however, these windows will be constructed out of translucent glass complying with A2(b)(ii).</p>

**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

10.4.12 Earthworks and retaining walls

<p><b>Objective:</b> To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p><b>Consistent</b> Consistency with the objective has been achieved as the proposal ensures that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p>A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:</p> <ul style="list-style-type: none"> <li>(a) be located no less than 900mm from each lot boundary;</li> <li>(b) be no higher than 1m (including the height of any batters) above existing ground level;</li> <li>(c) not require cut or fill more than 1m below or above existing ground level;</li> <li>(d) not concentrate the flow of surface water onto an adjoining lot; and</li> <li>(e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.</li> </ul>
<p><b>Relies on Performance Criteria</b> As more than 600mm of cut is proposed the application is reliant on the performance criteria.</p>
<p>P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the appearance, scale and extent of the works;</li> <li>(c) overlooking and overshadowing of adjoining lots;</li> <li>(d) the type of construction of the works;</li> <li>(e) the need for the works;</li> <li>(f) any impact on adjoining structures;</li> <li>(g) the management of groundwater and stormwater; and</li> <li>(h) the potential for loss of topsoil or soil erosion.</li> </ul>
<p><b>Complies</b> The largest amount of cut will be in the north-western corner where the attached garage will be located. Approximately 1.5m cut is proposed. The cut is required due to the slope of the site, and due to this slope will ensure that the garage is <i>dug</i> into the ground, reducing its visual bulk. The earthworks will be required to be undertaken in accordance with all current construction practices to ensure there is no impact on adjoining structures. Because it is cut and not fill, there will be no overshadowing issues. The design will allow groundwater and stormwater to be directed into the reticulated system. The proposal complies with the performance criteria.</p>

**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

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

<p>E6.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> <li>(a) ensure that an appropriate level of parking facilities are provided to service use and development;</li> <li>(b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;</li> <li>(c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;</li> <li>(d) ensure that parking does not adversely impact on the amenity of a locality;</li> <li>(e) ensure that parking spaces and accesses meet appropriate standards; and</li> <li>(f) provide for the implementation of parking precinct plans.</li> </ul>
<p><b>Consistent</b> Consistency with the code purpose has been achieved as the proposal ensures safe and adequate parking and access.</p>

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p><b>Consistent</b> A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> <li>(a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or</li> <li>(b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or</li> <li>(c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or</li> <li>(d) be in accordance with an acceptable solution contained within a parking precinct plan.</li> </ul>
<p><b>Complies</b> In accordance with Table E6.1 two car parking spaces are required. These have been provide in the form of a double lockup garage.</p>

**E6.6 Development Standards**

**E6.6.1 Construction of parking areas**

<p>Objective: To ensure that parking areas are constructed to an appropriate standard.</p>
<p><b>Consistent</b> A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> <li>(a) have a gradient of 10% or less;</li> <li>(b) be formed and paved;</li> </ul>



**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

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

**Complies**

There will be no change to the access strip into the site. All new parking, access ways, manoeuvring and circulation spaces will have a gradient of less than 10%, be formed and paved and able to drain into the reticulated stormwater system.

**E6.6.2 Design and layout of parking areas**

**Objective:**

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

**Consistent**

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

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

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

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

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

**Complies**

All new parking, access ways, manoeuvring and circulation spaces meet the requirements of Table E6.2 and E6.3, and have a vertical clearance of 2.6m.

**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

**5. REPRESENTATIONS**

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 26 June to 12 July 2021. Five representations were received.

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

<p><b>Issue 1:</b>  <b>The height of the roof of the garage will be visible from adjoining properties.</b></p>
<p><i>Response 1:</i>  <i>Whilst it will be visible, due to the proposed earthworks and constraints of the site, the height is appropriate.</i></p>
<p><b>Issue 2:</b>  <b>The fabrication of the building may cause reflection into other properties and their adjoining dwellings.</b></p>
<p><i>Response 2:</i>  <i>A condition has been recommended to ensure the dwelling will be constructed out of non-reflective finishes.</i></p>

**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

<p><b>Issue 3:</b>  <b>The demolition of the existing buildings may expose surrounding properties and associated infrastructure to risk.</b></p>
<p><i>Response 3:</i>  <i>The demolition will be required to be undertaken in accordance with current best practices outside of the planning process.</i></p>
<p><b>Issue 4:</b>  <b>The applicant states the dwelling will be lower than surrounding buildings, however, this will not be the case and it has the potential to cause visual impact.</b></p>
<p><i>Response 4:</i>  <i>Due to the slope of the land the perceived visual impact of the development will be less than anticipated. An assessment has determined that its visual impact is appropriate.</i></p>
<p><b>Issue 5:</b>  <b>The 1.8m fence as sited is only 1.5m in height and does not show a true reflection of privacy.</b></p>
<p><i>Response 5:</i>  <i>It is noted that the fence in question is indeed 1.5m, however, the height of the fence will not impact upon privacy concerns.</i></p>
<p><b>Issue 6:</b>  <b>There is potential for overshadowing.</b></p>
<p><i>Response 6:</i>  <i>Shadow diagrams and an assessment against the relevant provisions have determined that overshadowing is reasonable.</i></p>

**6. CONCLUSION**

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

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**9.3 DA0303/2021 - 41 Mary Street, East Launceston - Residential - Demolish Existing Dwelling and Garage and Construction of a Dwelling ...(Cont'd)**

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**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

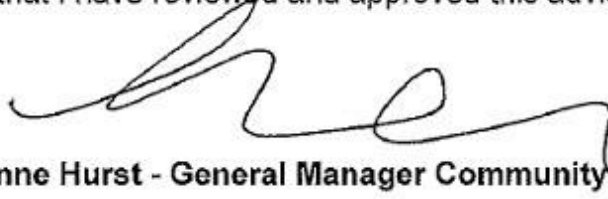
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst - General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - 41 Mary Street, East Launceston (*electronically distributed*)
  2. Plans to be Endorsed - 41 Mary Street, East Launceston (*electronically distributed*)
  3. Representations - 41 Mary Street, East Launceston (*electronically distributed*)
-

**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport****FILE NO:** DA0338/2021**AUTHOR:** Anushka Gardiye (Town Planner)**DIRECTOR:** Leanne Hurst (General Manager Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Maria Ann De Deuge
Property:	2 Glenelg Street, South Launceston
Zoning:	General Residential
Receipt Date:	28/06/2021
Validity Date:	29/06/2021
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	12/08/2021
Representations:	Four

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for (DA0338/2021) Construction of a Carport at 2 Glenelg Street, South Launceston subject to the following conditions:

**1. ENDORSED PLANS AND DOCUMENTS**

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

- a. Site Plan, Prepared by the applicant, Project name; Carport, Page No 01 of 01, Dated 24/06/2021.
  - b. LIST map, Undated.
  - c. Layout, Prepared by The Shed Company Launceston, Date 22/06/2021.
  - d. Existing concrete slab heights, Prepared by the applicant, Undated.
  - e. Submission, Prepared by the applicant, Page 5 - 10, Undated.
  - f. Shadow diagrams, Prepared by the applicant, Page No 11 and 12, Dated 23/07/2021.
-

**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)**

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**2. LEGAL TITLE**

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

**3. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

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

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

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

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

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

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

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

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**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)**

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**6. 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.

**7. DEMOLITION**

The Developer must:

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

**Notes****A. General**

*This permit was issued based on the proposal documents submitted for DA0338/2021. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's Planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

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

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

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**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)**

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**B. Restrictive Covenants**

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

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

**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

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

**E. No Approval for Alterations to Driveway Crossover**

*No approval to install a new, or alter an existing, driveway crossover in any way has been granted or is implied by the issue of this Planning Permit.*

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

The proposal is for the construction of a prefabricated carport at 2 Glenelg Street, South Launceston, over an existing concreted parking area. The total floor area of the existing parking space is 30m<sup>2</sup> and proposed carport will have a minimum height of 3m to a maximum height of 3.48m. The purpose of this carport is to provide weather protection and the addition of the garage door along the street frontage will provide security for domestic vehicles.

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**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)**

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject property is 2 Glenelg Street, South Launceston. The property is located within the General Residential Zone of the Launceston Interim Planning Scheme 2015 with no applicable codes. The site has an irregular shape with an area of 460m<sup>2</sup> and is developed with a single dwelling and an outbuilding. The site is connected to all reticulated services. The site slopes down towards western side at an approximate grade of 12.5%. Coronation Park adjoins the subject site to the north. The surrounding area is comprised predominantly of single-storey dwellings.

**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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

**Consistent**

Consistency with the zone purpose has been achieved as the proposal is for a residential use in a residential zone.

**10.4 Development Standards for Dwellings**

10.4.2 Setbacks and building envelope for all dwellings

Objective:

The siting and scale of dwellings:

- (a) provides reasonably consistent separation between dwellings and their frontage within a street;
- (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;
- (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and
- (d) provides reasonable access to sunlight for existing solar energy installations.

