



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 23 SEPTEMBER 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: 23 September 2021

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

This Council Meeting will be streamed live to and can be accessed at:
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. 9 - *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, 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.

PUBLIC COMMENT ON AGENDA ITEMS

When attending 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.

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 9 September 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

7 COMMUNITY REPORTS

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

7.1 Ms Gillian Miles (Founding Director) - agriCULTURED

Ms Miles will provide information regarding agriCULTURED - Tasmania's newest cool season event based in Launceston and the North annually in August reporting on the success of this year's event which is a celebration of the contribution of the agri-food sector to the culture, community and economy of Tasmania - a physical and metaphorical journey through the agricultural landscapes of Northern Tasmania.

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

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

8.1.1 Public Questions on Notice - Mr Paul Bullock - Council Meeting - 9 September 2021**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, asked at the Council Meeting on 9 September 2021 by Mr Paul Bullock, have been answered by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network).

Additional Background Response:

The City of Launceston officers are aware of a change in traffic conditions at the Tamar Street and Esplanade intersection. The surrounding road network has recently undergone a significant change in the varied configuration at the Charles Street Bridge and Esplanade. Some altered travel patterns are to be expected as a result of this change.

City of Launceston officers will continue to monitor this intersection and investigate what improvements may be appropriate to better accommodate this change. Any changes to the functionality of this intersection need to be considered broadly for the potential to impact the network including the proposed Lindsay Street and Invermay Road intersection works in 2022/2023.

Questions:

[With reference to the recently distributed *Future Road Usage in the Launceston Area* brochure]:

1. Will the Council reconsider the recently distributed traffic plan to include consideration of motorcycles?

Response:

Motorcycles are considered as part of the Launceston Transport Strategy (LTS). Generally, motorcycles are considered as light vehicles or personal vehicles for the purpose of transport planning. Particularly for strategic planning, the considerations for both types of vehicles are similar, in that they use the same road space, perform the same function and have similar infrastructure requirements. The key differences for motorcycles tends to be realised at a detail level, which will be considered by the Council at that point in the process, but is outside the scope of the LTS. Accordingly, motorcycles have not been singled out as a separate transport mode in the strategy.

8.1.1 Public Questions on Notice - Mr Paul Bullock - Council Meeting - 9 September 2021 ...(Cont'd)

Based on the feedback received during the consultation for the LTS there have been changes made to reflect that motorcycles are considered as light vehicles.

2. Can the traffic island outside of the Retreat Hotel on Invermay Road be moved or removed to assist traffic flow in the afternoons?

Response:

The traffic island at this location is critical for creating a physical end to the median treatment along Invermay Road and controlling traffic movements in the vicinity of McKenzie Street. Removal of this island would likely create more vehicle conflict points with minimal benefit to traffic flow. Accordingly, the Council would not support its removal or relocation.

8.1.2 Public Questions on Notice - Mr Robin Smith - Council Meeting - 9 September 2021**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 9 September 2021 by Mr Robin Smith, has been answered by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. As the Council is planning to install the Christmas tree [in the Brisbane Street Mall] as it has previously [including the fence], has the Council considered modifications to the fence or guard patrols?

Response:

In response to vandalism of the tree over a number of years, the City of Launceston has constantly reviewed its approach with regards to changes to fencing, increases in security patrols and working with Tasmania Police via the support of CCTV to take action against those that cause the vandalism.

Unfortunately this is not unique to Launceston and the City of Launceston is always looking for safer ways to install the tree.

A higher fence is considered likely to increase the challenges and consequences for those trying to access the tree and visually a higher fence will be an intrusion.

8.1.3 Public Questions on Notice - Ms Susan Rafferty - 14 September 2021**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted to Council in writing on 1 September 2021 by Ms Susan Rafferty, have been answered by Mrs Leanne Hurst (General Manager Community and Place Network).

Questions:

1. How and why did the 100 metre buffer, required by RMPAT get mitigated to 40 metres and what impact will it have on nearby dwellings?
2. How does Council consider that P1(d) has been thoroughly investigated and how does it satisfy all the necessary planning criteria?
3. How can Council allow the facility on Churchill Park Drive to proceed when it routinely breaches noise limits in the direct vicinity of many *sensitive uses*? Surely, this is a breach of P1(f).

Response:

Similar questions have been submitted over a number of Council Meetings and the relevant previous responses are reproduced below:

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 Planning and Appeal Tribunal (RMPAT), the Council was instructed to issue a planning permit with conditions. RMPAT's rationale for the determination is contained within the details of its decision.

The issued permit has 50 conditions which must be complied with, both during construction and when the facility is operating. In the event that nuisance noise is emitted from the business once it is established, in the first instance, any suspected breaches of the Planning Permit conditions can be reported to the Council via the contactus@launceston.tas.gov.au email address. Those complaints will be directed to the relevant team to investigate and take appropriate action, including on-referral or liaison with other agencies as required and dependent upon the nature of the alleged breach.

**8.1.3 Public Questions on Notice - Ms Susan Rafferty - 14 September 2021
...(Cont'd)**

ATTACHMENTS:

1. Public Questions on Notice - Ms Susan Rafferty - 14 September 2021
-

Attachment 1 - Public Questions on Notice - Ms Susan Rafferty - 14 September 2021

To the mayor, councillors

Objective:

To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive use.

AI	Acceptable solution	Performance criteria
Uses must be set back from the site of a sensitive amenity of nearby sensitive use, having regard to a distance of no less than 100m.		The use must not adversely impact on the amenity of nearby sensitive use, having regard to: <ul style="list-style-type: none"> a) the nature of the proposed use; b) the nature of the emissions; c) the proximity and number of sensitive uses in the area; d) the topography of the site; e) any mitigation measures proposed, and f) the proximity and number of nearby emitting uses.

Question 1.

I have searched the RMPAT document looking for the change from 100 metre distance to 40 metres.

Clause 28 of the document is the first mention of this significant change, where it is accepted by the tribunal that early morning trucks need to be no less than 40 metres from the boundary. There is no discussion about the requirement of a 100 metre buffer and the 40 metres appears to become an accepted distance, despite any breach this might create.

Clause 44 outlines the early truck movements: 3 trucks commencing at 4:00am, 14 trucks between 5:00am and 6:00 am and 20 trucks between 6:30 am and 7:30 am.

These trucks will all create start up noise and departure activity, within the 100

metre buffer from sensitive uses.

How and why did the 100 metre buffer, required by RMPAT get mitigated to 40 metres and what impact will it have on nearby dwellings?

Question 2.

PI(d) refers to the topography of the site. Clause 21 of the RMPAT document discusses this and considers the site to be flat and essentially featureless. Clause 22 states that the site is in the proximity of other industrial uses, none of which generate noise emissions.

There is no consideration for the suitability of the location of the site, its proximity to the North Esk River and the levee which is the sole protection in the event of flooding. It must be acknowledged that this site is on an inter tidal plain and is a vital piece of infrastructure in the event of flooding. The site location, generally, does not satisfy the requirements of PI(d).

Mitigation requires that "land use and design decisions avoid developments and community infrastructure in areas prone to hazards. Flood risk, levee failure, storm surges, tidal surges and water table saturation are real issues with this site and no degree of mitigation will change this fact.

How does council consider that PI(d) has been thoroughly investigated and how does it satisfy all the necessary planning criteria?

Question 3.

Clause 29 refers to "Serious Annoyance" for residents using outdoor living areas. A 55dB limit applies to this.

The predicted new ambient noise emitted from the facility for normal daytime operations varies between 55.9 and 56.5 dB. This means that the normal operation will exceed acceptable limits on a regular basis.

To quote the RMPAT document, Mr Ford (for the appellant) even states that: This only exceeds the guideline level (for noise emissions) by a small amount.

In effect, the plant will consistently operate above acceptable noise levels. There is no consideration in the document regard the impact of smashing glass and specific traffic noise within the site.

How can council allow the facility on CPD to proceed when it routinely breaches noise limits in the direct vicinity of many 'sensitive uses'? Surely, this is a breach of PI(f).

It is my considered opinion that PI has not been satisfied for the above reasons and that the proposal is unacceptable at this site on CPD.

8.1.4 Public Questions on Notice - Mr Lionel Morrell - 15 September 2021**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following question/questions, submitted to Council on 15 September 2021 by Mr Lionel Morrell (on behalf of the Tasmanian Ratepayers' Association Inc.), have been answered by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

[With regard to the University of Tasmania Pedestrian Bridge]:

1. Can we be provided with these Engineering Reports and Certifications, including copies of any associated correspondence with or by Council that lead to the unusual need for such Reports and Certifications to be undertaken?

Response:

Engineering review and certification of infrastructure built by developers and transferred to the Council is common practice to ensure the asset is fit for purpose. Some of the documentation around the transfer are legal agreements which are not suitable for release. The Council's officers are happy to meet with Mr Morrell to discuss his concerns.

2. Can we be advised what the designed life of the bridge is, and whether this designed life period has been compromised by the deficiencies/repairs already carried out, and whether the Life Cycle Costing for the bridge has been compromised by a higher-than-anticipated maintenance/testing requirement for the designed life period?

Response:

The bridge has a design life of 100 years which is typical for all the Council's bridges.

3. Whether it will take an event where people are injured or lives put at risk before Council, as the responsible statutory authority, takes action to require improvements to the balustrading on the bridge and associated ramps etc., and erect a safety barrier where the southern-side ramp exits onto the top of the levee?
-

**8.1.4 Public Questions on Notice - Mr Lionel Morrell - 15 September 2021
...(Cont'd)**

Response:

The Council is satisfied that the bridge meets the necessary standards and guidelines. The issue associated with the ramp meeting the levee has been identified in the defect liability period for further investigation.

The Council is happy to address Mr Morrell's concerns if greater specificity is provided with regard to perceived issues.

ATTACHMENTS:

1. Public Questions on Notice - Mr Lionel Morrell - 15 September 2021
-

Attachment 1 - Public Questions on Notice - Mr Lionel Morrell - 15 September 2021

Tasmanian Ratepayers' Association Inc.

P.O. Box 1035
LAUNCESTON TAS 7250
03 6331 6144

15th September 2021

Mayor and Councillors
City of Launceston Council
And General Manager Mr Michael Stretton

QUESTIONS WITH NOTICE - COUNCIL MEETING 23rd September 2021

Dear Councillors,

We have given careful consideration to the answers given by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network) on your behalf, to our QUESTIONS ON NOTICE put to your Meeting held on 9 September 2021 regarding our serious concerns and queries about the public safety and apparent construction/design defects with the pedestrian bridge over the North Esk River, by University of Tasmania.

Frankly, why should this matter be 'glossed over' in this way, when it simply doesn't look right?

The project contractor undertook this project on a 'design/construct' basis. The fact admitted by Mr Eberhardt, is that not only was a Bridge Engineer "involved" by UTas in proof checking the design and conducting inspections during construction, but City of Launceston Council was sufficiently concerned to engage, presumably at ratepayers' expense, an 'independent' consultant Engineering firm to check the situation.

This is, in our opinion, somewhat irregular in the extreme, because it means that 'someone at UTas' decided the design engineer required proof checking, and then 'someone at Council' decided something was amiss, and a further check on the checker was commissioned.

Mr Eberhardt reports that the bridge is safe for public use, but that there is yet to be concluded a "transfer process including a defects liability period" before City of Launceston takes on ownership and maintenance responsibility for the pedestrian bridge.

Accordingly, we ask that:

1. We be provided with these Engineering Reports and Certifications, including copies of any associated correspondence with or by Council that lead to the unusual need for such Reports and Certifications to be undertaken;

and:

Questions ON NOTICE to City of Launceston Council Meeting 15 September 2021

2. We be advised what the designed life of the bridge is, and whether this designed life period has been compromised by the deficiencies/repairs already carried out, and whether the Life Cycle Costing for the bridge has been compromised by a higher-than-anticipated maintenance/testing requirement for the designed life period?

We interpret from Mr Eberhardt's advice to you, that the provisions of the Building Code of Australia do not need to be complied with in favour of compliance with Australian Standard AS5100 Bridge Design.

Our concerns are relating to matters of **public safety**, not **minimum compliance**, and to us it would seem unacceptable if the design deficiencies regarding structural sufficiency of the substructure and adequacy of the balustrading system were to expose members of the public to unnecessary risks, and furthermore that liability for any deficiencies may cause financial liability to the ratepayers of Launceston.

We also note that we read from representations made to Council when Development Permits were being considered, another serious safety issue, being the lack of a safety barrier on the levee at the end of the southern ramp, to guard against cyclists and child cyclists in particular, from inadvertently careering off the top of the levee into Boland Street traffic. It is not unusual to see such barriers erected to protect hapless members of the public in this way, and by example we refer you to the barrier subsequently erected outside the government offices opposite on Boland Street, because customers were noticed to be insufficiently protected there when either exiting the building or congregating around the entrance.

Accordingly, we ask:

3. Whether it will take an event where people are injured or lives put at risk before Council as the responsible statutory authority takes action to require improvements to the balustrading on the bridge and associated ramps etc., and erect a safety barrier where the southern-side ramp exits onto the top of the levee?

Again, we look forward to receiving your unambiguous replies.

Yours faithfully,

Lionel Morrell

Tasmanian Ratepayers Association Inc.
Per President, L.J.Morrell, 41 High Street Launceston 7250

8.2 Public Questions Without Notice

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

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

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

9 PLANNING AUTHORITY

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1)

FILE NO: SF7233

AUTHOR: Iain More (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission subsequent to the public exhibition period for a draft amendment to the Launceston Interim Planning Scheme 2015.

PLANNING APPLICATION INFORMATION:

Applicant: Commercial Project Delivery
Properties: 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1)
Received: 12 October 2020
Advertised: 05/06/2021 - 05/07/2021
Representations: 61

PREVIOUS COUNCIL CONSIDERATION:

Council - 20 May 2021 - Agenda Item 9.1 Initiated Draft Amendment 66 to the Launceston Interim Planning Scheme 2015, to insert a Specific Area Plan over the properties known as 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street (CT151150/3, CT151150/2 and CT175274/1)

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

RECOMMENDATION:

That Council:

1. in accordance with section 39 of the former provisions of the *Land Use Planning and Approvals Act 1993*, considers the merit of each of the representations received to draft Amendment 66;
 2. amends draft Amendment 66 by modifying F11.1.1 to remove the word *landmark*, and adding the word *unreasonably* between the words *not* and *impact*; and
 3. recommends to the Tasmanian Planning Commission that draft Amendment 66 be approved with the recommended changes.
-

Note:

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

REPORT:

1. INTRODUCTION

An application was lodged under section 33 of the former *Land Use Planning and Approvals Act 1993* (the Act) to amend the Launceston Interim Planning Scheme 2015 (the Scheme), by inserting a Specific Area Plan (SAP) over 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street (CT151150/3, CT151150/2 and CT175274/1).

The purpose of the SAP is to implement a new acceptable solution to allow a larger building envelope if the associated use is for visitor accommodation.

A copy of the SAP is located within Attachment 1.