9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)

<p><b>Consistent</b> Consistency with the objective has been achieved as the proposed bulk and scale of the development is consistent with the surrounding area.</p>
<p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 5.5m, or alternatively 1m behind the building line;</li> <li>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</li> </ul>
<p><b>Relies on Performance Criteria</b> The proposal is to erect a carport over an existing parking area (5.5m x5.4m) which is located on the front boundary of the lot and, as such the proposal relies on performance criteria.</p>
<p>P2 A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p><b>Complies</b> The proposed carport is compatible with the setbacks of existing garages and carports in the street. There is a similar double garage located directly opposite the proposed site (16 Eardley Street) and there are other similar garages within close proximity (36 Garfield Street). Further, there are no major topographical constraints, however, the existing parking area has been levelled with the street and retaining walls are located along the northern and western sides. Significant earthworks would be required to set the carport back from the front boundary. The proposal is considered to meet the performance criteria.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> <li>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:             <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> </li> <li>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:             <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> </ul> </li> </ul>

**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)**

<p><b>Relies on Performance Criteria</b>                  The proposal is unable to meet the eastern front setback requirement and is, therefore, outside of the building envelope. As such reliance on the performance criteria is required.</p>
<p>P3 The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> <li>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:                         <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining property;</li> <li>(iii) overshadowing of an adjoining vacant property; or</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</li> </ul> </li> <li>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</li> <li>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:                         <ul style="list-style-type: none"> <li>(i) an adjoining property; or</li> <li>(ii) another dwelling on the same site.</li> </ul> </li> </ul>
<p><b>Complies</b>                  The siting and scale of the proposed carport will not cause an unreasonable loss of amenity for any adjoining lot. The dwelling at 20 Eardley Street is located to the south of the subject site and is setback approximately 3.4m to the adjoining boundary. There are no windows in line with the carport to cause overshadowing and the adjoining garden is unlikely to be utilised as the main private open space for the dwelling as it is heavily vegetated and incorporates the external stairs to the dwellings external deck.</p> <p>Shadow diagrams submitted with the application show that on 21 June there is no significant shadow cast onto the adjoining property and the adjoining lot has opportunity to get sun for at least five hours.</p> <p>There is also approximately 1m difference in elevation between the two lots with the adjoining dwelling located at a higher elevation which will minimise the perceived height of the carport and any overshadowing. The carport will have open sides and will be partly screened from view by the existing vegetation on the neighbouring property and this will ensure there is very limited visual impact caused by the proposed carport. It is therefore considered the performance criteria is met.</p>

**10.4.3 Site coverage and private open space for all dwellings**

<p><b>Objective:</b>                  That dwellings are compatible with the amenity and character of the area and provide:</p> <ul style="list-style-type: none"> <li>(a) for outdoor recreation and the operational needs of the residents;</li> <li>(b) opportunities for the planting of gardens and landscaping; and</li> <li>(c) private open space that is conveniently located and has access to sunlight.</li> </ul>
---

**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)**

<p><b>Consistent</b>                  A1 Dwellings must have:                  (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and                  (b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>
<p><b>Complies</b>                  The existing dwelling with an outbuilding and the proposed carport will have a site coverage of approximately 35%.</p>

**10.4.5 Width of openings for garages and carports for all dwellings**

<p>Objective:                  To reduce the potential for garage or carport openings to dominate the primary frontage.</p>
<p><b>Consistent</b>                  A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>
<p><b>Complies</b>                  Total width of opening of the carport facing primary frontage is less than 6m and complies with the acceptable solution.</p>

**10.4.11 Outbuildings, swimming pools and fences**

<p>Objective:                  To ensure that:                  (a) outbuildings, swimming pools and fences:                      (i) do not detract from the character of the surrounding area; and                      (ii) are appropriate to the site and respect the amenity of neighbouring lots;                  (b) dwellings remain the dominant built form.</p>
<p><b>Consistent</b>                  A1.1 The combined gross floor area of outbuildings must be no greater than 45m<sup>2</sup>; and                  A1.2 Outbuildings (other than for single or multiple dwellings) must meet the setback and building envelope acceptable solutions of Clause 10.4.2, as if the development were for a dwelling.</p>
<p><b>Complies</b>                  The combined gross floor area of all outbuildings on site is 40m<sup>2</sup>.</p>

**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)**

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

**5. REPRESENTATIONS**

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 7 July to 21 July 2021. Four representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

**Issue 1:**

**The proposed shed design on the planning applications is for the structure to be a height of 3.48m and be 5.5m by 5.4m which is extremely large for a carport.**

*Response 1:*

*The gross floor area of the proposed carport is 30m<sup>2</sup> (the combined gross floor area of all outbuildings on site is 40m<sup>2</sup>) and complies with relevant standard (A1.1 of the 10.4.11 Outbuildings, swimming pools and fences standard) of the Launceston Interim Planning Scheme 2015. In addition, the proposed carport is compatible with the setbacks of existing garages and carports in the street. There is a similar double garage located directly opposite the proposed site (16 Eardley Street) and there are other similar garages within close proximity (36 Garfield Street).*

**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)**

<p><b>Issue 2:</b>  <b>My main concern is regarding the height of the structure and its potential to cause shading for the residence at 20 Eardley Street. This is of great concern as it will decrease the amount of light and sun into this residence and potentially cause problems with moss and mould growing on this house.</b></p>
<p><i>Response 2:</i>  <i>The dwelling at 20 Eardley Street is setback approximately 3.4m to the adjoining boundary. There are no windows directly in line with the carport to cause overshadowing and there is approximately 1m difference in elevation between the two lots with the adjoining dwelling located at a higher elevation which will minimise the perceived height of the carport and any potential overshadowing.</i></p>
<p><b>Issue 3:</b>  <b>Impact the view to the parklands adjacent to 2 Glenelg Street, South Launceston.</b></p>
<p><i>Response 3:</i>  <i>Views are not considered under the Launceston Interim Planning Scheme 2015.</i></p>
<p><b>Issue 4:</b>  <b>I am concerned regarding the amount of noise that could be made in the proposed carport/shed, given the rear of my house is beside it. There are two bedrooms that are at the back of my house, that are effectively next door to this proposed structure.</b></p>
<p><i>Response 4:</i>  <i>No provisions available to assess the impact of the noise generated by residential uses in Launceston Interim Planning Scheme 2015. Since the parking space is existing, there would no extra noise generated due to the movement of vehicles.</i></p>
<p><b>Issue 5:</b>  <b>As looking at the plans proposed, it feels as the height and aesthetics of the garage do not keep in with the beautiful area. Even if the size of the proposed plan was smaller and less overwhelming on the small street.</b></p>
<p><i>Response 5:</i>  <i>The proposed carport will be painted in cream colour and generally in keeping with the other developments in the vicinity. There is a similar double garage located directly opposite the proposed site (16 Eardley Street) which is compatible with the streetscape.</i></p>

**6. CONCLUSION**

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

**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential - Construction of a Carport ...(Cont'd)**

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**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.


**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst - General Manager Community and Place Network**

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**9.4 DA0338/2021 - 2 Glenelg Street, South Launceston - Residential -  
Construction of a Carport ...(Cont'd)**

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**ATTACHMENTS:**

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



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

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**Friday 30 July 2021**

- Hosted a *White Ribbon* civic function at Town Hall

**Saturday 31 July 2021**

- Officiated at the gallery opening for the Queen Victoria Museum and Art Gallery's 130<sup>th</sup> birthday celebrations

**Sunday 1 August 2021**

- Officiated at the *Tamar Peace Festival Community Walk*

**Thursday 5 August 2021**

- Attended the Local Government Association of Tasmania's General Meeting
- Attended Launceston College's production of *GREASE*

**Friday 6 August 2021**

- Officiated at the *agriCULTURED* Welcome to the City event

**Saturday 7 August 2021**

- Officiated at the opening of the *Glazed and Confused Gallery*

**Wednesday 11 August 2021**

- Attended the Catholic education week awards ceremony at St Thomas More's
- 
-

**11 COUNCILLORS' REPORTS**

*(This item provides an opportunity for Councillors to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)*

**12 QUESTIONS BY COUNCILLORS****12.1 Questions on Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 30*

*(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)*

**No Councillor's Questions on Notice have been identified as part of this Agenda**

**12.2 Questions Without Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 29*

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

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**13 COMMITTEE REPORTS****13.1 Cataract Gorge Reserve Advisory Committee Meeting - 7 June 2021****FILE NO:** SF0839**AUTHOR:** Anthea Rooney (Council and Committees Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To receive and consider a report from the Cataract Gorge Reserve Advisory Committee Meeting held on 17 June 2021.

**RECOMMENDATION:**

That Council receives the report from the Cataract Gorge Reserve Advisory Committee Meeting held on 17 June 2021.

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**REPORT:**

At the Meeting of the Cataract Gorge Reserve Advisory Committee held on 17 June 2021, the following items were discussed:

1. Legal planning process - development assessment, proposed developments respect vision and values and the Council's consideration of commercial development projects - discussion primarily centred on the Council's treatment of unsolicited proposals procedure in light of upcoming development considerations.
2. Small, local and family oriented events in the First Basin and larger recreational events, water flow and quality water based events and more generally the City wide events strategy - the Event's team provided the Committee with a listing of a broad range of events held within the Cataract Gorge since 2017. Prime concerns from residents appeared to be traffic management issues. The newly appointed Parks Planner is to commence work on an events site masterplan, including the Cataract Gorge.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

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**13.1 Cataract Gorge Reserve Advisory Committee Meeting - 7 June 2021 ...(Cont'd)**

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**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 1: We connect with our community and our region through meaningful engagement, cooperation and representation.

10-Year Goal: To seek out and champion positive engagement and collaboration to capitalise on the major opportunities and address the future challenges facing our community and region.

Focus Area:

1. To develop and consistently utilise contemporary and effective community engagement processes.

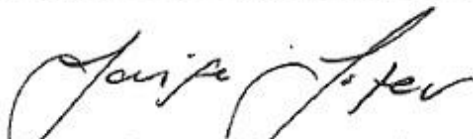
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Louise Foster - General Manager Organisational Services Network**

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**13.2 Pedestrian and Bike Committee Meeting - 22 July 2021****FILE NO:** SF0618**AUTHOR:** Cathy Williams (Infrastructure and Engineering Officer)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

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**DECISION STATEMENT:**

To receive and consider a report from the Pedestrian and Bike Committee Meeting held on 22 July 2021.

**RECOMMENDATION:**

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 22 July 2021.

---

**REPORT:**

The Pedestrian and Bike Committee, at its meeting on 22 July 2021 received:

- a presentation on the City Heart Precinct Project Stage 2;
- an update on the Launceston Transport Strategy; and
- an update on the Launceston Pedestrian and Bike Networks.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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## 13.2 Pedestrian and Bike Committee Meeting - 22 July 2021 ...(Cont'd)

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### STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 1: We connect with our community and our region through meaningful engagement, cooperation and representation.

10-Year Goal: To seek out and champion positive engagement and collaboration to capitalise on the major opportunities and address the future challenges facing our community and region.

Focus Area:

1. To develop and consistently utilise contemporary and effective community engagement processes.

### BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

### DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



**Shane Eberhardt - General Manager Infrastructure and Assets Network**

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**13.3 Tender Review Committee Meeting - 22 July 2021****FILE NO:** SF0100/CD.020/2020/CD.014/2021**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 accept the tenders submitted by:

1. Collings Property Services for the Town Hall Cleaning Services Contract Number CD.020/2020 for \$123,600.01 per annum for the regular scheduled items (exclusive of GST); and
  2. All Weed Solutions for the Urban and Rural Weed Management, Contract Number CD.014/2021 for \$36,770.00 per round (exclusive of GST).
- 

**REPORT:**

The Tender Review Committee Meeting, held on 22 July 2021, determined the following:

That the sums submitted by:

1. Collings Property Services for the Town Hall Cleaning Services Contract Number CD.020/2020 for \$123,600.01 per annum for the regular scheduled items (exclusive of GST); and
2. All Weed Solutions for the Urban and Rural Weed Management, Contract Number CD.014/2021 for \$36,770.00 per round (exclusive of GST)

be accepted.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

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**13.3 Tender Review Committee Meeting - 22 July 2021 ...(Cont'd)**

---

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

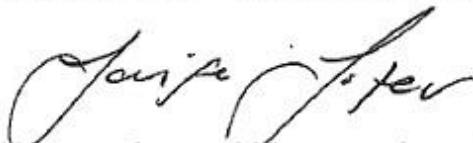
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Louise Foster - General Manager Organisational Services Network**

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**14 COUNCIL WORKSHOPS**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)*

**14.1 Council Workshop Report**

**FILE NO:** SF4401

**AUTHOR:** Anthea Rooney (Council and Committees Officer)

**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

**RECOMMENDATION:**

That, pursuant to Regulation 8(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 5 and 12 August 2021:

**Launceston City Deal - Extension Programming**

*Councillors were provided with an update on the research and analysis stage of programming the Launceston City Deal extension to 2027.*

**City of Launceston's Strategic and Financial Planning Approach**

*Councillors were provided with an update on the Council's strategic and financial planning approach.*

**Visit Northern Tasmania - Annual Presentation**

*Councillors received the annual presentation from Visit Northern Tasmania which highlighted activities undertaken to boost tourism in a COVID-19 impacted environment.*

**Development Proposal**

*Councillors considered the Council's position in respect of a proposed development for Launceston.*

**Local Government Business Enterprise Overview**

*Councillors discussed and provided feedback on revenue opportunities the Council could pursue.*

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

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**Ten Days on the Island - Report of the 2021 Festival**

*Councillors were provided with a summary of the outcomes of the 2021 Ten Days on the Island Festival.*

**Draft Plaques and Memorials Policy**

*Councillors provided feedback on the proposed City of Launceston Plaques and Memorials policy prior to endorsement at a future Council Meeting.*

**Ariarne Titmus Recognition**

*Councillors discussed a proposed Notice of Motion.*

**Council Fee for Disposals of Interest in the Council's or Public Owned Land**

*Councillors discussed a proposed new fee dealing with preparation of disposal of interests in the Council's or public land.*

**Food Security and Sustainability**

*Councillors discussed food security and sustainability in the local context along with the role of local government in developing sustainable strategies.*

---

**REPORT:**

Regulation 8(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.

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

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### **STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

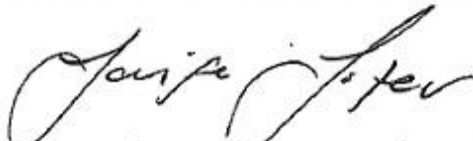
### **BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

### **DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Louise Foster - General Manager Organisational Services Network**

**15 NOTICES OF MOTION**

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

**15.1 Notice of Motion - Councillor D C Gibson - City of Launceston Recognition - Ariarne Titmus****FILE NO:** SF5547**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

---

**DECISION STATEMENT:**

To consider a Notice of Motion submitted by Councillor D C Gibson regarding City of Launceston recognition for Ariarne Titmus.

**RECOMMENDATION:**

That Council, in honour of her significant swimming achievements, investigates (within 60 days) recognition options for Ariarne Titmus, including:

- (i) the symbolic presentation of the Key to the City and
  - (ii) naming the 50m competition pool at the Launceston Leisure and Aquatic Centre in her honour.
- 

**REPORT:**

*I am just from a small town in Tassie. This goes to show if you believe you can do something, you can 100% do it if you work for it*  
(Ariarne Titmus, Olympian - speaking after her 200m freestyle gold medal win, 28 July 2021).

The Key to the City is traditionally presented by the Mayor at a civic ceremony to recognise outstanding achievement in sport, entertainment or humanitarian work at a national or international level.

The granting of the Key to the City is a symbolic presentation with no privileges. There have been five Launceston people who have previously been given this honour and I hope there will be many more, from a variety of fields.

Ariarne's achievements in sport have been simply outstanding.

---

**15.1 Notice of Motion - Councillor D C Gibson - City of Launceston Recognition - Ariarne Titmus ...(Cont'd)**

---

She won three gold medals (400-metre, 800m and 4 x 200m freestyle relay) and one silver (200m freestyle) at the 2018 Commonwealth Games and on 14 December 2018, she set a new world record in the women's short course 400 metre freestyle at the 2018 FINA World Swimming Championships with a time of 3:53.92.

Ariarne represented Australia at the 2019 World Championships in Gwangju, South Korea, where she won gold in the women's 400 metre freestyle and broke the Oceania record in the final with a time of 3:58.76. She also won gold in the 4 x 200m freestyle relay, silver in the 200m and bronze in the 800m freestyle events.

Recently, Ariarne won four medals (including two gold medals) for Australia at the 2020 summer Olympics in Tokyo, held in 2021. Posting an Oceania Record time of 3:56.69 in the 400 metre freestyle final, she edged out world record holder and reigning Olympic champion Katie Ledecky. Posting a new Olympic Record of 1:53.50 in the 200m freestyle final, she trailed behind Hong Kong's Siobhan Haughey for most of the race and then came home strong to push herself in front on the last lap. Her silver medal in the 800m freestyle represented a PB for her.

Before re-locating to Queensland in 2015, much of Ariarne's swim training was completed in the 50m competition pool at the Launceston Leisure and Aquatic Centre, which is currently un-named. It is appropriate to name this pool in her honour, to both recognise her achievements and to serve as an inspiration for Launceston's current and future generations of swimmers.

It is important to note that Ariarne's career is far from over and I am sure that there will be further additions to her resume but with her performance at the 2020 Olympic Games (2021) it is both opportune and appropriate that we mark her significance in Tasmanian, Australian and world swimming by honouring her in the way proposed.

This Motion asks the Officers investigate options, including the two included, within 60 days. It is expected that in doing so, consultation with Ariarne would occur, further to the brief exchange the author had with her father, prior to lodgement.

In celebrating Ariarne's achievements, we as a City will provide inspiration and encouragement to others to follow their dreams in pursuit of their chosen endeavour. It is for this reason, that I have initiated this Notice of Motion.

**OFFICER COMMENT**

*Michael Stretton (Chief Executive Officer)*

The motion requests that the Council's Officers investigate and report back to Council on the possibility of conferring the honour of Key to the City to Ariarne Titmus.

---

**15.1 Notice of Motion - Councillor D C Gibson - City of Launceston Recognition - Ariarne Titmus ...(Cont'd)**

---

The request to celebrate Ariarne's success in the 2021 Olympic Games meets the criteria for approval of Civic Receptions.

The Council has a policy for Key to the City and Council Officers will investigate the criteria and report back to Council.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024  
Priority Area 8 - A secure, accountable and responsive Organisation  
Ten-year goals - To ensure decisions are made in a transparent and accountable way  
Key Direction -  
3. To ensure decisions are made on the basis of accurate and relevant information

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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**15.1 Notice of Motion - Councillor D C Gibson - City of Launceston Recognition - Ariarne Titmus ...(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.



Michael Stretton - Chief Executive Officer

**ATTACHMENTS:**

1. Notice of Motion - Councillor D C Gibson - City of Launceston Recognition - Ariarne Titmus
-

**Attachment 1 - Notice of Motion - Councillor D C Gibson -  
City of Launceston Recognition - Ariarne Titmus**

## CITY OF LAUNCESTON

### MEMORANDUM

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FILE NO: SF5547 / SF0202 / SF0873  
DG  
DATE: 4 August 2021

**TO:** Michael Stretton                      Chief Executive Officer  
**c.c.**    Committee Clerks

**FROM:** Danny Gibson                      Deputy Mayor

**SUBJECT:** Notice of Motion - Ariarne Titmus

---

In accordance with Clause 16 (5) of the *Local Government (Meeting Procedures) Regulations 2015*, please accept this Notice of Motion for placement on the Agenda of the Meeting of Council to be held on 12 August 2021.

#### **Motion**

That in honour of her significant swimming achievements, the Council investigates (within 60 days) recognition options for Ariarne Titmus, including:

- i) the symbolic presentation of the Key to the City and
- ii) naming the 50m competition pool at the Launceston Leisure and Aquatic Centre in her honour

#### **Background**

*'I am just from a small town in Tassie. This goes to show if you believe you can do something, you can 100% do it if you work for it.'*

Ariarne Titmus, Olympian  
(Speaking after her 200m freestyle gold medal win, 28 July 2021)

The Key to the City is traditionally presented by the Mayor at a civic ceremony to recognise outstanding achievement in sport, entertainment or humanitarian work at a national or international level.

The granting of the Key to the City is a symbolic presentation with no privileges. There have been five Launceston people who have previously been given this honour and I hope there will be many more, from a variety of fields.

Ariarne's achievements in sport have been simply outstanding.

She won three gold medals (400-metre, 800m and 4 x 200m freestyle relay) and one silver (200m freestyle) at the 2018 Commonwealth Games and on 14 December 2018, she set a new world record in the women's short course 400 metre freestyle at the 2018 FINA World Swimming Championships with a time of 3:53.92.

Ariarne represented Australia at the 2019 World Championships in Gwangju, South Korea, where she won gold in the women's 400 metre freestyle and broke



## CITY OF LAUNCESTON

### MEMORANDUM

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the Oceania record in the final with a time of 3:58.76. She also won gold in the 4 x 200m freestyle relay, silver in the 200m and bronze in the 800m freestyle events.