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)



Figure 1 - Subject site
(Source: SAM GIS)

At its Meeting on 20 May 2021, Council resolved to:

1. section 34(1)(b) of the *Land Use Planning and Approvals Act 1993*, initiate Amendment 66 to insert a Specific Area Plan over the properties known as 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1).

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

2. section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Chief Executive Officer its functions under section 35(1) of the *Land Use Planning and Approvals Act 1993*, to certify the draft amendment to the Launceston Interim Planning Scheme 2015.
3. section 38(1) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.

The draft amendment and all associated documentation was placed on public exhibition between 5 June and 5 July 2021. Sixty one representations were received.

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

On 22 July 2021 the Commission granted an extension to this period until 24 September 2021.

2. SUMMARY OF REPRESENTATIONS

A summary of the issues raised in the representations are listed in the table below. These summaries must be read in conjunction with the representations (Attachment 2).

In addition to the summaries the matters raised within the representations have been consolidated into themes and discussed in Section 5. A discussion of the merit of the issues is provided, including a recommendation on the need for modifications that may be required as a result.

A response to the representations by the applicant has also been provided (Attachment 3).

Table 1 - Summary of Key Issues

Rep #	Name	Matters relevant to the amendment assessment
1	Jean Chapman	<ul style="list-style-type: none"> • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected
		<p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • Council should not be allowed to change zones to benefit a developer • The glass and design of the building in inappropriate

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

2	Victoria Wilkinson	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact due to height and bulk • Conflict with Objectives of Schedule 1 under LUPAA
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The SAP is essentially a privatisation of precious city vistas
3	Ian and Susan Routley	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Seismic issues on the subject site • Building envelope is out of proportion with surrounding land
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
4	Bobbie Lederman	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • The need for additional hotel accommodation • No acknowledgement of heritage values • Encouragement of similar development • Character of the surrounding area affected
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
5	David Peach - Launceston Chamber of Commerce	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Supportive
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
6	Mr Wei Yuan Cai and Mrs Susie Cai	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • The SAP does not meet LUPAA requirements • Conflict with the NTRLUS • Conflict with Objectives of Schedule 1 under LUPAA • Incompatibility with the City of Launceston Strategic Plan 2014-2024 • Clause 15.4.1 importance
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Council's role as the Planning Authority
7	Patricia Adams	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Design elements
8	Linda Poulton	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Visual impact and proximity to Cataract Gorge entrance • Encouragement of similar development

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		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
9	Bill and Patrice Baxter	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact due to height and bulk • Character of the surrounding area affected
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • A <i>backdoor</i> means of facilitating a development
10	Michael Adams	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
11	Sue Lafferty	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
12	Stefan Vogel	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
13	Estelle Marjorie Ross	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Seismic issues on the subject site • Visual impact due to height and bulk • Character of the surrounding area affected
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Tourists do not visit the region to view multi-storey hotels
14	Julieanne Richards	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Paul Davies report

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

		<ul style="list-style-type: none"> • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The SAP is circumventing the RMPAT decision • Why can the planning rules be changed on a whim • The amendment favours a single entity
15	Rudolph van't Hoff	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
16	Cameron Hindrum	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
17	Anne Layton-Bennett	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Overshadowing
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The SAP is circumventing the RMPAT decision
18	Bradley Wood	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

		<p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
19	Leigh Murrell	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
20	Karolyn Crack	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
21	June Burnet	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement • Flooding concerns <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
22	Kirsty Mills	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

		<p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
23	Linda Collier	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact due to height and bulk • Landmark building statement • Paul Davies report <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The name of the SAP is misleading • The title of the amendment is to facilitate the Gorge Hotel • If approved it will affect the credibility of the RMPAT decision • The applicant did not appeal against the RMPAT decision • If approved it will pave the way for a cable car • Councils role as the Planning Authority
24	Kenneth Partridge	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
25	Anna Maria Place	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
26	Peter Stebbing	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

		<ul style="list-style-type: none"> Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> The title of the amendment is to facilitate the Gorge Hotel The applicant did not appeal against the RMPAT decision
27	Mary J Ebert	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> RMPAT decision Visual impact and proximity to Cataract Gorge entrance Visual impact due to height and bulk Character of the surrounding area affected Paul Davies report Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> The title of the amendment is to facilitate the Gorge Hotel The applicant did not appeal against the RMPAT decision
28	Darren Singline	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> RMPAT decision Visual impact and proximity to Cataract Gorge entrance Visual impact due to height and bulk Character of the surrounding area affected Paul Davies report Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> The title of the amendment is to facilitate the Gorge Hotel The applicant did not appeal against the RMPAT decision
29	Jenny Macpherson	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> Overshadowing Privacy Character of the surrounding area affected Visual impact due to height and bulk
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> Not Applicable
30	Veronica (Bonnie) Redburn	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> RMPAT decision Visual impact and proximity to Cataract Gorge entrance Visual impact due to height and bulk Character of the surrounding area affected Paul Davies report Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> The title of the amendment is to facilitate the Gorge Hotel The applicant did not appeal against the RMPAT decision

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

31	Tasmanian Heritage Society	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Encouragement of similar development • Paul Davies report • Visual impact due to height and bulk • Character of the surrounding area affected • Landmark building statement
		Matters not relevant to the amendment assessment
32	Jennifer Cairns	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
33	<i>Hands Off Our Gorge - Launceston Cataract Gorge Protection Association Inc.</i>	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Landmark building statement • Visual impact and proximity to Cataract Gorge entrance
		Matters not relevant to the amendment assessment
34	Patricia Jane Wilson	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
35	Allan Miller	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Visual impact due to height and bulk • Visual impact and proximity to Cataract Gorge entrance • RMPAT decision
		Matters not relevant to the amendment assessment

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The site contained heritage buildings that were demolished
36	Roy Bradstreet	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • No economic support for a new hotel • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • RMPAT decision
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Companies will not utilise a hotel, they will conduct business online
37	Inga Kaiser	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Character of the surrounding area affected • No economic support for a new hotel
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
38	Rocelyn Ives	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
39	Ireneinc Planning and Urban Design	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Unable to meet drafting requirements • Visual impact due to height and bulk • Paul Davies report • The SAP does not meet LUPAA requirements • Drafting issues • Clause 15.4.1 importance
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
40	Helen Tait	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Flooding concerns

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
41	Jonathan Bowden	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The SAP is circumventing the RMPAT decision
42	Jack Davenport	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
43	Garry Stannus	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact due to height and bulk • No acknowledgement of heritage values • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
44	Andrew Alexander	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • RMPAT decision
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
45	Tasmanian Ratepayers' Association Inc.	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Landmark building statement • Seismic issues on the subject site • Flooding concerns
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Council's role as the Planning Authority • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
46	Anna Edwards	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

		<ul style="list-style-type: none"> • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
47	Delia Ratcliff	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Visual impact and proximity to Cataract Gorge entrance
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
48	Colin O'Brien	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Paul Davies report • Overshadowing • Visual impact due to height and bulk
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
49	Dr Eric Ratcliff	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable
50	Fiona Ferguson	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Climate change • Tourism argument • The need for additional hotel accommodation • RMPAT decision • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel
51	Jim Collier	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact due to height and bulk • Landmark building statement • Paul Davies report
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The name of the SAP is misleading • The title of the amendment is to facilitate the Gorge Hotel • If approved it will affect the credibility of the RMPAT decision

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

		<ul style="list-style-type: none"> • The applicant did not appeal against the RMPAT decision • If approved it will pave the way for a cable car • Council's role as the Planning Authority
52	Tasmanian Conservation Trust	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
53	<i>Launceston Heritage Not High Rise</i>	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • Conflict with Objectives of Schedule 1 under LUPAA <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • Not Applicable
54	Anne Brelsford	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
55	Monica Campbell	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • Visual impact due to height and bulk • Climate change • Tourism argument • The need for additional hotel accommodation <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • Not Applicable
56	David Burnet	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • No acknowledgement of heritage values <p>Matters not relevant to the amendment assessment</p> <ul style="list-style-type: none"> • How many times can an applicant apply for the same thing
57	Evelyn Beatrice Sully	<p>Matters relevant to the amendment assessment</p> <ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance

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		<ul style="list-style-type: none"> • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
58	Gill Basnett	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
59	Mitchell Dabelstein	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • RMPAT decision • Visual impact and proximity to Cataract Gorge entrance • Visual impact due to height and bulk • Character of the surrounding area affected • Paul Davies report • Landmark building statement
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • The title of the amendment is to facilitate the Gorge Hotel • The applicant did not appeal against the RMPAT decision
60	Frances Douglas	Matters relevant to the amendment assessment
		<ul style="list-style-type: none"> • Visual impact due to height and bulk • Paul Davies report
		Matters not relevant to the amendment assessment
		<ul style="list-style-type: none"> • Not Applicable

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

3. REPRESENTATIONS - KEY ISSUE SUMMARY

Table 2 - Key Issues Response

<p>Concern #1: VISUAL IMPACT, ON CATARACT GORGE ENTRANCE AND WEST LAUNCESTON</p> <ul style="list-style-type: none"> • The height of the building will have a detrimental visual impact on the entrance to the Gorge as well as the residents of West Launceston. • The proposed site for the Specific Area Plan is too close to an environmentally sensitive area and Launceston’s greatest natural asset; the Cataract Gorge. • The lower Patterson Street precinct is suggested to be; <ul style="list-style-type: none"> • visually and physically the entry to the remarkably mid-city South Esk River gorge. • visually and physically significant as the approach to the city from the north. • it is at the confluence of three main waterways and geomorphological the natural approach to the town from the Tamar Estuary, the rest of Australia and the world to our North.
<p><i>Raised in Representations: 1, 4, 8, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, 32, 33, 34, 35, 36, 38, 40, 42, 44, 46, 47, 49, 52, 54, 57, 58 and 59.</i></p>
<p><i>Officer Response:</i> <i>The subject site is located approximately 320m east of the eastern entrance to the Cataract Gorge. The provided 3D modelling illustrates that the envelope will not significantly impact upon the entrance to the Gorge or the residents of West Launceston. The proposed envelope is considered to be an appropriate scale for future development on the site.</i></p>
<p>Recommendation: No modifications required.</p>
<p>Concern #2: NATURAL HAZARDS INCLUDING SEISMIC ISSUES ON THE SUBJECT SITE AND FLOODING CONCERNS AND CLIMATE CHANGE</p> <ul style="list-style-type: none"> • The site sits on former wetlands and tidal plain where seismic action has occurred. Therefore, any building has the potential to collapse. • There is potential for a seismic event to destabilise the levee as well as the proposed building, which is sufficient to potentially cause great public risk, notwithstanding potentially damaging the proposed structure itself. • An assessment of the environmental hazards and constraints for the proposed development site has not been adequately investigated nor has the risk of the Paterson Street earth levee being breached by the combination of rising sea and silt levels has not been considered. • There are concerns regarding construction and engineering of the foundations of any future buildings.

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- Have appropriate investigations from top quality (non-invested) engineering advice gone into the fact that a building of this weight will be situated on top of a natural underground river?
- There are concerns that the site could be more at risk given global warming. Could it stand the test of time and not sink or collapse, given we do not know how global warming and changed weather patterns will pan out.

Raised in Representations: 3, 13, 40, 45, 50 and 55.

Officer Response:

All relevant environmental hazards have been identified.

There are no statutory overlays regarding seismic activities or landslip on the site. Any potential issues relating to seismic problems would need to be considered should development occur over the site. It is accepted that potential seismic issues are a matter that is properly left to the engineers at the time of detailed design.

The site is identified as being flood prone through potential localised stormwater inundation. The site is levee protected up to 1:200 ARI protection. Any future development will be subject to the Flood Code under the current Planning Scheme. The Local Flood Authority were referred the proposal during formal exhibition, with no comment provided.

Recommendation:

No modifications required.

Concern #3:

RMPAT DECISION - HEIGHT, BULK AND LANDMARK BUILDINGS

- The proposal is attempting to circumvent/move the goal posts the Tribunal's refusal of the originally submitted application.
- The proponent claims that there is an inconsistency in the Tribunal's interpretation of *surrounding area* for the purposes of clause 15.4.1 of LIPS2015 between *S Cai versus Launceston City Council and TRC Multi Property Pty Ltd [2019] TASRMPAT 2* (the Gorge Hotel decision) and *J Collier versus Launceston City Council and GP Hotel Launceston Pty Ltd [2020 TASRMPAT 31]* (the GP Hotel decision).
- The applicant had the chance to appeal against the RMPAT decision but did not.
- RMPAT in Appeal No 58/19P (7 November 2019) clearly indicated, in handing down their decision reversing Launceston City Council's approval for the original Development Application for the Gorge Hotel, that:

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51. *The height of the proposed building is two to three times higher than the height of buildings on site and on adjoining lots. The extensive evidence led by the Developer and the council comparing the proposal with other tall buildings in Launceston does not address the criterion in P1 (b) as those buildings are well removed from the site and the adjoining and adjacent lots.*

- The proponent would like Amendment 66 to:

Provide for the opportunity for the development of a landmark building to provide for visitor accommodation and complementary supporting uses in a manner that does not impact on the surrounding streetscape.

In respect of a landmark building the Tribunal concluded:

52. *The characterisation of the building as a landmark building (as discussed below) is to an extent at odds with it being compatible with its surrounds. It is not compatible, in the sense of being in harmony or broad correspondence, with the streetscape and character of the surrounding area, having regard to the height of building on the site, adjoining and adjacent lots. Therefore, the proposed development does not meet the performances criteria P1 (b).*

- If Amendment 66 is successful it will bring the credibility of the Resource Management and Planning Appeal Tribunal into disrepute as it would appear any decision they make could simply be changed *willy nilly* by local councils through introducing Specific Area Plans whenever they considered it necessary.

Raised in Representations: 2, 4, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 42, 43, 44, 45, 46, 48, 50, 51, 52, 54, 57, 58 and 59.

Officer Response:

Compliance with the existing planning scheme is not a requirement for the consideration of amendments. The purpose of the amendment is to make a change to the planning scheme to allow a form of development that would otherwise not be allowable.

When Council (acting as a Planning Authority) approved the previous application for the Gorge Hotel it considered the proposal against the provisions of the planning scheme and relevantly considered the proposed hotels compatibility with the streetscape and the character of the surrounding area.

The Tribunal ultimately determined that because the height of the proposed tower element was significantly taller than the existing development on the site and surrounding area, it could not be seen as compatible.

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This narrowly framed decision was unexpected and sets up a situation where to comply with the existing planning scheme the development needs to be of similar scale and character to its surroundings.

The area of the amendment site and its surroundings are of objectively low urban quality including, the car parks, car yards, the Margaret Street wall of Launceston college and the petrol station. It is not considered strategically desirable for new development of this well located strategically important site to be of similar scale and character to this existing development.

It is considered that the preferable strategic direction is to allow new development to make beneficial change to the area and establish a new character that has the capacity to bring a new more intense form of urban development and increased levels of activity.