Recently, Ariarne won four medals (including two gold medals) for Australia at the 2020 Summer Olympics in Tokyo, held in 2021. Posting an Oceania Record time of 3:56.69 in the 400 metre freestyle final, she edged out world record holder and reigning Olympic champion Katie Ledecky. Posting a new Olympic Record of 1:53.50 in the 200 metre freestyle final, she trailed behind Hong Kong's Siobhan Haughey for most of the race and then came home strong to push herself in front on the last lap. Her silver medal in the 800 metre freestyle represented a PB for her.

Before re-locating to Queensland 2015, much of Ariarne's swim training was completed in the 50m competition pool at the Launceston Leisure and Aquatic Centre, which is currently un-named. It is appropriate to name this pool in her honour, to both recognise her achievements and to serve as an inspiration for Launceston's current and future generations of swimmers.

It is important to note that Ariarne's career is far from over and I am sure that there will be further additions to her resume but with her performance at the 2020 Olympic Games (2021) it is both opportune and appropriate that we mark her significance in Tasmanian, Australian and world swimming by honouring her in the way proposed.

This Motion asks the Officers investigate options, including the two included, within 60 days. It is expected that in doing so, consultation with Ariarne would occur, further to the brief exchange the Author had with her Father, prior to lodgement.

In celebrating Ariarne's achievements, we as a city will provide inspiration and encouragement to others to follow their dreams in pursuit of their chosen endeavour. It is for this reason, that I have initiated this Notice of Motion.

#### **Attachments**

N/A



**Deputy Mayor Danny Gibson**

**16 COMMUNITY AND PLACE NETWORK ITEMS****16.1 Nominations for Cultural Advisory Committee****FILE NO:** SF7357**AUTHOR:** Mengda Liu (Cultural Development Officer)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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**DECISION STATEMENT:**

To consider appointment of community representatives to the Cultural Advisory Committee.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 26 November 2020 - Agenda Item 17.2 - *City of Launceston Cultural Strategy 2020-2030*

Council - 20 May 2021 - Agenda Item 16.1 - Cultural Advisory Committee - *Terms of Reference*

**RECOMMENDATION:**

That Council endorses the following appointments, for a period of two years, as community representative members to the Cultural Advisory Committee:

- Denise Robinson
- Dr Malcom Bywaters
- Nabaraj Mudwari
- Kim Seagram AM
- Dr Kim Lehman
- Samuel Cairnduff
- Clementine Blackman
- Helene Boyer

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**REPORT:**

Establishment of a Cultural Advisory Committee is a year one action in the *City of Launceston Cultural Strategy 2020-2030* (the Strategy). The primary purpose of the Committee is to work in collaboration with the Council to provide Councillors and the Council's employees with strategic advice and informed feedback on matters pertaining to cultural development in the City of Launceston and the implementation of the Cultural Strategy. It also assists in promoting awareness and understanding of arts and culture in the City.

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**16.1 Nominations for Cultural Advisory Committee ...(Cont'd)**

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At the Council Meeting held on 20 May 2021 where the Terms of Reference for the Cultural Advisory Committee was endorsed, the following two Councillors were nominated to join the community representatives on the Committee: Cr D C Gibson and Cr A E Dawkins.

An Assessment Panel of five Council officers was formed to review the applications in accordance with the following Selection Criteria listed in the *Terms of Reference* and is also based on the overall quality of the application, application completeness and qualifications of the applicant:

- professional experience working in a field such as Cultural Development, Place Making, Cultural Tourism, Cultural Events, Recreation and Leisure, Arts and Culture Marketing and Promotions, Community Arts or Community Engagement.
- practising artist or industry professional.
- thorough understanding of the key issues and challenges experienced by community based arts and cultural groups and organisations and local cultural service providers.
- a strong established network in the community.
- knowledge of local social, economic, cultural factors impacting the wider Launceston community.
- ability to work with the Council to shape policy direction and identify opportunities to grow and promote arts and culture across the City of Launceston Council.
- ability to work as part of a team.

The initial term of appointment is for two years as stated in the *Terms of Reference*.

The successful appointments scored the highest when the total scores against all of the abovementioned criteria were totalled.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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**16.1 Nominations for Cultural Advisory Committee ...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

City of Launceston Cultural Strategy 2020-2030

Greater Launceston Plan

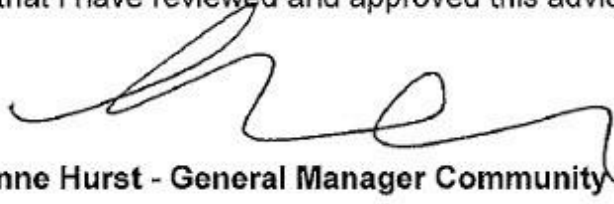
**BUDGET & FINANCIAL ASPECTS:**

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**

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## 16.2 Cemeteries and Crematorium Policy (02-Plx-002)

**FILE NO:** SF5167

**AUTHOR:** Ralf Goetschenberg (Business Leader Carr Villa)

**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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### **DECISION STATEMENT:**

To consider the approval of the Cemeteries and Crematorium Policy (02-Plx-002) for Carr Villa.

### **RECOMMENDATION:**

That Council approves the proposed Cemeteries and Crematorium Policy (02-Plx-002) as shown below:

### ***Cemeteries and Crematorium Policy***

#### ***PURPOSE:***

The policy is intended to control the administration, management and maintenance of the City of Launceston cemeteries and crematorium.

It provides direction to assist in carrying out the functions of cemeteries and crematorium. It takes into account statute, common law, regulations and standards that affect the management and operation. It also sets reasonable and practical standards of conduct for those entering the cemeteries, crematorium and memorial gardens.

#### ***OBJECTIVES:***

City of Launceston aims to competently and effectively manage and maintain the cemeteries and the crematorium to meet the needs of its community.

To ensure compliance with all relevant legislation including the *Burial and Cremation Act 2019* (Tas).

#### ***SCOPE:***

The policy applies to all cemeteries, the crematorium and memorial gardens controlled, managed, administered, operated and maintained by the City of Launceston in the Launceston municipal area.

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## 16.2 Cemeteries and Crematorium Policy (02-Plx-002) ...(Cont'd)

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### ***POLICY:***

#### **GENERAL REQUIREMENTS**

A funeral, interment or works must not be carried out at a cemetery under the control of the City of Launceston without the approval of the Business Leader Carr Villa (Business Leader).

Any person carrying out work (including contractors, burials and cremations) in a cemetery must comply with requirements of any respective legislation including the *Work Health and Safety Act 2012* (Tas) and any other relevant City of Launceston policy or procedure of which they have notice.

#### **FUNERALS**

##### **Days and Times When Funerals can be Held**

A funeral may be conducted at a cemetery between 8.30am and 3.30pm on weekdays other than public holidays, finishing no later than 3.30pm and between 8.30am and 11.30am on Saturdays, finishing no later than 11.30am. The time the funeral is to be held will be the decision of the Business Leader.

Applications for funerals to be conducted outside these hours on weekdays may be made in writing to the Business Leader. Permission to conduct funerals outside these hours will be at the discretion of the Business Leader. The after hours fee will apply to these funerals.

A funeral must not be held at a cemetery without the express permission of the Business Leader on a:

- (a) Saturday afternoon;
- (b) Sunday; or
- (c) Public holiday.

The exception to this is if the Chief Environmental Health Officer certifies that it is necessary for it to be conducted for reasons of public health.

##### **Request for Cremation or Burial**

A request for a cremation or burial from the funeral director or other person conducting the service must be lodged with the Business Leader during business hours:

- (a) in the case of a cremation, not less than four working hours before the cremation service; and
  - (b) in the case of a burial, not less than seven working hours before the burial.
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## 16.2 Cemeteries and Crematorium Policy (02-Plx-002) ...(Cont'd)

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### **GRAVES**

#### **Digging of Graves**

1. All graves, other than those described in sub-clause 2 must be dug by City of Launceston.
2. Any person desiring a brick grave, vault, or monument must obtain relevant approval of the Council and approval of the Business Leader.

#### **Location of Grave**

The Business Leader will determine the location of a grave unless a pre-purchase arrangement is in place.

#### **Minimum Grave Depths**

1. A burial will not be permitted unless the minimum cover of earth over the coffin is 1,220mm from the lowest part of the ground surrounding the grave, except as provided by sub-clause 2.
2. If, when the grave is excavated, the minimum cover cannot be provided, concrete must, on payment of a miscellaneous fee, be used on the formula of 50mm of concrete being the equivalent of 310mm of earth.

#### **Conversion of a Common Site**

1. A common site may be converted to a private site upon payment of the fee prescribed in the *Schedule of Fees* for Carr Villa Memorial Park under *Conversion Free Ground to Private*, provided that:
  - (a) a minimum of ten years has expired since the date of burial;
  - (b) no subsequent burials, excluding the burial of cremated remains, can take place in such a site.

### **CREMATORIUM**

#### **Use of Crematorium Chapel**

The crematorium chapel must not be used for any purpose other than for cremation, memorial and burial services.

#### **Fittings on Coffins**

Any non-combustible fittings on coffins and caskets must be removed prior to cremation. All coffins delivered for a cremation must have handles affixed to the side for safe handling.

#### **Family Members Present During Cremation**

Immediate family members of the deceased may be present when the coffin or casket is placed in the furnace, provided prior notification is given to the Business Leader.

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**16.2 Cemeteries and Crematorium Policy (02-Plx-002) ...(Cont'd)**

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**Floral Tributes at the Crematorium**

Floral tributes at the crematorium may be displayed for a maximum of twenty-four hours from the time of the cremation, after which they may be removed and disposed of by an employee of the City of Launceston.

**Removal or Placement of Cremated Remains**

All removal of ashes is to be made by an authorised employee of City of Launceston.

The placement of ashes is to be made by an authorised employee of City of Launceston. The Business Leader can authorise a Funeral Director to conduct a placement service for their clients on the day of placement.

An authorised employee of City of Launceston will attend the placement if a family member wishes to place the ashes themselves.

City of Launceston will manage the disposal of items such as surgical implants in an environmentally sensitive manner.

**PLANTING OF TREES, SHRUBS AND PLANTS****Planting of Trees, Shrubs or Plants Restrictions**

1. A person must not plant a tree, shrub or other plant in any ground in a cemetery without the consent of the Business Leader.
2. If a person plants a tree, shrub or other plant in any ground in a cemetery without consent of the Business Leader, an employee of City of Launceston may remove and dispose of that tree, shrub or other plant.
3. If the tree, shrub or other plant is not maintained to the satisfaction of the Business Leader, the Business Leader may direct the tree, shrub or other plant be removed under direction of an employee of the City of Launceston or contractor.