The primary purpose of the amendment is, therefore, to facilitate a different scale of building.

It is important to note the Tribunal's decision was not a first principles assessment of whether the proposal was acceptable, but a limited assessment as to whether it was compatible with the surrounding streetscape against the performance criteria. The submissions to the amendment appear to be extending the scope of the Tribunal decisions to suggest that the Tribunal considered the building generally inappropriate. This not the case, in reality it concluded that because the tower was taller than the surrounding development it was not compatible and, therefore, not compliant with the scheme.

What the amendment is proposing is simply to provide a limited pathway to facilitate something of a different scale that will effect a positive change in the area, albeit one that is not (utilising the RMPAT methodology) compatible with the existing low quality surrounding development.

The planning scheme is the Council's key document to influence the location and form of development in the City. If the scheme no longer facilitates the Council's preferred strategic direction, then it is the Council's obligation to make and support changes.

The test for acceptability of an amendment cannot be its compliance with the existing scheme. It is precisely because the Council's preferred form of development for the site does not fit within the scheme (as determined by RMPAT) that an amendment is necessary.

It is understood that the term landmark is controversial. The SAP may benefit from this term being removed from its text.

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Recommendation:

Remove the word landmark from F11.1.1 and modify the amendment to add *unreasonably* within F11.1.1. The recommendations will result in the following changes to F11.1.1:

- *Provide the opportunity for development of a building to provide for visitor accommodation and complementary supporting uses in a manner that does not unreasonably impact on the surrounding streetscapes.*

Concern #4:

RMPAT DECISION - BUILDING ENVELOPE IS OUT OF PROPORTION AND CHARACTER WITH SURROUNDING LAND

In the Gorge Hotel decision, the Tribunal stated that the definition offered by the respondent was:

...simply too large to realistically be considered as the surrounding area of the development, when considering the distinctive qualities and identity of the area surrounding the development site such as to enable an assessment of character. (emphasis added)

In the GP Hotel decision, the Tribunal accepted the evidence of the respondents that:

...the surrounding area is a distance within the surrounding streets where the proposal is able to be viewed in the context of those streets which share similar distinctive qualities with the subject site. (emphasis added)

The Tribunal determined in both cases that the surrounding area was to be defined by an area that shares similar distinctive qualities and character with the subject site. This resulted in a larger area being found to be the *surrounding area* in the GP Hotel decision, but the way the Tribunal identified the area was clear, unambiguous and consistent between the two decisions.

Even accepting that there is an inconsistency between the interpretation of *surrounding area* between the Gorge Hotel decision and the GP Hotel decision, the proposal fails to resolve this supposed inconsistency for two reasons:

1. It only amends the planning scheme in respect to the subject site. As such, the existing provisions which rely on the interpretation of *surrounding area* continue to apply to the remainder of the mixed use zone and the issue raised by the proponent would not be resolved beyond the subject site; and
2. It amends acceptable solution 15.4.1. A1 even though the issue the proponent raises relates to the interpretation of performance criteria 15.4.1. P1. As such, instead of resolving the inconsistency it simply reduces the range of proposed

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<p>developments subject to the provisions of 15.4.1. P1. The interpretation issue raised by the proponent remains for any development which encroaches beyond the proposed building envelope.</p>
<p><i>Raised in Representation: 3</i></p>
<p><i>Officer Response:</i> <i>As per the previous comments, compliance with the existing scheme is not a material consideration when considering the merits of an amendment to the scheme.</i></p> <p><i>The proposed SAP would allow certainty for a specific development and use to occur on the subject site which would otherwise be outside of the parameters of the current scheme. This is the purpose of the amendment. The scheme amendment seeks to make a positive change to the area.</i></p> <p><i>Whilst Specific Areas Plans do have the ability to affect larger areas, the amendment before the Council (acting as a Planning Authority) is for a specific site.</i></p> <p>Recommendation: No modifications required.</p>
<p>Concern #5: CHARACTER OF THE SURROUNDING AREA AFFECTED The proposal does not protect the identity of the surrounding area, including its unique character.</p>
<p><i>Raised in Representations: 1, 9, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 36, 37, 38, 42, 46, 52, 54, 57, 58 and 59.</i></p>
<p><i>Officer Response:</i> <i>The character of the site itself and the immediate surrounding area particularly to the south had demonstrably low urban quality. The purpose of the amendment is to assist in making a beneficial change to the area.</i></p> <p><i>It is hoped that, should the proposed development proceed, this will catalyse further development in the Margaret/ Bathurst Street corridor to a more intense form of development replacing the carparks and car yards over the long term consistent with the Council's adopted strategies.</i></p> <p>Recommendation No modifications required.</p>
<p>Concern #6: NO ACKNOWLEDGEMENT OF HERITAGE VALUES There is no acknowledgement of the heritage values of the site or the streetscape.</p>
<p><i>Raised in Representations: 4, 43 and 56.</i></p>

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Officer Response:

The site is not listed on the local or state heritage registers. Surrounding heritage listed properties have been acknowledged and it is considered the proposed building envelope will allow for a contemporary development to exist in unison with surrounding heritage character.

Recommendation:

No modifications required.

Concern #7:

ENCOURAGEMENT OF SIMILAR DEVELOPMENT

The proposal would likely set a precedence for similar sized developments in the city.

Raised in Representations: 4, 8 and 31.

Officer Response:

All proposed development, now or in the future, is subject to the relevant clauses and discretions of the planning scheme in place at time of lodgement.

Recommendation:

No modifications required.

Concern #8:

CLAUSE 15.4.1

Acceptable solutions generally define common building features or characteristics. The purpose of including acceptable solutions in planning schemes is to avoid the time and effort associated with assessing developments against the performance criteria if a fairly common design is put forward. The assumption underpinning acceptable solutions is that the performance criteria would usually be met if the development complies with the acceptable solution, which is why they are generally quite conservative.

The acceptable solution put forward in the proposed SAP allows a building design which is very uncommon in Launceston in terms of its height and bulk. It has already been found by the Tribunal that a proposed development which fits within this envelope does not meet the relevant performance criteria. As such, the proposed acceptable solution of a tall, bulky building envelope is not justified.

Raised in Representations: 6 and 39.

Officer Response:

The amendment facilitates a built form that is different to the existing character of development on the site and within the surrounding area. This is the purpose of the amendment. An amendment would not be necessary if the proposed building envelope was considered to meet the existing Performance Criteria.

The proposed building envelope provided by the acceptable solution is considered appropriate based on the site and its location.

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The proposed building envelope is similar to the mechanism utilised to facilitate the development of the Silos Hotel where a 3D building envelope was inserted into the acceptable solution.

The SAP does not seek to 'by-pass' Clause 15.4.1. It acknowledges that the site is suitable for development and seeks to provide a new Acceptable Solution for a building envelope without relying on Performance Criteria.

The assessment of the proposed scheme amendment has taken into consideration the surrounding streetscape and character, where it has been determined that such an envelope would allow for a building that has the capacity to make a strategically beneficial change to the area.

Recommendation:

No modifications required.

Concern #9:

CONFLICT WITH THE NTRLUS - ECONOMIC ARGUMENT AND STRATEGIC DIRECTION

The amendment permits a wider range of development than existing provisions, and is more likely to permit the proposed Gorge Hotel development, and that this will be economically advantageous. However, it is disingenuous to say this amendment is needed to achieve these economic goals with reference to a specific development.

The economic development provisions are general, and not related to a specific development. It needs to be demonstrated that the demand for visitor accommodation in Launceston and the resultant economic benefits of developing such accommodation, cannot be met by the existing provisions of the scheme either on the subject site or other suitable sites throughout the City.

Assessment overlooks NTRLUS's *Strategic Direction G2.3 Promote local character values*. The preservation of streetscape and character provided for in LIPS2015 supports the following strategies under this Strategic Direction:

- (a) Promote the important role of local character on the economy and the sense of place.*
- (c) Promote local identification and protection of unique character.*

In terms of preserving streetscape and character, the proposal is also incompatible with policy action ED-P11 (NTRLUS): Provide for the opportunity in planning schemes to identify, protect and enhance distinctive local characteristics and landscapes.

Raised in Representations: 6, 36, 37 and 39.

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Officer Response:

Sufficient information has been provided by the applicant to allow the SAP to be supported based on its economic argument and compliance with the NTRLUS. Whilst the site would be able to accommodate a hotel use within the parameters of the existing standards, the proposed building envelope will assist in the creation of larger hotel permitting a higher economic input into the region. The NTRLUS outlines economic policies, and the proposed amendment will ensure these policies are able to be met.

It is the view of the Council's officers that the subject site and immediate surrounding area to the south and east are objectively of low urban quality, it is not accepted that the NTRLUS requires this to be protected to the exclusion of beneficial change to introduce an intense land use that has the capacity to make a positive change to the area.

Recommendation:

No modifications required.

Concern #10:

CONFLICT WITH THE NTRLUS - SOCIAL IMPACT AND CONFLICT WITH OBJECTIVES OF SCHEDULE 1 UNDER LUPAA

The amendment is in conflict with the following objectives of the Planning Process listed in Schedule 1 of LUPAA:

- (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;"*

A planning scheme amendment 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.

Maintaining streetscape and character is an important way to protect and enhance residents' and visitors' appreciation and enjoyment of the built environment in which they live, work and recreate. The existing planning scheme provisions were designed to defend these social outcomes and the proponent has not put forward a convincing case either that their amendment will not allow development which impinges on these social outcomes, or that it should.

Raised in Representation: 6.

Officer Response:

Visitor Accommodation uses, by their very nature, are social institutions that encourage social interactions. The social impact of permitting such a building envelope associated with visitor accommodation will ensure future use encourages social interaction. The site's location is a connection for the CBD to the outskirts of the CBD and beyond where residential and commercial uses begin to intertwine. An envelope of this size and in this location will encourage social interactions between residents and the users of the site.

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Recommendation:

No modifications required.

Concern #11:

INCOMPATIBILITY WITH THE CITY OF LAUNCESTON STRATEGIC PLAN 2014-2024

Included in the five principle outcomes of the City of Launceston Strategic Plan 2014-2024 (the Plan) is:

To facilitate a consistent approach to the implementation of planning and development policy and initiatives within the greater Launceston area.

The amendment proposes a very different approach to planning for the subject site to the remainder of the mixed use zone without explaining what unique features of the subject site justify this divergence from the existing provisions. Unless it can be demonstrated that this site has some unique feature that needs to be promoted or protected, allowing this amendment would be inconsistent with the streetscape and character provisions of the planning scheme applicable to the remainder of the zone.

Strategic objective 2 of the Plan is:

*A city where people choose to live and includes the key direction:
To contribute to enhanced public health and amenity to promote a safe and secure environment.*

The amendment allows developments which are, as the Tribunal found, *not in harmony or broad correspondence* with the streetscape and character of the surrounding area. Allowing developments in conflict with the streetscape and character will detract from, rather than enhance, amenity.

Raised in Representation: 6.

Officer Response:

An implementation of a SAP does not require unique features of a site to be promoted or protected.

The assessment of a valid scheme amendment application facilitates a consistent approach to planning. It has already been determined that the amendment is consistent with the principles and goals of the Launceston Strategic Plan. The provision of a building envelope for visitor accommodation purposes acknowledges that Launceston is an area where people want to live. An investment into this site to encourage a transitional change will not just encourage visitors to the region, but will allow the City to grow for the benefit of all people.

In reality, the actual impact of the amendment is about tower element of the building envelope. The Tribunal's assessment of the height standards acknowledges that the

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appropriateness of the height of the tower is a subjective assessment about which reasonable minds may differ. It makes no adverse finding in any other component of the development.

Recommendation:

No modifications required.

Concern #12:

PAUL DAVIES REPORT

Consultant, Paul Davies, in his recent *Launceston CBD Building Height and Massing Study Report* to Launceston City Council (7 November 2018) recommended that Launceston should:

Retain an acceptable height solution and reduce it to 9 metres consistently across the study area.

Mr Davies also recommended in the Report that Launceston should:

Introduce an absolute maximum height limit of 24 metres across the City area.

Raised in Representations: 11, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 34, 38, 39, 42, 46, 48, 51, 52, 54, 57, 58, 59 and 60.

Officer Response:

The building and heights study by Paul Davies is referred to multiple times within the representations. A Building Heights Specific Area Plan is currently being prepared based on this study.

The Davies work did not propose an absolute maximum of 24m. The recommendation to the Council, following the Consultation period of the Davies study, proposed a 14.5m acceptable solution with two corresponding performance criteria, one for development up to 24m and one for development over 24m to reflect the different assessment criteria necessary for taller buildings that may be of differing scales to adjoining development.

The Paul Davies report is a non-statutory document that is not a relevant consideration when addressing the decision making criteria for the draft amendment.

Recommendation:

No modifications required.

Concern #13:

OVERSHADOWING

The building envelope will cause negative overshadowing to surrounding properties and ensure a microclimate that will be negatively altered

Raised in Representations: 17, 29 and 48.

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Officer Response:

The overshadowing that would occur as a result of the building envelope is considered reasonable. The view was upheld by the RMPAT in the recent decision S Cai versus Launceston City Council and TRC Multi Property Pty Ltd [2019] TASRMPAT 2.

Recommendation:

No modifications required.

Concern #14:

PRIVACY

The privacy of surrounding properties will be negatively affected.

Raised in Representation: 29.

Officer Response:

This is a matter that needs to be considered in a subsequent development application.

Recommendation:

No modifications required.

Concern #15:

VISUAL IMPACT

The view from all over the City at the moment is of the green vegetation and the entrance to the Cataract Gorge. If this goes ahead, the view will be interrupted by a mirrored tower.

From West Launceston, residents and visitors, who currently have uninterrupted views of the City, will see the tower. The amenity of the residents in West Launceston do not seem to have been taken into account with this development. The view (according to the developers own artist's impressions) from Trevallyn will be even worse, indeed impossible to look past. There is no doubt this, if it goes ahead, will be the dominant feature of Launceston from pretty much all angles.

Raised in Representations: 1, 2, 9, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 38, 39, 40, 42, 43, 44, 46, 48, 49, 51, 52, 54, 55, 57, 58, 59 and 60.

Officer Response:

Views were discussed in Attachment 2 - 3D model assessment under the previous report to initiate the amendment. It was considered that they will be acceptable based on the proposed building envelope. The building will clearly not be the dominant feature of Launceston.

If the full extent of the envelope is utilised it would result in a building of comparable height to a number of other existing and proposed building that make up the cityscape.

Recommendation:

No modifications required.

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<p>Concern #16: ECONOMIC ARGUMENT - THE NEED FOR ADDITIONAL HOTEL ACCOMMODATION AND TOURISM ARGUMENT The present economic climate does not warrant another huge hotel in Launceston. Apart from that, Launceston is not a big city, it does not have an endless number of tourist attractions. It has some small parks, nice river views and Cataract Gorge.</p>
<p><i>Raised in Representations: 36, 37, 50 and 55.</i></p>
<p><i>Officer Response:</i> Sufficient information has been provided that details the need and desire for high quality visitor accommodation within the City. The supporting Economic Impact Assessment has sufficiently demonstrated that there is a need for high quality tourist accommodation in the City.</p>
<p>Recommendation: No modifications required.</p>
<p>Concern #17: DRAFTING ISSUES - RMPAT The applicant has stated the purpose of the draft amendment is to remove <i>uncertainty for the developers</i> around what is an acceptable building height on the subject site. In broad terms, the draft amendment proposes that the building form be provided for by an additional Acceptable Solution.</p> <p>However, in doing this the draft amendment will provide specifically for a building that has been found, by the independent Resource Management and Planning Appeal Tribunal to be not suitable at this location.</p> <p>Contrary to the applicant's opinion, we consider that the Tribunal's decision has provided certainty with respect to this specific envelope and it is, therefore, not appropriate at this site, with particular emphasis on the resulting impacts on the streetscape and the surrounding area.</p> <p>As the draft amendment has not proposed any modification to the building envelope, as previously refused, it in no way has addressed the issues which had determining weight for the Tribunal. In its current form, the draft amendment does not meet the objectives of LUPAA, which include the fair and orderly use and development of land.</p>
<p><i>Raised in Representation: 39.</i></p>
<p><i>Officer Response:</i> A number of the representations appear to exaggerate the reasons for refusal provided by the Tribunal. The RMPAT decision determined that the proposal did not comply with a single performance criteria 15.4.1 A1/P1 requiring compatibility with the streetscape and character of the surrounding area. The application complied with all other aspects of the planning scheme.</p>

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It did not conclude that the proposal was not suitable or inappropriate only that the upper levels of the tower were not compatible with the existing character of the streetscape and surrounding area.

The intent of the proposed SAP is to allow a new and different character to be established that would be beneficial to the area.

The SAP has been assessed against the relevant provisions of LUPAA and other strategic documents. It is not a requirement that the SAP be assessed against the current planning scheme.

The proposed scheme amendment is for a building envelope that is considered appropriate for not only the site, but for the municipality and region as a whole, as demonstrated through its compliance with LUPAA.

As previously stated, the planning scheme is the Council's key document to influence the location and form of development in the City. If the scheme no longer facilitates the Council's preferred strategic direction, then it is the Council's obligation to make and support changes.

The test for acceptability of an amendment cannot be compliance with the existing scheme. It is because that the Council's preferred form of development for that site does not fit within the scheme (as determined by RMPAT) that an amendment is necessary.

Recommendation:

No modifications required.

Concern #18:

DRAFTING ISSUES - DETAIL

The building envelope in the figures provides for a building form that is the same as that previously refused. The proposed building envelope/s contradict the purpose of the SAP, as previously determined by the Tribunal as the proposed building envelope/s were found to negatively impact on the surrounding streetscape.

The relationship of the proposed building envelope to Margaret and Paterson Streets would have a significant impact, as the allowable building form does not to address the transition from larger commercial to smaller residential scale of buildings in these streetscapes.

The proposed additional Development Standard Acceptable Solution is not consistent with the SAP Purpose which contradicts Practice Note 8 (Tasmanian Planning Commission, 2017) which requires:

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All standards must be consistent with the PPZ or SAP purpose.

Furthermore, the purpose relies on the terminology *landmark* building, however, fails to provide any definition for the term landmark. Landmark is defined as:

1a. A conspicuous object in a district (Australian Concise Oxford Dictionary IV edition)

The proposal would facilitate a conspicuous building, and by its nature, something that is a landmark will impact the streetscape. The purpose and standard of the draft amendment do not define the parameters of impact on the streetscape nor has it provided sufficient testing criteria to demonstrate that it does not at minimum negatively impact the streetscape.

Raised in Representation: 39.

Officer Response:

The fact that the Tribunal assessed a previous development application for the site and found that a proposal not 'compatible' (essentially not of a sufficiently similar scale) with the streetscape and surrounding area is not a significant consideration in the assessment of the proposed amendment.

Tribunals make decisions on development applications in accordance with planning schemes that are in place at the time an application is made. Should the SAP be approved the Tribunal would be required to make a decision in accordance with the SAP.

Recommendation:

No modifications required.

Concern #19:

THE SAP DOES NOT MEET LUPAA REQUIREMENTS

As an amendment to an interim planning scheme, the draft amendment is required to meet the requirements of the previous provisions of LUPAA, including section 32, which requires amongst other things that amendments:

- 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;
- 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; and
- seek to further the objectives set out in Schedule 1 within the area covered by the scheme including by: providing for the fair, orderly and sustainable use and development; and requiring sound strategic planning.

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The negative impact of the building envelope contravenes the objectives and section 32 of LUPPA where a Draft Amendment 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. However, the objectives of LUPAA clearly state economic development must be facilitated in accordance with:

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- (b) to encourage public involvement in resource management and planning; and*

The basis of the planning scheme amendment is that this particular building envelope will allow for a floor yield that is economically advantageous to the applicant, however, this is at the expense of the streetscape and character of the surrounding area. It is reiterated, the draft amendment is proposing a building envelope of a significantly greater height than what is currently permissible and what has been deemed appropriate for this site by RMPAT.

In proposing the building envelope as an Acceptable Solution with no associated development application there is also no certainty for the Council or the community on what development could in the future be proposed.

Raised in Representations: 6 and 39.

Officer Response:

If approved, any future development application that is developed under the SAP must be for a visitor accommodation use. It has been established that the proposed size is required to ensure a high quality hotel is able to be developed. It is not agreed that the development of such a building would inherently be at the expense of the streetscape and character of the surrounding area, which as previously discussed, is of low urban quality particularly to the southern side of the proposal site.

No evidence has been provided in the representation to support the assertions made with regard to compliance with LUPAA.

The representation mischaracterises the decision of the Tribunal as one that determines the appropriateness of the future development of the site. The Tribunal do not have role in setting land use policy, they simply determine whether a proposal complies with the Planning Scheme in place at the time. The Tribunal has not determined what is appropriate only that a previous application was not considered 'compatible' as the differential between what was proposed and surrounding development was too great.

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

The building envelope provides an upper limit to the acceptable solution that can be modelled with a high degree of certainty. The visual impacts can be simply understood from the envelope.

Recommendation:

No modifications required.

Concern #20:

DRAFTING ISSUES - REQUIREMENTS

Other drafting issues include Clause F11.2.1 is not explicit on how the amendment will operate. It should be made obvious in F11.2.1 the specific area plan only overrides 15.4.1 A1 and all other provisions of the Urban Mixed-Use Zone apply to the land designated as SAP11 - Gorge Hotel Specific Area Plan. In addition, a corresponding performance criterion is required (A2/P2).

Furthermore, the proposed amendment A2 is not compliant with the construction of an acceptable solution and conflates use with development in that it proposes ancillary uses potentially introduces the scope of a range of ancillary uses if demonstrated they subservient to visitor accommodation. This is unclear and problematic as the draft amendment is not a section 43a and is, therefore, not tied to a planning application.

This amendment provides no assurance or certainty of the outcome.

Raised in Representation: 39.

Officer Response:

The Council is open to accommodate any changes to the SAP so long as the intent of the amendment is not lost, in particular F11.2.1. The Council is of the view that a corresponding performance criteria is not required. If unable to meet A2, then the performance criteria within 15.4.1 is applicable.

It is understood that the construction of the proposed acceptable solution is appropriate and clearly identifies what uses are permitted on site.

Recommendation:

The Council is open to accommodate any changes to the SAP so long as the intent of the amendment is not lost. In particular, the Council would be supportive of changes to F11.2.1 *Application of Specific Area Plan*, if the result is an easier understanding and implementation of the SAP.

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

Concern #21:

CONFLICT WITH OBJECTIVES OF SCHEDULE 1 UNDER LUPAA

Objective of the LUPAA:

to encourage public involvement in resource management and planning.

The complexity and the process of this amendment has been difficult to comprehend and we received requests for help and information. To ensure that these voices can be heard pro-forma information was provided to assist what is difficult for ordinary people not familiar with planning matters.

Raised in Representation: 2, 6 and 53.

Officer Response:

Advertising of the proposed Scheme Amendment followed the requirements as set out under LUPAA. The Council's planning officers were available to meet with the public to discuss the proposal and explain the process.

Recommendation:

No modifications required.

4. CONCLUSION

The representations have been considered and it has been determined that there are no reasons for the Council not to proceed with the draft Amendment 66.

The report has provided an assessment of the representations and it is recommended that it be forwarded to the Tasmanian Planning Commission with a recommendation that it be approved, subject to recommended changes.

ECONOMIC IMPACT:

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

9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993 (the Act)
Launceston Interim Planning Scheme 2015
Northern Tasmania Regional Land Use Strategy (NTRLUS) 2018
Greater Launceston Plan (GLP) 2014
Launceston Residential Strategy (LRS) 2009-2029
City of Launceston Corporate Strategic Plan 2014-2024

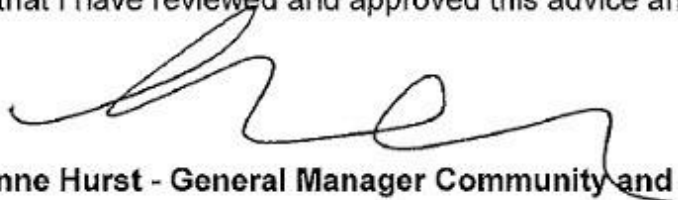
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

- 9.1 Amendment 66 - Specific Area Plan Over Land at 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (CT151150/3, CT151150/2 and CT175274/1) ...(Cont'd)**
-

ATTACHMENTS:

1. Amendment 66 - Certified Specific Area Plan - 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (*electronically distributed*)
 2. Amendment 66 - Representations - 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (*electronically distributed*)
 3. Amendment 66 - Applicant's Response to Representations - 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston - 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street, Launceston (*electronically distributed*)
 4. Amendment 66 - Amended Specific Area Plan (*electronically distributed*)
-

9.2 Amendment 67 - Planning Scheme Text Amendment to the Commercial Zone Use Table (23.2) to Insert the Hospital Services Use Class, with the Qualification *If on land contained within 237-247 Wellington Street as a Discretionary Use*

FILE NO: SF7298

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission subsequent to the public exhibition period for a draft amendment to the Launceston Interim Planning Scheme 2015.

PREVIOUS COUNCIL CONSIDERATION:

Council - 15 July 2021 - Agenda Item 9.2 - Amendment 67 - Text Amendment to Allow Hospital Services at 243-247 Wellington Street and 237-241 Wellington Street, South Launceston - where Council resolved to initiate a text Amendment 67 to the Launceston Interim Planning Scheme 2015 to:

- Alter the Commercial zone Use Table at clause 23.3 to include the use class Hospital Services as a discretionary use, subject to the qualification *If on land at 237-241 Wellington Street or 243-247 Wellington Street.*

RECOMMENDATION:

That Council:

1. in accordance with section 39 of the former provisions of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for draft Amendment 67; and
 2. recommends to the Tasmanian Planning Commission that draft Amendment 67 be approved as certified and exhibited.
-

9.2 Amendment 67 - Planning Scheme Text Amendment to the Commercial Zone Use Table (23.2) to Insert The Hospital Services Use Class, With the Qualification *If on Land Contained Within 237-247 Wellington Street as a Discretionary Use ...*(Cont'd)

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.

The recommendation has, therefore, been made under those transitional provisions.

REPORT:

An application was made under section 33(1) of the *Land Use Planning and Approvals Act 1993* (the Act) by Commercial Project Delivery for the amendment to the Launceston Interim Planning Scheme 2015.

Council initiated the planning scheme amendment at its Meeting of 15 July 2021. The proposed amendment was exhibited from 24 July until 23 August 2021. The amendment appeared in *The Examiner* on two separate occasions: 24 and 28 July 2021.

No representations were received during this period.

In accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, Council must, within 35 days of the close of the exhibition period, send a report to the Tasmanian Planning Commission to advise that no representations were received and to make recommendations in regard to the draft amendment.

CONCLUSION

No errors have been identified in the draft amendment and no corrections are considered necessary, accordingly, it is appropriate that the amendment be forwarded to the Tasmanian Planning Commission with a recommendation that it be approved without change.

ECONOMIC IMPACT:

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

9.2 Amendment 67 - Planning Scheme Text Amendment to the Commercial Zone Use Table (23.2) to Insert The Hospital Services Use Class, With the Qualification *If on Land Contained Within 237-247 Wellington Street as a Discretionary Use ...*(Cont'd)

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015

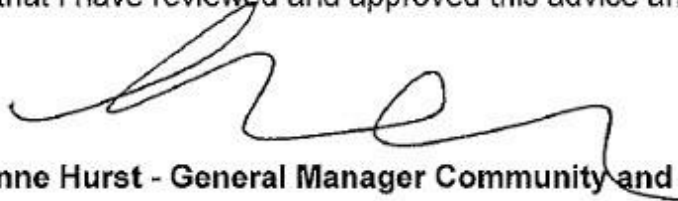
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

ATTACHMENTS:

1. Instrument of Certification
-

LAUNCESTON INTERIM PLANNING SCHEME 2015

AMENDMENT 67

The text provisions of the Launceston Interim Planning Scheme 2015 Commercial Zone Use Table (23.2) are to be amended to insert the Hospital Services use class, with the qualification 'If on land contained within 237-247 Wellington Street' as a discretionary use:

Discretionary	
Use Class	Qualification
Hospital Services	If on land contained within 237-247 Wellington Street.

The Launceston City Council resolved at its meeting of 15 July 2021 that amendment 67 of the Launceston Interim Planning Scheme 2015 meets the requirements specified in section 32 of the Land Use Planning and Approvals Act 1993.

THE COMMON SEAL of the
City of Launceston was hereunto affixed,
pursuant to the Council's resolution
in the presence of:-

Michael Stretton
Chief Executive Officer

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings**FILE NO:** DA0359/2021**AUTHOR:** Duncan Payton (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	BVZ Designs
Property:	11 Home Street, Invermay
Zoning:	General Residential
Receipt Date:	5/07/2021
Validity Date:	8/07/2021
Further Information Request:	09/07/2021
Further Information Received:	11/08/2021
Deemed Approval (extension granted):	24/09/2021
Representations:	Three

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.12 Earthworks and retaining walls
10.4.2 Setbacks and building envelope for all dwellings
10.4.6 Privacy for all dwellings
E11.6.1 Attenuation distances

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 DA0359/2021 - Residential - construction of four dwellings at 11 Home Street, Invermay, subject to the following conditions:

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

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 BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 1/15, dated 16/07/2021.
 - b. Locality Plan, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 2/15, dated 16/07/2021.
 - c. Site Plan, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 3/15, dated 16/07/2021.
 - d. Landscaping Plan, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 4/15, dated 16/07/2021.
 - e. Strata Plan, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 5/15, dated 16/07/2021.
 - f. Site Plumbing Plan, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 6/15, dated 16/07/2021.
 - g. Car Parking Plan, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 7/15, dated 16/07/2021.
 - h. Floor Plan Unit 1, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 8/15, dated 16/07/2021.
 - i. Floor Plan Unit 2, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 9/15, dated 16/07/2021.
 - j. Floor Plan Unit 3, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 10/15, dated 16/07/2021.
 - k. Floor Plan Unit 4, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 11/15, dated 16/07/2021.
 - l. Roof Plan Unit 1/2, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 12/15, dated 16/07/2021.
 - m. Roof Plan Unit 3/4, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 13/15, dated 16/07/2021.
-

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

- n. Elevations, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 14/15, dated 16/07/2021.
- o. Elevations, prepared by BVZ Designs, drawing no. VIM0621, proposed unit development at 11 Home Street, Invermay, revision no.7, page no. 15/15, dated 16/07/2021.