**MONUMENTS AND OTHER WORKS****Approval to Construct a Monument or other structure**

1. A person erecting a monument or other structure in a cemetery must be authorised in writing by the Business Leader to do so; and
2. A person must not erect a monument or other structure in a cemetery unless that person is either a qualified monumental mason, or in the opinion of the Business Leader, a person who is experienced in carrying on such work and have obtained any required approval of the Council.

**Standard of Construction**

Any structure to be erected in the cemetery will not be authorised by the Business Leader unless the proposed structure conforms to any relevant and current Australian Standard and has relevant approval of the Council.

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**16.2 Cemeteries and Crematorium Policy (02-Plx-002) ...(Cont'd)**

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**Grave Numbers**

The grave number, in accordance with City of Launceston's plan of the cemetery, must be marked on the base of every monument so as to be clearly visible from the foot of the grave.

**Times of Construction**

A person, who has been authorised in writing by the Business Leader, must not carry out any monumental mason's work in connection with a grave site on weekends or a public holiday. Authorised construction may only be conducted between 7:30am and 4:30pm on weekdays.

**Maintenance of Structures**

City of Launceston is not responsible for the upkeep, maintenance or repair of any monument or structure over a burial place. The cleaning, maintenance, repair or restoration of a structure in a cemetery is the responsibility of the senior next of kin.

**Construction Equipment**

A person erecting a monument, headstone, wall, railing or memorial of any description must not place any plant, equipment, or surplus materials on any adjoining grave or ground, unless authorised by the Business Leader.

**Construction Debris**

A person erecting a monument, headstone, wall, railing or memorial of any description must remove all stones, refuse, and rubbish remaining after construction work is completed and must leave the area clean and tidy to the satisfaction of the Business Leader.

**Register at Cemetery Office**

1. A person, who has applied for and received a permit by the Business Leader, must not commence any works in a cemetery unless that person has registered their attendance at the office of the cemetery or as otherwise directed.
2. A person must display evidence of a permit, or produce evidence of such permit on request by the Business Leader or an authorised officer, whilst carrying out works in a cemetery.

**Monuments on a Common Site**

A person must not erect any monument on a common site.

**Fences**

All requests for permanent fences erected must be approved by the Business Leader, of metal construction and must not exceed 760mm in height.

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**16.2 Cemeteries and Crematorium Policy (02-Plx-002) ...(Cont'd)**

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**Inscriptions and Design**

Prior to its erection, the Manager must approve of the design of any monument proposed to be erected, including the epitaph or inscription.

**Headstones in Limited Monumental Lawn Cemetery**

1. The maximum overall allowable dimensions for a headstone in a limited monumental lawn cemetery are 1,220mm wide, 760mm high and 250mm deep. The base of the headstone has to have a 90mm clearance from the edge of the beam.
2. Any receptacles for floral tributes must be provided within the dimensions in clause (1) above.
3. A grave number is required to be permanently and clearly inscribed on the base of the headstone for a lawn style monument.

**Joint Monuments**

1. A joint monument is permissible for adjacent graves if it meets the height and depth dimensions provided for headstones in a limited monumental lawn cemetery. A joint monument will attract twice the usual permit fee.
2. The width of a monument that includes more than one plot must not exceed the width of individual monuments for the same number of plots.

**Removal and Replacement of Structures for the Purpose of Burial**

1. A person may apply to the Business Leader for approval to open a grave or associated structure:
  - (a) At their cost;
  - (b) For a lawful purpose; and
  - (c) In accordance with this policy.
2. It is the applicant's responsibility to ensure that:
  - (a) A safe system of work is provided during the approved works; and
  - (b) Any damage to the grave or the cemetery is made good as directed by the Business Leader.
3. The Business Leader may require complete removal of the monumental work if this action is deemed to be necessary for safety reasons.

**Repair of Monuments, Vaults, Graves or Fences**

1. The applicant acknowledges that City of Launceston is not responsible for keeping a monument, vault, grave, or graveside fence in good repair and that the applicant must make arrangements to ensure that repairs take place.
  2. If the person fails to keep any monument, vault, grave or fence in good repair, or if the terms and conditions upon which permission to erect or construct it have not been met, the Business Leader may arrange to take down and remove that monument or other construction or do any other work considered necessary. The City of Launceston reserves the right to recover any associated costs from the person responsible for failing to carry out the repairs.
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**16.2 Cemeteries and Crematorium Policy (02-Plx-002) ...(Cont'd)**

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**Wooden and Temporary Structures**

1. A person may apply to the Business Leader for approval, to place a temporary wooden memorial such as a wooden cross at a grave. The arrangement must be removed when directed or after a period not exceeding two years.

**PLAQUES, VASES AND FLORAL TRIBUTES****Standard Plaques**

All plaques and vases must meet the standard as detailed in the catalogue available to view at the office of Carr Villa Memorial Park.

**Affixing of Plaques**

All plaques must be affixed or removed by an authorised employee of City of Launceston. All plaques not purchased through Carr Villa Memorial Park attract an installation fee which must be paid prior to the plaque being affixed.

**Vases**

Only the approved plastic vase (as supplied by Carr Villa) is permitted in the Rose Gardens; Claygrove; Barakee Waters; Water Features; Kooyong Gardens; Garden of Memories; Lawn Cemetery and other areas as determined by the Business Leader. All other vases, glass jars, bottles, ornaments and statues will be removed.

**Tributes**

1. Glass, porcelain, terracotta and ceramic objects which are easily broken are not permitted as they may impact on the safety of visitors and staff.
2. Carr Villa Memorial Park employees may remove and dispose of any tribute when it is deemed unsightly, offensive and breakable or that is deemed a risk to Carr Villa Memorial Park staff and public safety.
3. All tributes must be kept within the confines of the burial or memorial location on which they are placed and must not be fixed to surrounding trees, plants or shrubs. Any tribute that is not kept within the confines of the burial or memorial location may be removed at the absolute discretion of the Business Leader.
4. Over time, tributes will wither, weather and deteriorate, affecting their presentation. Families and visitors are encouraged to remove these items before they become unsightly.

**Floral Tributes**

Floral tributes placed on a grave may be displayed for a maximum of seventy-two hours from the time of the funeral, after which they may be removed and disposed of by cemetery staff.

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## 16.2 Cemeteries and Crematorium Policy (02-Plx-002) ...(Cont'd)

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### **Compliance with Conditions and Directions**

1. Any approval given by under this policy may be subject to conditions; and
2. A person, while in a cemetery, must follow the directions of the Business Leader or an authorised City of Launceston employee.

### **PRINCIPLES:**

City of Launceston's Organisational Values apply to all activities.

### **RELATED POLICIES & PROCEDURES:**

Not applicable.

### **RELATED LEGISLATION:**

*Burial and Cremation Act 2019 (Tas)*

*Burial and Cremation Regulations 2015 (Tas)*

*Dog Control Act 2000 (Tas)*

### **REFERENCES:**

Not applicable.

### **DEFINITIONS:**

**“applicant”** means any person who is seeking to carry out any works or other activity within a City of Launceston cemetery, crematorium or similar facility.

**“authorised City of Launceston employee”** means a cemetery-based employee authorised to carry out those duties by the Business Leader.

**“Business Leader”** means the employee of the City of Launceston that holds the position title of Business Leader Carr Villa, including any employee appointed as acting Business Leader Carr Villa.

**“cemetery”** means the area set aside for burials, cremations and memorials, including landscaping, roads, paths, together with all buildings and structures.

**“common site”** means a grave for which no exclusive right of burial has been granted by the City of Launceston and upon which no monument may be erected.

**“funeral”** means the procession and service for burial or cremation and the interment of remains.

**“grave”** means:

(a) an interment plot;

(b) a vault; or

(c) any other site or structure in which human remains are interred.

**“plaque”** means a metal casting, etching, or engraving, approved by the Business Leader and placed as a memorial to the deceased.

**“private site”** means a grave for which an exclusive right of burial has been granted and upon which a monument or plaque can be erected.

**“limited monumental lawn cemetery”** means that area of the cemetery so designated by the Business Leader.

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## 16.2 Cemeteries and Crematorium Policy (02-Plx-002) ...(Cont'd)

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“**monument**” includes any concrete, granite, marble, stone or metal structure or plaque erected or placed on a grave in memory or in honour of a deceased person.

### **REVIEW:**

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

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### **REPORT:**

The Cemeteries and Crematorium Policy (02-Plx-002) (the policy) is intended to control the administration, management and maintenance of the City of Launceston's cemeteries and crematorium.

The policy provides direction to assist in carrying out the functions of cemeteries and crematorium. It takes into account statute and common law, regulations and standards that affect the management and operation of cemeteries and crematorium. The policy also sets reasonable and practical standards of conduct for those entering the cemeteries, crematorium and memorial gardens.

The key changes are reflective of two key aspects: firstly the introduction of the *Burial and Cremation Act 2019* (the Act), and secondly, Organisational Alignment Project (OAP). This has required some alterations in the policy around wording used in order to be consistent with the new act as well as the changes realised as a result of OAP.

In substance the proposed policy does not largely depart from the current policy. Particular sections have been reworded in order to increase the efficacy of the policy for the end users.

### **ECONOMIC IMPACT:**

Not considered relevant to this report.

### **ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

### **SOCIAL IMPACT:**

Not considered relevant to this report.

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**16.2 Cemeteries and Crematorium Policy (02-Plx-002) ...(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.

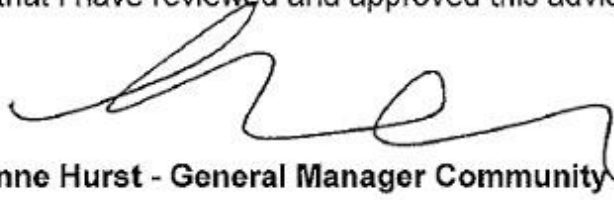
**BUDGET & FINANCIAL ASPECTS:**

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.