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. 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 2021/01155-LCC, 29/07/2021 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 use. It must not be removed, destroyed or lopped without the written consent of the Council.

6. FENCING

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

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m - 2.1m elsewhere when measured from the highest finished level on either side of the common boundaries.

7. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

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

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

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

8. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

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

9. DAMAGE TO 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.

10. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of Infrastructure and Engineering is required prior to undertaking works where the works:

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

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

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

11. APPLICATION TO ALTER A STORMWATER SERVICE

An application must be made using the Council's eServices web portal, or on the approved form, and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with the Council's standards. All costs associated with these contractors are to be borne by the applicant.

12. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

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

13. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

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.

14. SOIL AND WATER MANAGEMENT PLAN

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

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

15. AMENITY

The construction of the development permitted by this permit must not adversely affect the amenity of the site and the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin or otherwise.

16. WASTE MATERIALS

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0359/2021. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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.

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Heat Pump Use

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

F. Street addresses for Multiple Dwellings

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

<i>Dwelling No.</i>	<i>Strata Lot No.</i>	<i>Street Address</i>
<i>Unit 1</i>	<i>4</i>	<i>4/11 Home Street</i>
<i>Unit 2</i>	<i>3</i>	<i>3/11 Home Street</i>
<i>Unit 3</i>	<i>2</i>	<i>2/11 Home Street</i>
<i>Unit 4</i>	<i>1</i>	<i>1/11 Home Street</i>

The above addresses are to be adhered to when identifying the dwellings and their associated letterboxes. Refuse and Recycling Collection. If significant issues are identified with kerb waste collection post development, the Council may require the site to opt out of its refuse and recycling collection service in favour of a private on site collection service.

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

REPORT:**1. THE PROPOSAL**

It is proposed to construct four multiple dwellings on the sloping 1,822m² internal lot at 11 Home Street, Invermay.

The two northern dwellings will be of three bedrooms and have parking underneath, whereas the two southern dwellings will have only two bedrooms and a single carport, with additional car parking adjacent.

The site is an internal lot aligned laterally to Home Street and with the access strip generally central to the lot. This configuration leads to the proposal for parking and manoeuvring areas to be located in the middle of the lot, with two dwellings on the higher ground to the north and two dwellings to the lower ground to the south.

Earthworks, including cut and fill are proposed to reduce the north/south slope to 10% in the driveway and manoeuvring areas and to provide for useable private open spaces behind the dwellings (ie. north of the northern dwellings and south of the southern dwellings).

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject site is a vacant internal lot of 1,822m² at 11 Home Street, Invermay. It is located behind the existing single dwellings fronting the western side of Home Street. It has an access strip, some 9m wide between numbers 9 and 13 Home Street, providing access via an existing crossover to Home Street. The existing crossover will be widened to 4.5m as part of the proposed development.

The site falls, from north to south, some 7m over its 49m width, with an average gradient of some 15%.

Connections to the public water, sewer and stormwater services are available and the proposed development will connect to these.

The site is zoned General Residential and adjoins other land zoned General Residential to the north and west and land zoned Inner Residential to the south and east (across Home Street). Further west is land zoned Light Industrial and General Industrial.

Whilst there are some multiple dwelling developments, the surrounding area is dominated by single dwellings, with industrial development further west.

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

The proposal is a permitted use in the zone and is consistent with the purpose of the zone to provide for residential use or development that accommodates a range of dwelling types at suburban densities.

10.4 Development Standards for Dwellings

10.4.1 Residential density for multiple dwellings

Objective:

That the density of multiple dwellings:

- (a) makes efficient use of land for housing; and
- (b) optimises the use of infrastructure and community services.

Consistent

The proposal satisfies the applicable acceptable solutions or performance criteria.

A1 Multiple dwellings must have a site area per dwelling of not less than 325m².

Complies

The site area per dwelling is calculated as the area of the site (1,182m²), less the access strip (340m²), divided by the number of dwellings (four), which in this case is 371m².

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;

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

<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>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</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>Complies The dwellings are setback over 30m from Home Street.</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>Complies The proposed carports and parking under Units 1 and 2 are setback more than 30m from Home Street.</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> <p>(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</p>

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- (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 site is an internal lot and as proposed Unit 1 is setback 3.1m and Unit 4 is setback 2.1m from the rear boundary of properties adjoining Home Street, performance criteria are relied upon.

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

- (a) The siting and scale of the proposed dwellings will not cause an unreasonable loss of amenity to adjoining properties:
 - (i) The proposed dwellings are some 15m to the west of the nearest existing dwelling and will not impact upon direct sunlight into habitable rooms until late afternoon;
 - (ii) Given the orientation of the lot, the proposed dwellings will cast some shadow over the adjoining vacant lot to the west in the morning and over the adjoining lots to the east in the later afternoon. All adjoining properties will receive more than three hours sunlight on 21 June;
 - (iii) The adjoining vacant lot will be partially shadowed throughout the morning by the proposed dwellings, however there will be no impact throughout the afternoon;
 - (iv) As a result of the sloping lot, the proposed dwellings, whilst having a single habitable floor level, will effectively present as two storey structures other than to the north.
- (b) Separation from the dwellings on adjoining properties will be consistent with that existing on established properties in the area;
- (c) The proposed dwellings will not overshadow any solar energy installations on adjoining properties or the other proposed dwellings on the subject site.

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The performance criteria are considered to be satisfied.

10.4.3 Site coverage and private open space for all dwellings

<p>Objective: That dwellings are compatible with the amenity and character of the area and provide:</p> <ul style="list-style-type: none"> (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.
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).
<p>Complies</p> <ul style="list-style-type: none"> (a) The proposed dwellings have a total site coverage of some 540m² or around 29% of the 1,882m² lot. (b) Each dwelling has an area of private open space greater than 60m².
<p>A2 A dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is not less than: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.
<p>Complies Each dwelling has an area of private open space that:</p> <ul style="list-style-type: none"> (a) is greater than 24m² in one location; (b) has a minimum horizontal dimension of 4m; (c) is not located between the dwelling and the frontage; and (d) has a gradient less than 10%.

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10.4.4 Sunlight to private open space of multiple dwellings

Objective: That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.
Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.
A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 10.4): (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; (b) the multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9am and 3pm on 21 June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: (i) an outbuilding with a building height not more than 2.4m; or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.
Complies Units 1 and 2 are generally north of Units 3 and 4, however, they are separated not less than 12m. This separation is devoted to car parking and manoeuvring areas. The private open space is located to the north west of Units 1 and 2 and to the south east of Units 3 and 4.

10.4.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.
Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.
A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:

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- (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
- (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.

Complies

Units 3 and 4 each have a deck with a finished floor level more than 1m above natural ground level. Each of these decks are located:

- (a) 3m from the side boundary;
- (b) more than 4m from the rear boundary; and
- (c) more than 6m from a window or deck of an adjoining building on the same site.

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):

- (a) the window or glazed door:
 - (i) is to have a setback of not less than 3m from a side boundary;
 - (ii) is to have a setback of not less than 4m from a rear boundary;
 - (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
 - (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.
- (b) the window or glazed door:
 - (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;
 - (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
 - (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%.

Relies on Performance Criteria

The dwellings all have floor levels greater than 1m above natural ground and contain windows to habitable rooms.

- (a)(i) All dwellings are setback no less than 3m from the side boundaries;
- (a)(ii) Units 2 and 3 are setback less than 4m from the rear boundaries. The relevant windows in Unit 3 are either obscure glass or have a sill height greater than 1.7m above the floor and comply with A2(b). However, the windows in Unit 2 are not obscure or constructed with high sills and rely upon performance criteria;
- (a)(iii) Units 1 and 2 are located 5.5m apart, however, the windows are either obscure glazing or not to a habitable room (ie. laundry); and
- (a)(iv) Units 3 and 4 are less than 6m from the private open space of each other and rely upon performance criteria.

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<p>P2 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 be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> (a) a window or glazed door, to a habitable room of another dwelling; and (b) the private open space of another dwelling.
<p>Complies</p> <p>The windows of Unit 2 are 3.1m from the rear boundary of the site. Unit 2 is located on the site such that the wall facing this boundary would in most cases be considered a side wall to the occupier of 69A Mayne Street, rather than a rear wall. The applicant asserts that, with this in mind, the reasonable expectation of privacy has been met and given that the adjoining site is vacant, potential overlooking is reasonably minimised. This argument is supported.</p> <p>Whilst Units 3 and 4 are each less than 6m from the private open space of the other, this is at ground level and will be separated by a boundary fence. Relevantly each has a deck on the southern facade and these are more than 6m from the adjoining private open space. It is considered that the performance criteria are met.</p>
<p>A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <ul style="list-style-type: none"> (a) 2.5m; or (b) 1m if: <ul style="list-style-type: none"> (i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.
<p>Complies</p> <p>The shared driveway and visitor parking space are separated more than the specified 2.5m to a glazed door or window to a habitable room.</p>

10.4.8 Waste storage for multiple dwellings

<p>Objective:</p> <p>To provide for the storage of waste and recycling bins for multiple dwellings.</p>
<p>Consistent</p> <p>The proposal satisfies the applicable acceptable solutions.</p>
<p>A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.

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<p>Complies Storage areas for waste bins are shown on the landscaping plan.</p>
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10.4.9 Site facilities for multiple dwellings

<p>Objective: To provide adequate site and storage facilities for multiple dwellings.</p>

<p>Consistent The proposal satisfies the applicable acceptable solutions.</p>
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<p>A1 Each multiple dwelling must have access to 6m³ of secure storage space not located between the primary frontage and the facade of a dwelling.</p>
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<p>Complies The required storage sheds for Units 3 and 4 are shown on the landscape plan. Units 1 and 2 have storage located at the rear of their carports, as shown on the applicable floor plans.</p>
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<p>A2 Mailboxes must be provided at the frontage.</p>

<p>Complies Mailboxes are provided at the frontage as shown on the landscape plan.</p>

10.4.10 Common property for multiple dwellings

<p>Objective: To ensure that common areas are easily identified.</p>
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<p>Consistent The proposal satisfies the applicable acceptable solutions.</p>
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<p>A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.</p>
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<p>Complies The required features are clearly depicted on the landscape and strata plans provided.</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>
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<p>Consistent The proposal satisfies the applicable acceptable solutions.</p>
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<p>A1.1 The combined gross floor area of outbuildings must be no greater than 45m²; 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>Complies The only proposed outbuildings are those required for storage and represent a total area of 12.96m².</p>

10.4.12 Earthworks and retaining walls

<p>Objective: To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</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"> (a) be located no less than 900mm from each lot boundary; (b) be no higher than 1m (including the height of any batters) above existing ground level; (c) not require cut or fill more than 1m below or above existing ground level; (d) not concentrate the flow of surface water onto an adjoining lot; and (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.
<p>Relies on Performance Criteria Given the topography and the desire to provide parking underneath the habitable floor of Units 1 and 2, cut and fill in excess on 1m is proposed and performance criteria are relied upon.</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"> (a) the topography of the site; (b) the appearance, scale and extent of the works; (c) overlooking and overshadowing of adjoining lots; (d) the type of construction of the works; (e) the need for the works; (f) any impact on adjoining structures; (g) the management of groundwater and stormwater; and (h) the potential for loss of topsoil or soil erosion.
<p>Relies on Performance Criteria The proposed earthworks, including both cut and fill have been designed to ensure there is no unreasonable impact on the amenity of adjoining lots having regard to:</p>

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- (a) The natural ground slopes from north to south with an average gradient of around 15%, although this is steeper in the centre of the lot, particularly around Units 1 and 2 and less at the northern and southern ends. As a result, there has been additional cut to provide for underneath parking at Units 1 and 2. Fill is proposed to reduce the gradient of the private open space;
- (b) The cut and fill works proposed will not be readily visible from off site and from within the site, they serve to provide improved residential amenity;
- (c) The cut and fill proposed has not contributed to increased overlooking or overshadowing, both of which have been considered to be compatible with the relevant acceptable solutions or performance criteria;
- (d) The earthworks include a mix of cut and batter and retaining walls, all designed to improve level areas for recreation and parking;
- (e) Given the slope of the land and the desire to construct four dwellings, the proposed earthworks were necessary to provide for useable private open space and to facilitate improved access, manoeuvring and parking;
- (f) There will be no impact on adjoining structures;
- (g) Retaining walls and earthworks will be required to be appropriately drained to maintain their structural integrity. Stormwater will be directed to the public stormwater system; and
- (h) Appropriate soil and water management during construction is required by condition.

It is considered that the performance criteria are satisfied.

10.4.13 Location of car parking

Objective:

To:

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

Consistent

The proposal satisfies the applicable acceptable solutions.

A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.

Complies

Shared driveways and car parking are not located within 1.5m of habitable windows.

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

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

Complies

Car parking and manoeuvring areas are not located within the primary front setback.

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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"> (a) protect the safety and efficiency of the road and railway networks; and (b) reduce conflicts between sensitive uses and major roads and the rail network.
<p>Consistent The proposal is consistent with the maintenance of the safety and efficiency of the road network.</p>

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

<p>Objective: To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.</p>
<p>Consistent The proposal satisfies the applicable acceptable solutions.</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>Complies Notwithstanding that the existing access is to be widened to 4.5m, the access complies with the acceptable solution as industry standards estimate an AADT of around eight vehicle movements for a dwelling and with four proposed dwellings, it is estimated that the AADT will increase from effectively zero to 32.</p>

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

<p>Consistent</p>

E4.6.2 Road accesses and junctions

<p>Objective: To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>
<p>Consistent The proposal satisfies the applicable acceptable solutions.</p>
<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>
<p>Complies Home Street has an urban speed limit of 50km/hour. The site will be serviced by a single access providing both entry and exit.</p>

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

Objective: To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.
Consistent The proposal satisfies the applicable acceptable solutions.
A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.
Complies For a design speed of 50km/h, the Table seeks a sight distance of 80m. The existing access has a sight distance in both directions in excess of this.