**Leanne Hurst - General Manager Community and Place Network**

**ATTACHMENTS:**

1. Cemeteries and Crematorium Policy (Marked Up Version)
-

*Attachment 1 - Cemeteries and Crematorium Policy (Marked Up Version)*

02-Plx-002 | Version 22/09/2015  
 Approved by: Council  
 Page 1 of 10

**Cemeteries and Crematorium Policy**

**PURPOSE:**

The policy is intended to control the administration, management and maintenance of the City of Launceston cemeteries and crematorium.

It provides direction to assist in carrying out the functions of cemeteries and crematorium. It takes into account statute ~~and~~, common law, regulations and standards that affect the management and operation ~~of cemeteries and crematorium~~. It also sets reasonable and practical standards of conduct for those entering the cemeteries, crematorium and memorial gardens.

**OBJECTIVES:**

City of Launceston aims to competently and effectively manage and maintain the cemeteries and the crematorium to meet the needs of its community.

To ensure compliance with all relevant legislation including the *Burial and Cremation Act 2019* (TAS).

**SCOPE:**

The policy applies to all cemeteries, the crematorium and memorial gardens controlled, managed, administered, operated and maintained by the City of Launceston in the Launceston municipal area.

**POLICY:**

**GENERAL REQUIREMENTS**

A funeral, interment or works must not be carried out at a cemetery under the control of the City of Launceston without the approval of the ~~Manager~~ Business Leader.

Any person carrying out work (including contractors, burials and cremations) in a cemetery must comply with requirements of any respective legislation including the *Work Health and Safety Act 2012* (TAS) and any other relevant City of Launceston policy or procedure of which they have notice.

**FUNERALS**

**Days and Times when funerals can be held**

A funeral may be conducted at a cemetery between 8.30am and 3.30pm on weekdays other than public holidays, finishing no later than 3.30pm and between 8.30am and 11.30am on Saturdays, finishing no later than 11.30am. ~~The time the funeral is to be held will be the decision of the~~ Manager Business Leader.

Applications for funerals to be conducted outside these hours on weekdays may be made in writing to the ~~Manager~~ Business Leader. Permission to conduct funerals outside these hours will be at the discretion of the ~~Manager~~ Business Leader. The ~~late arrival~~ after hour fee will apply to these funerals.

A funeral must not be held at a cemetery without the express permission of the Business Leader on a:

- a) Saturday afternoon;
- b) Sunday; or
- c) Public holiday.

The exception to this is if the Chief Environmental Health Officer certifies that it is necessary for it to be conducted for reasons of public health.

#### **Request for cremation or burial**

A request for a cremation or burial from the funeral director or other person conducting the service must be lodged with the ~~Manager~~Business Leader during business hours;

- a) in the case of a cremation, not less than four working hours before the cremation service; and
- b) in the case of a burial, not less than seven working hours before the burial.

#### **GRAVES**

##### **Digging of Graves**

1. All graves, other than those described in sub-clause 2 must be dug by City of Launceston.
2. Any person desiring a brick grave, vault, or monument must ~~have these structures excavated, constructed or erected under the supervision and direction of a person approved by the Manager and appropriate building permits must be obtained, if required-obtain relevant Council approval and approval of the Business Leader.~~

##### **Location of grave**

The ~~Manager~~Business Leader will determine the location of a grave unless a pre-purchase arrangement is in place.

##### **Minimum Grave depths**

1. A burial will not be permitted unless the minimum cover of earth over the coffin is 1220mm from the lowest part of the ground surrounding the grave, except as provided by sub-clause 2.
2. If, when the grave is excavated, the minimum cover cannot be provided, concrete must, on payment of a miscellaneous fee, be used on the formula of 50mm of concrete being the equivalent of 310mm of earth.

##### **Conversion of a common site**



1. A common site may be converted to a private site upon payment of the fee prescribed in the *Schedule of Fees* for Carr Villa Memorial Park ~~for new pre-purchase Right of Burial~~ under Conversion Free Ground to Private, provided that:
  - a) a minimum of ten years has expired since the date of burial;
  - b) no subsequent burials, excluding the burial of cremated remains, can take place in such a site.

## **CREMATORIUM**

### **Use of Crematorium Chapel**

The crematorium chapel must not be used for any purpose other than for cremation, memorial and burial services.

## **Fittings on coffins**

Any non-combustible fittings on coffins and caskets must be removed prior to cremation. All coffins delivered for a cremation must have handles affixed to the side for safe handling.

## **Family members present during cremation**

Immediate family members of the deceased may be present when the coffin or casket is placed in the furnace, provided prior notification is given to the [Manager/Business Leader](#).

## **Floral tributes at the crematorium**

Floral tributes at the crematorium may be displayed for a maximum of twenty-four hours from the time of the cremation, after which they may be removed and disposed of by an employee of the City of Launceston.

## **Removal or placement of cremated remains**

All removal of ashes is to be made by an authorised employee of City of Launceston.

The placement of ashes is to be made by an authorised employee of City of Launceston. The [Manager/Business Leader](#) can authorise a Funeral Director to conduct a placement service for their clients on the day of placement.

An authorised employee of City of Launceston will attend the placement if a family member wishes to place the ashes themselves.

City of Launceston will manage the disposal of items such as surgical implants in an environmentally sensitive manner.

## **PLANTING OF TREES, SHRUBS AND PLANTS**

### **Planting of trees, shrubs or plants restrictions**

1. A person must not plant a tree, shrub or other plant in any ground in a cemetery without the consent of the [Manager/Business Leader](#).
2. If a person plants a tree, shrub or other plant in any ground in a cemetery without consent of the [Manager, cemetery staff/Business Leader, an employee of City of Launceston](#) may remove and dispose of that tree, shrub or other plant ~~as City of Launceston deems~~ [appropriate](#).
3. If the tree, shrub or other plant is not maintained to the satisfaction of the [Manager/Business Leader](#), the [Manager/Business Leader](#) may direct the tree, shrub or other plant be removed under direction of an employee of the City of Launceston [or contractor](#).

## **MONUMENTS AND OTHER WORKS**

**Approval to Construct a Monument or other structure**

1. A person erecting a monument or other structure in a cemetery must be authorised in writing by the ~~Manager of Carr Villa Memorial Park~~Business Leader to do so; and
2. A person must not erect a monument or other structure in a cemetery unless that person is either a qualified monumental mason, or in the opinion of the ~~Manager~~Business Leader, a person who is experienced in carrying on such work and have obtained any required Council approval.

**Standard of Construction**

Any structure to be erected in the cemetery will not be authorised by the ~~Manager~~Business Leader unless the proposed structure conforms to any relevant and current Australian Standard and ~~correct building approvals are obtained~~has relevant Council approval.

**Grave Numbers**

The grave number, in accordance with City of Launceston's plan of the cemetery, must be marked on the base of every monument so as to be clearly visible from the foot of the grave.

**Times of Construction**

A person, who has been authorised in writing by the ~~Manager~~Business Leader, must not carry out any monumental mason's work in connection with a grave site on weekends, ~~or~~ a public holiday ~~or otherwise than.~~ Authorised construction may only be conducted between 7:30am and 4:30pm on weekdays.

**Maintenance of Structures**

City of Launceston is not responsible for the upkeep, maintenance or repair of any monument or structure over a burial place. The cleaning, maintenance, repair or restoration of a structure in a cemetery is the responsibility of the senior next of kin.

**Construction Equipment**

A person erecting a monument, headstone, wall, railing or memorial of any description must not place any plant, equipment, or surplus materials on any adjoining grave or ground, unless authorised by the ~~Manager~~Business Leader.

**Construction Debris**

A person erecting a monument, headstone, wall, railing or memorial of any description must remove all stones, refuse, and rubbish remaining after construction work is completed and must leave the area clean and tidy to the satisfaction of the Business Leader.

**Registration**

Register at Cemetery Office

1. A person, who has been authorised in writing applied for and received a permit by the Manager Business Leader, must not commence any works in a cemetery unless that person has registered their attendance at the office of the cemetery or as otherwise directed.
2. A person must display evidence of such registration a permit, or produce evidence of such registration permit on request by the Manager Business Leader or an authorised officer, whilst carrying out works in a cemetery.

### Monuments on a Common Site

A person must not erect any monument on a common site.

### Fences

All requests for permanent fences erected must be approved by the Business Leader, of metal construction and must not exceed 760mm in height.

### Inscriptions and Design

Prior to its erection, the Manager must approve of the design of any monument proposed to be erected, including the epitaph or inscription.

### Headstones in Limited Monumental Lawn Cemetery

1. The maximum overall allowable dimensions for a headstone in a limited monumental lawn cemetery are 1220mm wide, 760mm high and 250mm deep. The base of the headstone has to have a 90mm clearance from the edge of the beam.
2. Any receptacles for floral tributes must be provided within the dimensions in clause (1) above.
3. A grave number is required to be permanently and clearly inscribed on the base of the headstone for a lawn style monument.

### Joint Monuments

1. A joint monument is permissible for adjacent graves if it meets the height and depth dimensions provided for headstones in a limited monumental lawn cemetery. A joint monument will attract twice the usual permit fee.
2. The width of a monument that includes more than one plot must not exceed the width of individual monuments for the same number of plots.

## Removal and replacement of structures for the purpose of burial

1. A person may apply to the ManagerBusiness Leader for approval to open a grave or associated structure:
  - ~~1.~~
    - a) At their cost;
    - b) For a lawful purpose; and
    - c) In accordance with this policy.
2. It is the applicant's responsibility to ensure that:
  - a) A safe system of work is provided during the approved works; and
  - b) Any damage to the grave or the cemetery is made good as directed by the Business Leader.
3. The ManagerBusiness Leader may require complete removal of the monumental work if this action is deemed to be necessary for safety reasons.

## Repair of monuments, vaults, graves or fences

1. The applicant acknowledges that City of Launceston is not responsible for keeping a monument, vault, grave, or graveside fence in good repair and that the applicant must make arrangements to ensure that repairs take place.
2. If the person fails to keep any monument, vault, grave or fence in good repair, or if the terms and conditions upon which permission to erect or construct it have not been met, the ManagerBusiness Leader may arrange to take down and remove that monument or other construction or do any other work considered necessary. The City of Launceston reserves the right to recover any associated costs from the person responsible for failing to carry out the repairs.

## Wooden and Temporary Structures

- ~~1. A person must not place in a cemetery any catacomb or wooden structure without approval.~~
- ~~2.1. A person may apply to the Business Leader for approval, to place at a grave, a temporary wooden memorial such as a wooden cross at a grave. The structure arrangement must be removed when directed or after a period not exceeding two years.~~

## PLAQUES, VASES AND FLORAL TRIBUTES

### Standard plaques

All plaques and vases must meet the standard as detailed in the catalogue available to view at the office of Carr Villa Memorial Park.

### Vases

~~Only the approved plastic vase (as supplied by Carr Villa) is permitted in the Rose Gardens; Claygrove; Barakee Waters; Water Features; Kooyong Gardens; Lawn Cemetery and other areas~~

~~as determined by the Manager. All other vases, glass jars, bottles, ornaments and statues will be removed.~~

**Affixing of plaques**

All plaques must be affixed or removed by an authorised employee of City of Launceston. All plaques not purchased through Carr Villa Memorial Park attract an installation fee which must be paid prior to the plaque being affixed.

Vases

Only the approved plastic vase (as supplied by Carr Villa) is permitted in the Rose Gardens; Claygrove; Barakee Waters; Water Features; Kooyong Gardens; Garden of Memories; Lawn Cemetery and other areas as determined by the Business Leader. All other vases, glass jars, bottles, ornaments and statues will be removed.

Tributes

1. Glass, porcelain, terracotta and ceramic objects which are easily broken are not permitted as they may impact on the safety of visitors and staff.
2. Carr Villa Memorial Park employees may remove and dispose of any tribute when it is deemed unsightly, offensive, and breakable or that is a risk to Carr Villa Memorial Park staff & public safety.
3. All tributes must be kept within the confines of the burial or memorial location on which they are placed and must not be fixed to surrounding trees, plants or shrubs. Any tribute that is not kept within the confines of the burial or memorial location may be removed at the absolute discretion of the Business Leader.
4. Over time, tributes will wither, weather and deteriorate, affecting their presentation. Families and visitors are encouraged to remove these items before they become unsightly.

**Floral Tributes**

Floral tributes placed on a grave may be displayed for a maximum of seventy-two hours from the time of the funeral, after which they may be removed and disposed of by cemetery staff.

**Compliance with Conditions and Directions**

1. Any approval given by under this policy may be subject to conditions; and
2. A person, while in a cemetery, must follow the directions of the ~~Manager~~Business Leader or an authorised City of Launceston employee.

**PRINCIPLES:**

City of Launceston's Organisational Values apply to all activities.

**RELATED POLICIES & PROCEDURES:**

N/A

**RELATED LEGISLATION:**

~~Burial and Cremation Regulations 2015 Statutory Rules 2015, No.33 Act 2019 (TAS)~~  
~~Burial and Cremation Regulations 2015 (TAS)~~  
~~Dog Control Act 2000 (TAS)~~

**REFERENCES:**

N/A

**DEFINITIONS:**

**“applicant”** means any person who is seeking to carry out any works or other activity within a City of Launceston cemetery, crematorium or similar facility;

**“authorised City of Launceston employee”** means a cemetery-based employee authorised to carry out those duties by the ~~Manager~~Business Leader;

**“Business Leader”** means the employee of the City of Launceston that holds the position title of Business Leader, including any employee appointed as acting Business Leader;

**“cemetery”** means the area set aside for burials, cremations and memorials, including landscaping, roads, paths, together with all buildings and structures;

**“common site”** means a grave for which no exclusive right of burial has been granted by the City of Launceston and upon which no monument may be erected;

**“funeral”** means the procession and service for burial or cremation and the interment of remains;

**“grave”** means:

- (a) an interment plot;
- (b) a vault; or
- (c) any other site or structure in which human remains are interred;

~~“Manager”~~ means the ~~Coordinator Carr Villa Memorial Park or, in his or her absence, the Manager Carr Villa~~;

**“plaque”** means a metal casting, etching, or engraving, approved by the ~~Manager~~Business Leader and placed as a memorial to the deceased;

**“private site”** means a grave for which an exclusive right of burial has been granted and upon which a monument or plaque can be erected;

**“limited monumental lawn cemetery”** means that area of the cemetery so designated by the ~~Manager~~Business Leader;

**“monument”** includes any concrete, granite, marble, stone or metal structure or plaque erected or placed on a grave in memory or in honour of a deceased person.

**REVIEW:**

02-Plx-002 | Version 22/09/2015  
Approved by: Council  
Page 2 of 10

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with the City of Launceston's approval.

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**17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS**

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

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**18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS**

**18.1 Proposed New Street Name - Harden Court and Towers Drive, St Leonards**

**FILE NO:** DA0472/2019/SF0621

**AUTHOR:** Jaclyn Galea (Infrastructure Development Officer)

**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

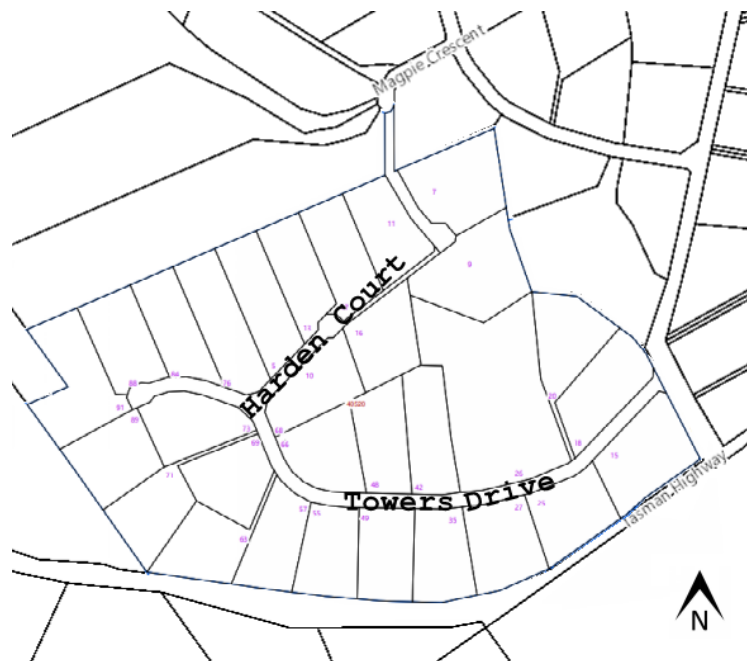
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**DECISION STATEMENT:**

To consider approval of the name Towers Drive and Harden Court for new residential streets resulting from a subdivision located at No. 40520 Tasman Highway, St Leonards.

**RECOMMENDATION:**

That Council, pursuant to the provision of section 54 of the *Local Government (Highways) Act 1982* and section 20E of the *Survey Co-Ordination Act 1944*, approves the names Towers Drive, St Leonards for the road and Harden Court, St Leonards for the cul de sac, in the subdivision known as Hillside Drivers Run, 40520 Tasman Highway.



**18.1 Proposed New Street Name - Harden Court and Towers Drive, St Leonards  
...(Cont'd)**

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**REPORT:**

The proposed street names, Towers Drive and Harden Court, St Leonards have been provided by the subdivider.

The justification provided for the proposed names is that the Caledonian Distillery was set up in 1824 by James Towers on the bank of Distillery Creek. The first distillery of its kind in the north ran until the *1839 Distillery Prohibition Act* was introduced.

James Scott purchased the site and established The Harden (flour) Mill in 1859. The mill ran until 1899.

There are no instances of the name Towers or Harden being used in Tasmania for any streets or roads recorded in the State wide database administered by the State Government.

There are instances of Tower Road in the south and Tower Place in the north/west being used, however, approval for Towers Drive has been given as an acceptable name from the administration of the database.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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**18.1 Proposed New Street Name - Harden Court and Towers Drive, St Leonards  
...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 7: We are a City planning for our future by ensuring our approach to strategic land-use, development and infrastructure is coordinated, progressive and sustainable.

10-Year Goal: To facilitate appropriate development via integrated land-use planning, infrastructure investment and transport solutions within our municipality and region.

Focus Areas:

3. To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.

**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**

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**18.2 Launceston Flood Authority Quarterly Report - April to June 2021****FILE NO:** SF4493**AUTHOR:** Debbie Pickett (Infrastructure and Assets Network)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

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**DECISION STATEMENT:**

To receive the Launceston Flood Authority Quarterly Report - April to June 2021.

**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 2021 (ECM Document Set ID 4582243).

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**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 2021 provides an overview of the Launceston Flood Authority's operational activities, financial position and key priorities for the next quarter (Attachment 1).

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

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**18.2 Launceston Flood Authority Quarterly Report - April to June 2021 ...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.

**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 2021
-

***Attachment 1 - Launceston Flood Authority Quarterly Report - April to June 2021*****Quarterly Report - April to June 2021**

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 2021.

***Key priorities for the coming quarter***

- Development of Budget forecasts for the next three years
- Develop a Flood Protection Asset Management Plan and Long-Term Financial Plan over the next calendar year.
- Finalise draft Framework to assist with review of development applications
- Development of a flood levee protection system risk assessment

***Operational activities***

Required monitoring, inspection and testing regimes progressed as scheduled.

**Newstead Levee** - The work-as-executed report for the Levee was submitted and acknowledged by the regulator (DPIPWE) in March 2021; this completed legislative compliance for the whole flood levee protection system. Annual visual inspections of the flood levee system have been conducted in June with no major defects identified.

**Kings Wharf Levee** - A defective rubber seal will be replaced on the Forster Street floodgate in July 2021. The work will involve a crane lift of the floodgate, placing it on the ground for a specialist contractor to renew both metal strips and rubber seals.

***Current Works******Invermay Levee***

Progressing with rectifying a defect identified at the concrete and earth levee interface. Intrusive investigations completed in May 2021 concluded that the vinyl piles below the concrete levee have not separated as a result of settlement of the adjacent earth levee. The investigation allayed worries of voids below the foundations.

Working together with our consultants, we have approved a method statement for installation of a row of 6m deep steel piles and issued a purchase order to VEC Civil Engineering for execution. Additional piling and a bentonite plug in-between existing concrete wall is designed to complement the existing vinyl piles. This bolsters the concrete/earth interface from susceptibility to underflow seepage at this key location.