E6.0 Parking and Sustainable Transport Code

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

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.
Consistent The proposal satisfies the applicable acceptable solutions.
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

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(d) be in accordance with an acceptable solution contained within a parking precinct plan.
<p>Complies The Table seeks the provision of two parking spaces per dwelling and the provision of one visitor car parking space. The required nine car parking spaces are provided on the site and are illustrated on the car parking plan.</p>

E6.6 Development Standards

E6.6.1 Construction of parking areas

<p>Objective: To ensure that parking areas are constructed to an appropriate standard.</p>
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.
<p>Complies</p> <ul style="list-style-type: none"> (a) Appropriate earthworks are proposed to ensure the gradient is not greater than the specified 10%; (b) The landscape plan states that the driveway will be sealed; (c) The landscape plan shows that the driveway will be drained to pits and from there to the public stormwater system; (d) The seal will be impervious and suitable for all weather conditions; (e) Appropriate line marking will be required. <p>The acceptable solution is satisfied.</p>

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;

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- (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

Five car parking spaces are provided and the car parking plan demonstrates that all vehicles can turn on-site and enter and leave in a forward direction. The car parking spaces and associated manoeuvring areas comply with the relevant provisions of the tables.

E11.0 Environmental Impacts and Attenuation Code

E11.1 The purpose of this provision is to:

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

Consistent

Potential conflicts between the proposed development and the Ti-Tree Bend Sewerage Treatment Plant have been considered and the proposal is consistent with the purpose of the code.

E11.6 Use Standards

E11.6.1 Attenuation distances

Objective:

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

Consistent

The proposal satisfies the performance criteria.

A1 No acceptable solution.

Relies on Performance Criteria

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

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- (a) a site-specific study that considers:
 - (i) the degree of encroachment;
 - (ii) the location of the boundaries of the site of the sensitive use or subdivision;
 - (iii) the location of the sensitive use;
 - (iv) the location of the boundaries of the site on which the activity is located;
 - (v) the location of the area on which the activity is undertaken;
 - (vi) the nature of the activity being protected by the attenuation area or buffer area;
 - (vii) the degree of hazard or pollution that may emanate from the activity; and
 - (viii) the measures within the use to mitigate impacts of the activity on the sensitive use; and
- (b) any advice provided in writing from the owner or operator of the activity; and
- (c) any advice provided in writing by the Director of the Environment Protection Authority.

Complies

A site specific study, prepared by Mr Bruce Harpley, Senior Environmental Consultant at Environmental Services and Design (ES&D), has been provided. This report demonstrates that the proposed development is within the outer edge of the attenuation area, at some 430m distance from the treatment plant, and is broadly surrounded by other residential dwellings that currently coexist with the treatment plant without unreasonable loss of amenity.

The report asserts that:

Based on the existing mitigating factors noted above it is considered that potential for environmental nuisance, on future occupants of the proposed unit development, is significantly reduced and is assessed as a tolerable risk.

The performance criteria are considered to be met.

E11.7 Development Standards

E16.0 Invermay/Inveresk Flood Inundation Area Code

E16.1 The purpose of this provision is to:

- (a) reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area;
- (b) ensure that new development is sited and designed to minimise the impact of flooding; and
- (c) ensure that consideration is given in the siting, design and emergency response capability of new development on land subject to flood inundation.

Consistent

The siting and design of the proposed dwellings to minimise the potential impact of flooding is consistent with the purpose of the code.

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

E16.6 Use Standards

E16.6.1 Unacceptable uses

Objective: To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.
Consistent The proposal satisfies the applicable acceptable solutions.
A1 Must not be: (a) Education and occasional care, except in the Inveresk Cultural precinct; (b) Emergency services; or (c) Hospital services.
Complies The proposal is for residential development.
A2 Must not be Residential, unless: (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts; (b) a multiple dwelling in the Invermay Residential Precinct; or (c) associated with and supporting the educational activities within the Inveresk Cultural precinct.
Complies The proposal is for multiple residential development in the Invermay Residential Precinct.
A3 Must not be Community meeting and entertainment in the Riveredge Industrial or Inveresk Residential precincts.
Complies The proposal is not for Community Meeting and Entertainment.

E16.7 Development Standards

E16.7.1 Intensification of residential development

Objective: To limit the intensification of residential development in areas subject to, or isolated by, flood inundation.
Consistent The proposal satisfies the applicable acceptable solutions.
A1 Except within the Invermay Residential Precinct, new residential development or extensions of existing residential buildings: (a) must not increase the gross floor area of individual dwellings or total gross floor area by 10% more than that existing or approved on 1 January 2008; (b) must not result in more than 200m ² of gross floor area on a single title; or (c) must be for residential uses associated with the educational activities within the Inveresk Cultural Precinct.
Complies The subject site is within the Invermay Residential Precinct.

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

E16.7.2 Flood Impact

Objective: To ensure that new buildings and infrastructure are sited and designed to avoid or mitigate the risk and minimise the impact of flooding.
Consistent The proposal satisfies the applicable acceptable solutions.
A1 Floor levels of all habitable rooms within the Residential use class must be at least 3.7m AHD.
Complies Units 3 and 4 have a floor level of 4.1m, whilst Units 1 and 2 have a habitable floor level of 8.6m.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditional consent provided with recommended conditions.
Environmental Health	Conditional consent provided with recommended conditions.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2021/01155-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 14 August to 30 August 2021. Three representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

<p>Issue 1: Who is responsible for the cost of fencing?</p>
<p><i>Response 1:</i> <i>For multiple dwelling developments a standard condition is applied requiring the developer to provide a solid (ie. lapped timber) fence of not less than 1.8m at the developer's cost.</i></p>
<p>Issue 2: Concerned that there will be more water run-off into the adjoining property, which has previously flooded three times.</p>
<p><i>Response 2:</i> <i>The existing overland flow across the undeveloped site is the natural circumstance. The proposed development will cover 52% of the site with impervious surfaces (ie. roofs and driveways). Stormwater from these areas will be captured and directed to the public stormwater system. The potential for natural stormwater flow to adjoining properties will be more than halved.</i></p>
<p>Issue 3: The proposed buildings are in contravention of a covenant on the title and we did not agree to its removal in 2019.</p>
<p><i>Response 3:</i> <i>The covenant was removed on 28 February 2020 (Instrument E190766).</i></p>
<p>Issue 4: The northern end of the site is a high sloping area and is classified as a slip area. Building in this area may affect the stability of the land and that surrounding it.</p>
<p><i>Response 4:</i> <i>The site is not shown as being within a landslip area in the current planning scheme. The proposed scheme utilises the List hazard mapping and shows the site as Medium Landslip, which does not require additional assessment and is exempt, at clause C15.4.1 (a) and (d) of the proposed scheme, from the Landslip Code.</i></p>
<p>Issue 5: We understand that the two lower units are within a flood zone and that building in this area is not permitted.</p>
<p><i>Response 5:</i> <i>The site is within the Invermay/Inveresk Flood Inundation Area of the planning scheme and is further shown to be within the Invermay Residential Precinct of that area. Clause E16.6.1 of the scheme provides that multiple dwellings are allowable within this precinct.</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.

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

9.3 DA0359/2021 - 11 Home Street, Invermay - Residential - Construction of Four Dwellings ...(Cont'd)

ATTACHMENTS:

1. Locality Map - 11 Home Street, Invermay (*electronically distributed*)
 2. Plans to be Endorsed - 11 Home Street, Invermay (*electronically distributed*)
 3. TasWater Span - 11 Home Street, Invermay (*electronically distributed*)
 4. Representations - 11 Home Street, Invermay (*electronically distributed*)
-

9.4 DA0365/2021 - 81 Gleadow Street, Invermay - Bulky Goods Sales and Storage - Construction of Two Warehouses and Retail Showrooms, Associated Car Parking, Landscaping and Signage

FILE NO: DA0365/2021

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Loop Architecture
Property:	81 Gleadow Street, Invermay
Zoning:	Commercial
Receipt Date:	6/07/2021
Validity Date:	8/07/2021
Further Information Request:	13/07/2021
Further Information Received:	12/08/2021
Deemed Approval (extension granted):	23/09/2021
Representations:	Three

PREVIOUS COUNCIL CONSIDERATION:

DA0261/2018 - Subdivision - Subdivide land into six lots plus roads. Approved under Delegated Authority 17 October 2018.

STANDARDS REQUIRING COUNCIL DISCRETION

23.3.2 Emissions impacting sensitive uses
23.4.2 Streetscape
23.4.3 Fences
E16.7.2 Flood Impact
E18.5.2 Design and siting of signage
E2.6.2 Excavation
E4.5.1 Existing road accesses and junctions
E6.5.1 Car parking numbers
E6.5.2 Bicycle parking numbers
E6.6.2 Design and layout of parking areas

9.4 DA0365/2021 - 81 Gleadow Street, Invermay - Bulky Goods Sales and Storage - Construction of Two Warehouses and Retail Showrooms, Associated Car Parking, Landscaping and Signage ...(Cont'd)

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 DA0365/2021 Bulky Goods Sales and Storage - Construction of two warehouses and retail showrooms, associated car parking, landscaping and signage at 81 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. Cover Page, Prepared by Loop Architecture, Dated August 2021.
- b. Ground Floor Plan, Prepared by Loop Architecture, Drawing SK01, Scale 1:200 A3, Dated August 2021.
- c. Mezzanine Floor Plan, Prepared by Loop Architecture, Drawing SK02, Scale 1:200 A3, Dated August 2021.
- d. Roof Plan, Prepared by Loop Architecture, Drawing SK03, Scale 1:200 A3, Dated August 2021.
- e. Elevations, Prepared by Loop Architecture, Drawing SK02, Scale 1:200 A3, Dated August 2021.
- f. Landscaping Plan, Prepared by Lance Designs, Drawing RHS0721-LP01, Issue A, Dated 19 July 2021.
- g. Traffic Impact Assessment, Prepared by Midson traffic Pty Ltd, Dated July 2021.
- h. Environmental management plan, Prepared by rare, Project 210108, Document No 210108 EMP -001, Dated 13 July 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. 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. 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.
-

9.4 DA0365/2021 - 81 Gleadow Street, Invermay - Bulky Goods Sales and Storage - Construction of Two Warehouses and Retail Showrooms, Associated Car Parking, Landscaping and Signage ...(Cont'd)

5. SIGNAGE CONTENT

Content of the sign may be updated or changed without separate approval of the Council, subject to:

- a. the structure, location and size of the signage not changing.
- b. the content of the signage relating to the site.
- c. compliance with the requirements of the planning scheme.

6. NO SIGN ILLUMINATION

The sign must not be floodlit or otherwise internally illuminated.

7. SIGN MAINTENANCE

The signs must be constructed and maintained in good condition to the satisfaction of the Council.

8. FLOOD MANAGEMENT

Prior to the commencement of any building works for the site the applicant must submit a detailed Flood Management Report specifying:

- the design measures and/or operational procedures to be employed to mitigate the hydrodynamic and hydrostatic loading resulting from flood waters. The assumptions upon which the design is based are to be clearly outlined in the report.
- the responsibility for the flood preparedness tasks associated with plan.
- the regular review and updating of the plan to reflect changes in staffing or operation of the development.

9. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

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

9.4 DA0365/2021 - 81 Gleadow Street, Invermay - Bulky Goods Sales and Storage - Construction of Two Warehouses and Retail Showrooms, Associated Car Parking, Landscaping and Signage ...(Cont'd)

10. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of Infrastructure and Engineering is required prior to undertaking works where the works:

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

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

12. APPLICATION TO ALTER A STORMWATER SERVICE

An application must be made using the Council's eServices web portal, or on the approved form, and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with the Council's standards. All costs associated with these contractors are to be borne by the applicant.

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13. SOIL AND WATER MANAGEMENT PLAN

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

14. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

15. DUST MITIGATION MEASURE

Prior to the use commencing the site is to be fully sealed, other than approved landscaping.

16. ENVIRONMENTAL AND SITE CONTAMINATION MANAGEMENT PLAN

The developer must comply with the mitigation measures specified in the Environmental Management Plan prepared by rare, dated 13 July 2021, including submission of a Soil and Water Management Plan with the building application to the satisfaction of the Manager Health and Compliance.

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

17. NO MANUFACTURING ON-SITE

On-site manufacturing is not permitted, with the exception of the assembly of showroom stock from pre-packaged components.

18. EXTERIOR AND SECURITY LIGHTING PLANNING

Exterior Lighting and Security lighting to comply with the Australian Standard AS4282 *Control of the obtrusive effects of outdoor lighting* or any subsequent versions of the document.

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19. 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.

20. WASTE MATERIALS

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0365/2021. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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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C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Storage of Dangerous Goods

The developer/occupant is to ensure that any dangerous goods/materials are stored in accordance with the Work Health and Safety Regulations 2012 or any subsequent versions of the document.

F. Woodheater Use

Use of woodheaters is subject to the Environmental Management and Pollution Control (Smoke) Regulations 2019 or as superseded.

REPORT:

1. THE PROPOSAL

The application is for development of a co-joined building on the corner site, of Gleadow and Doyne Streets, Invermay which will contain two bulky goods sales tenancies with associated storage.

The primary tenancy is located adjacent to the corner and includes a showroom with an area of 248m², storage area of 440m² and amenities on the lower floor and a 185m² mezzanine above. The second tenancy is off the southern side of the building and has a 125m² showroom and 250m² warehouse at ground level and 84m² mezzanine above. Both mezzanine areas are above the showroom sections of the building along the western section of the building fronting the secondary frontage of Doyne Street.

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An awning is also proposed along the eastern side of the building to provide cover to the loading areas.

Cladding will primarily be of pre-cast panels with rendered finishes. Lighter weight cladding is proposed for part of the upper level. The building form includes a feature *chimney* form to the Gleadow Street frontage.

Signage is also proposed and includes building fascia signage, transom and awning fascia signs.

Development includes car parking and landscaping.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the north eastern corner of Gleadow and Doyne Streets, Invermay within the developing commercial area over the previous sawmill site. Land has been zoned, subdivided and serviced, including with roadways for the purpose of such uses.

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 yet intermixed with older residential properties. 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 with the site immediately south being developed as an outlet for safety goods. The Good Guys has opened on land to the east of the site with land between to be redeveloped with four other such outlets.

Access from the central City area is most direct over the Charles Street bridge via Goderich Street. The other options to enter the area are via Overend Way or the Bunnings complex from the south or Forster Street from the north.

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3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

23.0 Commercial Zone

<p>23.1.1 Zone Purpose Statements</p> <p>23.1.1.1 To provide for large floor area retailing and service industries.</p> <p>23.1.1.2 To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility.</p> <p>23.1.1.3 To ensure uses support and do not threaten the established activity centre hierarchy.</p>
<p>Consistent</p> <p>The proposal is for a permitted status development for two 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 close to the City centre within a 20 minute walk to the central City. Given the bulkier nature of goods being sold and serviced the proposal will not threaten the retail hierarchy of the CBD where the focus is on smaller retail items which are purchased on a more regular basis and personal services.</p>

23.3 Use Standards

23.3.1 External storage of goods

<p>Objective:</p> <p>To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.</p>
<p>Consistent</p> <p>The proposed use and development does not involve external storage of goods that might otherwise detract from the amenity of the area.</p>
<p>A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.</p>
<p>Complies</p> <p>Each tenancy has a large internal storage area for stock associated with their operation and facilitated by undercover access to their loading areas along the rear of the building.</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>Consistent</p> <p>The retail nature of the proposed uses will not cause emissions to sensitive uses to the north east of the site.</p>
<p>A1 Uses must be set back from the site of a sensitive use a distance of no less than 100m.</p>

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Relies on Performance Criteria

Although the sites are zoned Light Industrial there are residential uses occupying 66, 68 and 72 Gleadow Street. Number 72 is approximately 75m away and number 68 is 97m away, therefore, the performance criteria must be addressed.