***Kings Wharf Levee***

Widening of the floodgate at Taroona Street to form the new Riverbend Park Gateway entrance was completed recently. We are planning a closure training exercise in August; we are looking for a suitable location in close vicinity for a storage cabinet for the floodgate elements.

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## Quarterly Report - April to June 2021

### **Newstead Levee**

We applied for a work permit from TasRail to access their yard so that we could remove rubble blocking the pipe entrance causing ponding in the penstock chamber (Stage 1).

The debris removal significantly dropped the level of standing water which concealed the corrugated pipe entrance. We also installed big rocks to protect the pipe entrance from debris rolling into the pipe. Stage 2 on the remaining debris will be undertaken at a later date as this may involve working inside a confined space.

### ***Flood Emergency Preparedness Planning***

#### **Mobile High Volume Pumps**

The landside area at Churchill Park suffers from internal flooding when tide flaps and penstocks are closed in a flood emergency. We developed a concept plan and we are reviewing a detailed design for an improved raised safe working area for placing a pump as part of a response to creating capacity in the local stormwater network and therefore reducing risk of surrounding properties.

### **Railway Floodgate Closure - Invermay Levee**

We completed a test and train emergency response exercise across the disused railway line at the Black Bridge sliding floodgate on 18 May 2021. The exercise involved closing and opening the floodgate, check the seals between the rail tracks and producing a new standard operating procedure and risk assessment for the floodgate.

### ***Financial Position***

- Revenue was on budget for the 2020/2021 year.
- As reported previously depreciation expenses were under budget due to the recent recognition that the materials forming earthen levees can be recycled at the end of a levees useful life therefore creating a residual value that does not require depreciating.
- The other significant favourable variance was the under-spend on sediment management and the unspent funds from 2020/2021 will be allocated to future flood mitigation projects in line with the requirements of the State Governments grant funding under the Launceston Flood Risk Management Deed.
- The overall result for 2020/2021 was a favourable variance of \$423,872 due to these factors.

### ***Summary of performance***

The Authority has held two Board Meetings in 2021 to consider operational reports to end June 2021 and financial reports as at 31 May 2021. All the required monitoring, inspection and testing regimes are progressing well and will soon be completed.

A handwritten signature in black ink, appearing to read "Greg Preece", is written over a horizontal line.

**Greg Preece, Chair - Launceston Flood Authority**

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**19 ORGANISATIONAL SERVICES NETWORK ITEMS**

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

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**20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS**

**20.1 Future of Gaming in Tasmania - Stage Two Public Consultation**

**FILE NO:** SF0282

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

**DECISION STATEMENT:**

To consider lodging a submission to the Tasmanian Government's Stage 2 consultation on the *Future of Gaming in Tasmania*.

**RECOMMENDATION:**

That Council lodges the following submission to the Tasmanian Government's Stage 2 consultation on the *Future of Gaming in Tasmania*:

*Thank you for providing an opportunity to comment on the exposure draft of the Gaming Control Amendment (Future Gaming Market) Bill 2021 (the Bill). The Council has previously adopted a watching brief over this reform process and elected not to make a submission in stage one of the consultation. However, the Council now has some concerns with the Bill and/or the reform process that it would like to raise for consideration.*

*The focus of Council's submission primarily relates to Electronic Gaming Machines (EGMs). As the Government is no doubt aware, EGMs are located across Launceston within four areas deemed to be some of the most socio-economically disadvantaged suburbs in the State. There are some 326 EGMs spread across Launceston at an average of 5.6 machines for every 1,000 people (refer table below). While a majority of those machines are concentrated in the suburb of Launceston, 38% are located in lower socio-economically rated suburbs. For instance, Rocherlea, the most disadvantaged suburb in Launceston, has 30 EGMs within the suburb at a rate of over 27 per 1,000 people.*

<b>Suburb</b>	<b>No of EGMs</b>
<i>Launceston</i>	<i>111</i>
<i>Kings Meadows</i>	<i>30</i>
<i>Mowbray</i>	<i>30</i>
<i>Newstead</i>	<i>30</i>
<i>Prospect</i>	<i>30</i>
<i>Ravenswood</i>	<i>35</i>
<i>Invermay</i>	<i>30</i>
<i>Rocherlea</i>	<i>30</i>
<i>St Leonards</i>	<i>Keno and Tab only</i>
<b>Total</b>	<b>326</b>

**20.1 Future of Gaming in Tasmania - Stage Two Public Consultation ...(Cont'd)**

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*The Council has concerns that a shift to venue owners being licensees may make it harder to limit the harm to at-risk gamblers and believes that there should be more of a public discussion on this policy direction. The Council would like the Government to release the policy behind the Bill in order to facilitate a meaningful debate on the substance before the Bill is introduced to parliament. For instance, it has been suggested that a single licence model is the best model for Tasmania because the regulator has a greater degree of control over the industry and the new licence model would reduce this level of control and generate greater competition between venues.*

*Additionally, the Bill currently provides no pathway to harm minimisation and or gambling support, beyond the provision of more funding for it. The Council would like to see this further examined and outlined as part of the community engagement process.*

*Once again, I would like to thank the Government for consulting on this important reform and look forward to a more wide-ranging debate occurring with the community before the Bill is introduced to Parliament.*

---

**REPORT:**

The Tasmanian Government is seeking community input on the implementation of the *Future of Gaming in Tasmania* policy (the Policy).

As part of the Policy, announced during the 2018 State election, the exclusivity arrangements under the Deed of Agreement (the Deed) with the Federal Group to conduct casino operations, operate electronic gaming machines (EGMs) and conduct games of keno in Tasmania will end in 2023.

According to the State Government, the aim of the Policy is to:

- create a sustainable industry;
- provide the highest standards of probity;
- ensure returns from the gaming industry are shared appropriately among the industry, players and the Government representing the community; and
- continue to minimise harm caused by problem gambling.

There are a number of reforms for the gaming industry in Tasmania under the Future Gaming Market model, including:

- a decrease in the State-wide cap for EGMs of 150;
  - the creation of individual venue licences to operate EGMs in hotels and clubs;
  - two new high-roller non-resident casino licences;
-

**20.1 *Future of Gaming in Tasmania - Stage Two Public Consultation ...*(Cont'd)**

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- more appropriate distribution of returns;
- tender of the rights to operate the monitoring of the hotel and club EGM network; and
- increased future funding to improve harm minimisation.

Legislative amendments will be required to the *Gaming Control Act 1993* to implement the Policy.

Stage one of public consultation was conducted in February 2020 and responses have been published at [www.gaming.tas.gov.au](http://www.gaming.tas.gov.au). Stage two of public consultation includes the release of the exposure draft of the *Gaming Control Amendment (Future Gaming Market) Bill 2021* (the Bill) and a suite of associated sector-specific explanatory papers on the proposed amendments.

To date, the Council has adopted a watching brief over this reform process and did not lodge a submission in stage one of the consultation. However, Councillors have requested that a submission be prepared for the current round of engagement.

The timeframe for the closure of submissions is 9 August 2021, however, in consultation with the State's Future Gaming Market Team, Council Officers have lodged a holding submission, which will either be modified or withdrawn following the Council's determination of this report.

Based on the input received from Councillors on the draft Bill a submission to the Tasmanian Government's Stage 2 consultation on *Future of Gaming in Tasmania* has been prepared and is included in this report's recommendation.

Additionally, Councillor Dawkins has suggested that the following controls could be considered for implementation as part of the reform process, however, they have not been recommended for inclusion as part of the Council's formal submission at this stage, as there was not wide support expressed by the Councillors:

- **... Set the maximum bet limit to \$1** - The current \$5 max bet allows losses of up to \$600 per hour; a \$1 max bet will limit losses to \$120 per hour.
  - **Set the 'spin speed' to 6 seconds** - Slowing how often you can press the button from 3 seconds to 6 seconds helps slow down the possible losses.
  - **Reduce the maximum jackpot to \$1,000** - High maximum jackpots (currently \$25,000) make EGMs more addictive. Allowing long periods of uninterrupted use puts people in a 'zone', releasing dopamine in the brain which can trigger addiction. Lower jackpots would also spread the wins and losses more evenly for all users.
  - **Prohibit 'near misses'** - Programming which makes it to look like a win was just a small step away keeps people playing longer. 'Near misses' are programmed much more often than would randomly occur, making the machines more addictive and harmful.
-

**20.1 Future of Gaming in Tasmania - Stage Two Public Consultation ...(Cont'd)**

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- **Prohibit 'losses disguised as wins'** - The machines are allowed to use lights and animations to make it look like a win when there was actually a net loss. This deliberately misleads the user and keeps people playing longer, making it harder to keep track of losses.
- **Increase the Return to Player (RTP) from 85% to 95%** - The RTP is the percentage of money gambled overall that each machine must return to users. Increasing the RTP returns more money to users overall, reducing harm, especially to those who are addicted.
- **Mandate regular machine shutdowns** - Long periods of uninterrupted use make EGMs more addictive and harmful. Regular programmed shutdowns provide breaks in use and give users a chance to walk away from the machine.

*By implementing any of these measures, EGMs could be kept in Tasmanian pubs, clubs and casinos but reduce the harm they cause.*

**ECONOMIC IMPACT:**

The report only deals with a proposal to lodge a submission to a consultation process and, therefore, the decision of the Council will not have any economic impacts.

**ENVIRONMENTAL IMPACT:**

The report only deals with a proposal to lodge a submission to a consultation process and, therefore, the decision of the Council will not have any environmental impacts.

**SOCIAL IMPACT:**

The report only deals with a proposal to lodge a submission to a consultation process and, therefore, the decision of the Council will not have any social impacts.

**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:

1. To provide for the health, safety and welfare of the community.
  3. To ensure decisions are made on the basis of accurate and relevant information.
-

**20.1 *Future of Gaming in Tasmania - Stage Two Public Consultation ...*(Cont'd)**

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**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



Michael Stretton - Chief Executive Officer

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**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 Councillor's Leave of Absence**

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:

(h) applications by councillors for a leave of absence.

**21.3 End of Closed Session**

*To be determined in Closed Council.*

**22 MEETING CLOSURE**

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**UNCLASSIFIED AGENDA ITEMS:**

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