P1 The use must not adversely impact on the amenity of nearby sensitive uses, having regard to:

- (a) the nature of the proposed use;
- (b) the characteristics of the emissions;
- (c) the proximity and number of sensitive uses in the area;
- (d) the topography of the site;
- (e) background levels;
- (f) any mitigation measures proposed; and
- (g) the character of the surrounding area.

Complies

The proposed use should not impact on the amenity of the nearby sensitive uses given the following:

- (a) *the nature of the proposed use;*
The use is principally for retail sales during the standard business hours of 9am to 5pm Monday to Friday and 9am to 1pm Saturday. The application notes that the proposal does not include any manufacturing activity but does involve some assembly of stock requiring the use of hand tools.
 - (b) *the characteristics of the emissions;*
A retail use will not create any emissions.
 - (c) *the proximity and number of sensitive uses in the area;*
There are two residential uses within 100m of the site both of which have other similar uses closer to them and are subject to traffic noise from the Class 1 road of Goderich Street.
 - (d) *the topography of the site;*
The area is level with little terrain to minimise impacts of noise or emissions experienced by the proximity to the road network.
 - (e) *background levels;*
As noted the residential uses are located in a mixed use area and are subject to traffic noise from the Class 1 road of Goderich Street.
 - (f) *any mitigation measures proposed;*
Mitigation measures are not considered necessary;
- and
- (g) *the character of the surrounding area.*
The area has a mixed character and is subject to a variety of noise during the course of a day along with traffic noise especially given the proximity to Goderich Street.

The performance criteria are considered to be addressed.

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23.3.3 Retail impact

Objective: To ensure that the impact of retail and business use and development is appropriate.
Consistent The proposal is considered to be appropriate within the retail and business character of the area.
A1 If for a no permit required or permitted use class.
Complies Both tenancies have floor areas less than 2,000m ² and have a permitted status.

23.4 Development Standards

23.4.1 Building height, setback and siting

Objective: To ensure that building bulk and form, and siting: (a) is compatible with the streetscape and character of the surrounding area; and (b) protects the amenity of adjoining lots.
Consistent The buildings are of an appropriate form and scale and are compatible with the nature of the streetscape and surrounding development.
A1 Building height must be no greater than: (a) 10m; or (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.
Complies The building has a maximum height of 8.65m.
A2 Setback from a frontage must be: (a) no less than 5.5m; or (b) no less than the setback of an adjoining building.
Complies The building will be setback 4.5m from Gleadow Street which is the primary frontage but only 3m from Doyne Street and must be considered against the performance criteria.
P2 Buildings must be sited to be compatible with the streetscape and character of the surrounding area, having regard to: (a) the topography of the site; (b) the setbacks of surrounding buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads and public places; (e) the existing or proposed landscaping; and (f) the safety of road users.

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Complies

The building is not considered to impact on the streetscape and character of the surrounding area, having regard to:

(a) *the topography of the site;*

The land is level and buildings are viewed when in the immediate area. As the site is on a corner and Gleadow Street is wide and landscaped the proximity of the building to the side boundary is not considered to have a significant impact on the character of the area and provides a built form to the street rather than car parking.

(b) *the setbacks of surrounding buildings;*

The adjoining building, to the south in Doyne Street is setback 15m from the frontage but then is dominated by parking along both of its street frontages. Over the western side of Doyne Street is a Boral concrete plant which has buildings separated from the frontage by its driveway and is contained within a concrete wall.

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

The building is partially two storey with the roof form of three skillions, similar to a saw tooth roof form. The form and range of *bulk* of the building minimises its impact on the streetscape.

(d) *the appearance when viewed from roads and public places;*

The building will only be seen when close by in the street and from the flood levee to the west where views will be shielded by development between.

(e) *the existing or proposed landscaping;*

A mix of species are to be planted within the 3m wide landscape bed which will align the building and will break up the façade;

and

(f) *the safety of road users.*

The proximity of the building to the Doyne Street boundary does not detract from sight lines to the surrounding streets.

The encroachment of the building to the Doyne Street frontage is considered to be acceptable.

A3 Buildings can be built up to the side and rear boundaries.

Complies

The building is setback from the remaining boundaries.

A4 Where the site is located on the boundary of the General Residential, Inner Residential and Low Density Residential zones, new buildings or alterations to existing buildings, must:

- (a) be set back a horizontal distance of no less than 3m from the zone boundary; and
- (b) have a solid fence no less than 1.8m high on the zone boundary.

Complies

The building does not adjoin a property within either of the General Residential, Inner Residential and Low Density Residential zones.

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A5 The façade and entrance of the primary building, must be clearly visible and accessible from a road, for pedestrians and persons with a disability.
Complies The façades and entrances of both tenancies are visible from the street frontages and are accessible to all users.

23.4.2 Streetscape

Objective: To ensure that development has an acceptable impact on the streetscape.
Consistent The development will have an acceptable impact within the streetscape.
A1 Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must: (a) have external walls constructed with no less than 50% brick, concrete, masonry or glass; (b) have external walls, unless brick or glass, painted or finished with a texture coat; and (c) have no less than 50% glazing to the external walls of the office components of the buildings.
Complies The building is to be primarily clad in pre-cast concrete panels with lighter weight cladding to sections of the northern and southern elevations at the upper level. The north eastern corner of the northern tenancy, being the showroom component will be glazed, as will the showroom section around the south western corner of the smaller tenancy.
A2 Car parking must not be located within 3m of the frontage.
Relies on Performance Criteria Car parking is proposed along the Gleadow Street frontage and must be considered against the performance criteria.
P2 Car parking must be located to minimise visual impact on the streetscape, having regard to: (a) the topography of the site; (b) the nature of the proposed use; (c) the number of car spaces; (d) the visibility of the car parking from the road; (e) the use of measures to mitigate impacts including screening and landscaping; (f) the location of car parking on adjoining sites; and (g) the character of the streetscape.

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Complies

The car parking is not considered to impact on the visual amenity of the streetscape with regard to the following:

(a) *the topography of the site;*

Given the level topography of the site visual impacts of development are limited to immediate views of the site and the proposed parking area is not considered to be significant in this case.

(b) *the nature of the proposed use;*

The use is a low impact bulky goods outlet which would be visited for a specific purpose given the specialist product the main building is providing for.

(c) *the number of car spaces;*

(d) *the visibility of the car parking from the road;*

(e) *the use of measures to mitigate impacts including screening and landscaping;*

Five parking spaces will be encroaching the setback. The car parking spaces are proposed along the mid section of the Gleadow Street frontage. They will be separated by a 1m wide landscaping strip. Beyond the car parking, and occupying more than half the width of the site westwards towards the street corner, the landscaping strip widens to 3m where the landscaping plan proposes three larger trees. The widening of the landscaping strip, and the 7m width of the landscape strip/footpath in the road reserve, which was planted with street trees as part of the recent subdivision, minimises any visual impact of the encroachment of the car parking into the setback. The stepped facade of the building also helps to minimise any visual impact the spaces may have by providing variety within the streetscape setting.

(f) *the location of car parking on adjoining sites;*

Car parking on adjoining sites is located closer to Gleadow Street with other car parks having a greater number of spaces forward of the buildings. The adjoining building in Doyne Street has a double bank of parking forward of its building;

and

(g) *the character of the streetscape.*

The streetscape setting in the area has been enhanced by the subdivision and development in comparison to the previous use a saw mill.

The proposal is considered to meet the performance criteria.

23.4.3 Fences

Objective:

To provide for fences that are appropriate to the site and character of the area.

Consistent

The proposed fencing is appropriate to the site and street character.

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<p>A1.1 Fences must be no higher than:</p> <ul style="list-style-type: none"> (a) 1.8m on a frontage; or (b) 2.1m on a side or rear boundary that abuts a public reserve; or (c) 3m on a side or rear boundary otherwise. <p>A1.2 Front fences must be 50% transparent above a height of 1.2m.</p> <p>A1.3 Front fences higher than 1.2m must be located no less than 1m from the frontage, and the setback landscaped between the frontage and the fence.</p>
<p>Relies on Performance Criteria</p> <p>The only fencing, which incorporates a sliding gate, is proposed along the western boundary at the southern end of the site facing Doyne Street. It has a height of 2.4m and must be considered against the performance criteria.</p>
<p>P1 Boundary fences must not have an unreasonable impact on the amenity of adjoining sites and the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the need for security; (c) the materials and finish of the proposed fence; (d) the need and opportunity for passive surveillance, particularly where the fence adjoins a road or public reserve; (e) overshadowing; (f) the character of the streetscape; and (g) the character of the surrounding area.
<p>Complies</p> <p>The proposed fence and gates are vertical steel blades which will not impact on the streetscape given that:</p> <ul style="list-style-type: none"> (a) <i>the topography of the site;</i> Given the level topography of the site visual impacts of development are limited to immediate views of the site and the proposed open fencing will not have a significant impact on the small length of the secondary frontage it is proposed to contain. (b) <i>the need for security;</i> The area is only <i>open</i> during business hours and securing of premises is considered appropriate. (c) <i>the materials and finish of the proposed fence;</i> (d) <i>the need and opportunity for passive surveillance, particularly where the fence adjoins a road or public reserve;</i> (e) <i>overshadowing;</i> The materials of the fencing are open and allow for views into the rear section of the site where the fence will be located. (f) <i>the character of the streetscape;</i> <i>and</i>

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(g) *the character of the surrounding area.*

Sites in the area contain a mix of open and fenced sites. The limited extent of fencing is not of concern. Boral has a similar fence enclosing the frontage of its site.

23.4.4 Site landscaping

Objective:

To ensure that new development improves the amenity of the site and the streetscape.

Consistent

Landscaping is proposed for the site.

A1 New buildings or extensions with a gross floor area greater than 100m² or 50% of the existing gross floor area, whichever is less, must:

- (a) landscape an area within the front setback of not less than the 50% of that area; and
- (b) provide a minimum of one tree capable of growing to a height of no less than 10m planted for every 1,000m² of site area. Trees must be located within a minimum 3m diameter landscaped area.

Complies

The site has an area of 2,566m² which requires three large trees. The landscaping plan includes eight trees which grow to an estimated 10m in height, the species being *Banksia serrata* and *Pyrus calleryana* var., three of the latter are within the 3m deep landscape bed adjoining the corner along the Gleadow Street frontage.

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.

Consistent

The site was assessed in 2018 as part of the subdivision of the land as being suitable for the intended uses based on National Environmental Protection Measures.

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

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

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Complies

The site has been signed off as being suitable for commercial uses when the subdivision was approved. The report also required the provision of management plans for development and excavation. Such a report has been provided and is recommended to be endorsed as part of the permit.

E2.6 Development Standards

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

A management plan has 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 a Management Plan has been lodged to meet (c). The assessment includes 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), managing dust and erosion of materials stored on site, advising a nominated consultant if any suspect material is found and being aware of the source and characteristics of any imported material bought to the site.

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Further, the report states a Soil and Water Management Plan must be submitted prior to a building permit being issued.

The performance criteria are addressed.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

The proposal is submitted with a Traffic Impact Assessment to protect the safety and efficiency of the road network.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

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

Consistent

The safety and efficiency of roads should not be by the proposal.

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

Relies on Performance Criteria

A Traffic Impact Assessment forms part of the submission. It estimates that the development of the 221 vehicles per day with a peak generation of 36 vehicles per hour but this breaks the use into *showroom* and *warehouse* space. The performance criteria must be addressed.

P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature and efficiency of the access or the junction;
- (d) the nature and category of the road;
- (e) the speed limit and traffic flow of the road;
- (f) any alternative access to a road;
- (g) the need for the use;
- (h) any traffic impact assessment; and
- (i) any written advice received from the road authority.

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Complies

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:

(a) *the increase in traffic caused by the use.*

A Traffic Impact Assessment forms part of the submission. It estimates that the development of the two tenancies will generate 221 movements per day and 36 movements per hour.

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

The nature of the traffic for the bulky goods sales uses in the area will be similar with customers possibly visiting more than one of the various tenancies which will minimise vehicle trips to the area. The nature of the goods are of larger items purchased on an irregular basis.

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

The development will have two access crossovers with customers able to enter and exit the area via a number of routes. In preparation for the ongoing development the road network has been upgraded. The new access adjoining the Good Guys and onto Overend Way, Doyne Street and the signalisation of the Goderich/Gleadow Streets intersection facilitate development of the area and distribute traffic movements to improve the capacity and efficiency of the road network. The TIA concludes that the surrounding road network has sufficient capacity to absorb the traffic the development will generate.

(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, via Overend Way or from Lindsay Street. The options serve to reduce impacts on any one access point. It is noted that the road network has been designed to cater for the development of these lots. Similarly, vehicles leave via Gleadow or Doyne Street to Lindsay Street. Access to Goderich Street is 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. Having a greater range of options within the city provides 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.

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(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 are satisfied with the proposed development.

The performance criteria are addressed.

E4.6 Development Standards

E4.6.2 Road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

Consistent

The site has been created with two existing crossovers with the *second* crossover not requiring planning approval at this stage.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The proposed 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 minute walk of the City centre. Goderich Street, off which Gleadow Street is accessed, is also a major traffic route for the delivery of goods and services.

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E6.5 Use Standards

E6.5.1 Car parking numbers

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p>Consistent Sufficient car parking is proposed.</p>
<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or (d) be in accordance with an acceptable solution contained within a parking precinct plan.
<p>Relies on Performance Criteria Table E6.1 requires the use of Bulky Goods Sales to provide one space per employee plus one space per 100m² of gross floor area. For the nominated floor area of 1,184m² and six employees 18 spaces are required. With reference to (a) 16.2 or 16 spaces (the quantity taken to the nearest whole number) are required. Fourteen spaces are proposed, therefore, the performance criteria must be considered.</p> <p>It is noted that the Traffic Impact Assessment which forms part of the submission estimated that the development would generate movement of the 221 vehicles per day with a peak generation of 36 vehicles per day but this breaks the tenancies into separate uses of <i>showroom</i> and <i>warehouse</i> space for the purpose of Clause E4. In respect of parking numbers the report also breaks down the use into separate uses with 14 spaces considered suitable.</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"> (a) the availability of off-road public car parking spaces within reasonable walking distance; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;

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- (f) an assessment of the actual car parking demand determined in light of the nature of the use and development;
 - (g) the effect on streetscape; and
 - (h) the recommendations of any traffic impact assessment prepared for the proposal; or
- P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:
- (a) the intensity of the use and car parking required;
 - (b) the size of the dwelling and the number of bedrooms; and
 - (c) the pattern of parking in the locality; or
- P1.3 The number of car parking spaces complies with any relevant parking precinct plan.

Complies

The number of car parking spaces for other than residential uses, must be considered against the following:

- (a) *the availability of off-road public car parking spaces within reasonable walking distance;*
 There are no off-road public car parks in the immediate vicinity but ample parking within the adjoining streets. In addition, given the number of similar businesses and walking trails in the area, it is likely that customers will walk to the site from a nearby on street space or nearby business.
- (b) *the ability of multiple users to share spaces because of:*
 - (i) *variations in car parking demand over time; or*
 - (ii) *efficiencies gained by consolidation of car parking spaces;*
 Given the number of similar businesses and walking trails in the area, it is likely that customers may walk to the site from a nearby on street space or nearby businesses. For example customers to the businesses co-sited with Bunnings visit more than one outlet without moving their car. In this case, customers of the Good Guys and the new developments proposed between may visit more than one outlet with the one visit.
- (c) *the availability and frequency of public transport within reasonable walking distance of the site;*
 Public transport runs through Holbrook Street beyond to the east and the site is within walking distance of the City centre.
- (d) *any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;*
 The site is relatively free of constraints other than potential flooding which is addressed below.
- (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;*
 There is ample street parking in the area especially in this vicinity of Gleadow Street where the road is wide and includes parking perpendicular to the street in the area opposite Doyne Street.

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- (f) *an assessment of the actual car parking demand determined in light of the nature of the use and development;*
 The primary use is sales of heaters and associated products which are purchased on an irregular basis and subject to a lower number of regular customers. Both premises are not substantial in area and are not considered to be result in high traffic demands.
- (g) *the effect on streetscape;*
 The parking for five spaces along the Gleadow Street frontage is partially within the front setback. Their position within the centre of the site is considered to be sufficiently shielded with landscaping and the stepped feature of the building helping to minimise any impact on the streetscape.
- and
- (h) *the recommendations of any traffic impact assessment prepared for the proposal;*
 The traffic impact assessment presented suggests a higher level of traffic than required under the planning scheme and concludes there should be no impacts.

The performance criteria are addressed.

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

Complies

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, the building requires one accessible space which is provided. The acceptable solution is met.

E6.5.2 Bicycle parking numbers

Objective:

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

Consistent

Bicycle parking can be provided to meet the users of the site.

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.

Relies on Performance Criteria

Table E6.1 requires one bicycle space per 500m² of gross floor area. Therefore, the main tenancy requires two spaces and the second tenancy one space. As no spaces are proposed the performance criteria must be addressed.

P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:

- (a) the likely number and characteristics of users of the site and their opportunities and likely need to travel by bicycle;

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- (b) the location of the site and the likely distance a cyclist needs to travel to reach the site; and
- (c) the availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.

Complies
 The need for bicycle spaces is considered against the performance criteria.

(a) *the likely number and characteristics of users of the site and their opportunities and likely need to travel by bicycle;*
 The nature of the use is unlikely to be visited by customers travelling on a bicycle and, therefore, dedicated parking areas are not considered necessary.

(b) *the location of the site and the likely distance a cyclist needs to travel to reach the site;*
 The site is although easily accessible by cyclist given the low lying nature of the area and the proximity to cycling routes which connect to other areas of the City.

and

(c) *the availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.*
 There are bicycle parking facilities proposed upon the adjoining sites. Each tenancy is able to provide storage for employees and a bike could be parked against the building. Clause E6.6.6 below does require specific parking spaces to be provided where less than five spaces are required.

The performance criteria are addressed.

E6.5.3 Taxi spaces

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

Consistent
 Taxis can access the site.

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.

Complies
 As the development requires only 16 car parking spaces no specified parking spaces are required.

E6.5.4 Motorcycle parking

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

Consistent
 Motorcycle parking can be provided on site.

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

Complies
 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.

E6.5.5 Loading bays

Objective:
 To ensure adequate access for goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Consistent
 The development includes an area to provide for goods to be delivered and collected.

Complies
 As each tenancy has an area less than 1,000m² loading bays are not required.

E6.6 Development Standards

E6.6.1 Construction of parking areas

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

Consistent
 Parking areas will be constructed to an appropriate standard.

A1 All parking, access ways, manoeuvring and circulation spaces must:

- (a) have a gradient of 10% or less;
- (b) be formed and paved;
- (c) be drained to the public stormwater system, or contain stormwater on the site;
- (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and
- (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.

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.

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<p>Consistent Car parking areas will be designed for parking spaces to be safe and convenient.</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m above the parking surface level. <p>A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.</p> <p>A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.</p> <p>A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p>
<p>Relies on Performance Criteria 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 other than the width of the perpendicular parking and must be considered against the performance criteria</p> <p>The accessible space will be provided adjoining the main entrance and is of appropriate dimensions.</p>
<p>P1 Car parking, access ways, manoeuvring and circulation spaces must be convenient, safe and efficient to use, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) vehicle and pedestrian traffic safety; (d) the nature and use of the development; (e) the expected number and type of vehicles; (f) the nature of traffic in the surrounding area; and (g) the provisions of Australian Standards AS 2890.1 - Parking Facilities, Part 1: Off Road Car Parking and AS2890.2 Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.
<p>Complies The perpendicular style car parking spaces are considered to meet the requirements given the following:</p> <ul style="list-style-type: none"> (a) <i>the characteristics of the site;</i> (b) <i>the proposed slope, dimensions and layout;</i>

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<p>(c) <i>vehicle and pedestrian traffic safety;</i> The site is level and as the spaces are easily seen and have a deep manoeuvring area safety issues will be minimised. A discretion of 100mm to each space is sought but is not considered an issue.</p> <p>(d) <i>the nature and use of the development;</i> The tenancies are relatively small and the uses are not considered to generate a high number of traffic movements.</p> <p>(e) <i>the expected number and type of vehicles;</i></p> <p>(f) <i>the nature of traffic in the surrounding area;</i> A mix of vehicle types are likely to visit the site.</p> <p>and</p> <p>(g) <i>the provisions of Australian Standards AS 2890.1 - Parking Facilities, Part 1: Off Road Car Parking and AS2890.2 Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</i> The TIA maintains that the design of the spaces is sufficient and references the standards where the spaces exceed the length and aisle width dimensions.</p> <p>The performance criteria are met.</p>
--

E6.6.3 Pedestrian access

<p>Objective: To ensure pedestrian access is provided in a safe and convenient manner.</p>
<p>Consistent Pedestrian access is considered to be appropriate.</p>
<p>A1.1 Uses that require 10 or more parking spaces must:</p> <p>(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:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and</p> <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>Complies The front tenancy proposes nine spaces within the main frontage to not require a specific access facilitated by an aisle separating the spaces. A 2m pathway is although proposed across the frontage to the footpath in Doyne Street and level/safe access to the other tenancy. The acceptable solutions are met.</p>

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E6.6.4 Loading bays

<p>Objective: To ensure adequate access for goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</p>
<p>Consistent The building is proposed with a loading area long the rear side of the building.</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>Complies The TIA details the characteristics of the loading areas and confirms their compliance with the standards.</p>
<p>A2 It must be demonstrated that the type of vehicles likely to use the site can enter, park and exit the site in a forward direction, without impact or conflicting with areas set aside for parking or landscaping, in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</p>
<p>Complies Each of two areas of parking can be separately accessed if the loading area is occupied with this verified by the traffic impact assessment.</p>

E6.6.5 Bicycle facilities

<p>Objective: To ensure that cyclists are provided with adequate facilities.</p>
<p>Consistent Cyclists can be provided with parking facilities with a condition to be imposed for three spaces to be provided for.</p>

E16.0 Invermay/Inveresk Flood Inundation Area Code

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

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E16.6 Use Standards

E16.6.1 Unacceptable uses

Objective: To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.
Consistent The proposed uses are acceptable in the zone.
A1 Must not be: (a) Education and occasional care, except in the Inveresk Cultural precinct; (b) Emergency services; or (c) Hospital services.
Complies The proposed use of each tenancy is Bulky Goods Sales.
A2 Must not be Residential, unless: (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts; (b) a multiple dwelling in the Invermay Residential Precinct; or (c) associated with and supporting the educational activities within the Inveresk Cultural precinct.
Complies The proposed use of each tenancy is Bulky Goods Sales.
A3 Must not be Community meeting and entertainment in the Riveredge Industrial or Inveresk Residential precincts.
Complies The proposed use of each tenancy is Bulky Goods Sales.

E16.7 Development Standards

E16.7.2 Flood Impact

Objective: To ensure that new buildings and infrastructure are sited and designed to avoid or mitigate the risk and minimise the impact of flooding.
Consistent The new building is sited and designed to meet the objective.
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 ² ; or (ii) 10% more than that existing or approved on 1 January 2008.
Relies on Performance Criteria The floor level of the proposed non-residential buildings will be below 1.9m AHD with the floor area proposed at 1,184m ² . Therefore, the performance criteria must be addressed.

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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.

Complies

The submission includes a flood study and management plan and consideration is given to the following:

- (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;*

The document identifies that given the low level of the area ie RL 1.5m AHD that a 1:100 flood event that water is expected to rise to 3.4m AHD and that if there was a levee break or overtopping that the site would be inundated. The flow levels are considered to be low to medium and not an immediate threat to life and property but evacuation would be necessary and the site would need to be cleared after. The building is proposed with a floor level of 1.9m AHD which is 400mm above ground level which addresses a necessary freeboard to provide additional floor resilience.

and

- (b) *(ii) the need to locate electrical equipment and other fittings above the 1% AEP flood level;*
All electrical fixtures must be above 3.4m AHD.
- (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.*

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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.

The submitted document acknowledges the above and offers a plan for the business. It details monitoring requirements in the event of a flood warning, ie to listen to the local radio (ABC), check the weather bureau and advice of the Council, listen for warnings with this being the responsibility of the General Manager of the business. If a warning is issued giving 24 hours notice particular actions to prepare the site are provided noting the site must be evacuated seven hours prior. Directions of all necessary authorities must be followed.

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.*

The management plan aims to minimise risk to life and property. Comments from the Flood Authority seek further information and a condition is included to address their concerns.

The performance criteria are addressed.

E18.0 Signs Code

E18.1 The purpose of this provision is to:

- (a) provide opportunities for appropriate business advertising and information essential to support and encourage business activity;
- (b) promote the use of well-designed signs that complement and enhance the streetscape and the City and do not contribute to visual clutter and detract from the visual amenity of the locality; and
- (c) ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

Consistent

The proposal includes a suitable level of signage for the tenancies which is considered to be well designed and complimentary to the amenity of the area.

E18.5 Development Standards

E18.5.1 Unacceptable signage

Objective:

To prevent unacceptable signage.

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<p>Consistent The signage is considered to be acceptable.</p>
<p>A1 Signage must not be for the following sign types: (a) an above awning sign; (b) bunting (flag and decorative elements); (c) a flashing lights sign; (d) a roof sign; (e) a sky sign; or (f) a third party sign.</p>
<p>Complies The signs proposed are not contained within the stated list.</p>

E18.5.2 Design and siting of signage

<p>Objective: To: (a) provide for appropriate signage and to ensure the visual scale and impact of signage is managed; and (b) ensure that the design and siting of signs achieves the purpose of this code.</p>
<p>Consistent The signs are appropriate for the building in respect of scale, design and visual impact.</p>
<p>A1 A sign must: (a) be located within the applicable zone for the relevant sign type set out in Table 1 of E18.6; and (b) meet the requirements for the relevant sign type set out in Table 1 of E.18.6.</p>
<p>Relies on Performance Criteria The sign types of an awning fascia sign, transom sign, building fascia sign are all considered appropriate within the sites Commercial zone.</p> <p>The awning fascia sign is to be affixed to the awning over the footpath around the front of the northern tenancy. It will have lettering 250mm high and positioned away from the kerb. It will be 3m above ground level to meet the acceptable solution.</p> <p>The building fascia consists of a band of signage across the setback section of the northern elevation facing Gleadow Street and along the frontage to Doyne Street and have dimensions which meet the acceptable solutions.</p> <p>The 7m² mural signs are proposed to the setback section of the northern elevation facing Gleadow Street and along the frontage to Doyne Street. The acceptable solution states that:</p>

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<p>(a) <i>not extend beyond the wall or above the top of the wall to which it is attached; and</i> (b) <i>have a maximum area of 9m.</i></p> <p>The mural signs, therefore, comply.</p> <p>The transom sign is over the entrance to the second tenancy and meets requirements other than exceeding the depth of lettering by 100mm and must be considered against the performance criteria.</p>
<p>P1 A sign must:</p> <p>(a) be located within an applicable zone for the relevant sign type as set out in Table 1 of E18.6; and</p> <p>(b) be appropriate to the natural and built environment of the locality, having regard to:</p> <ul style="list-style-type: none"> (i) domination of the streetscape or premises on which it is located; (ii) the size and dimensions of the sign; (iii) the amenity to surrounding properties; (iv) the repetition of messages or information; (v) the number and density of signs; and (vi) the obstruction of movement of vehicles and pedestrians.
<p>Complies</p> <p>The proposed transom sign is appropriate for the zone to meet (a).</p> <p>The sign is also considered to meet (b) as it will have little impact on the visual appearance of the building or its place within the streetscape setting. The sign faces south being perpendicular, and not directly fronting to the street where it is the main entrance to the second tenancy. It is the only sign to this facade and does cause a repetition of messages and the position of the sign will not obstruct vehicle movements in the area.</p>
<p>A3 A building or tenancy must have:</p> <p>(a) a maximum of one of each sign type per building or tenancy, unless otherwise stated in Table 1 of E18.6; and</p> <p>(b) no more than three individual signs in total.</p>
<p>Relies on Performance Criteria</p> <p>The main tenancy has two building fascia, two mural signs and the awning fascia signage to total five signs and must be considered against the performance criteria.</p>
<p>P3 Visual clutter must be reduced where multiple signs of the same type are proposed, having regard to:</p> <ul style="list-style-type: none"> (a) the number of signs; (b) replacement of existing signs with fewer, more effective signs; and (c) duplication of messages or information on the same frontage.

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Complies
 The proposed signage is not considered to provide visual clutter given that the tenancy has two street frontages with the following addressed:
 (a) *the number of signs;*
 The signs will not be seen in duplicate. One pair of building fascia and mural signs face Gleadow Street and are to be stepped back from the frontage and form a back drop to the car parking. The second pair face Doyne Street.
 (b) *replacement of existing signs with fewer, more effective signs;*
 There are no existing signs.
and
 (c) *duplication of messages or information on the same frontage.*
 There is no duplication of signs to the same frontage.
 The performance criteria are addressed.

4. REFERRALS

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

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 14 August to 30 August 2021. Three 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.

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<p>Issue 1: The land has not been clearly identified as Doyne Street has not been included on the plan and residents would not be aware of the position of the second access. 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.</p>
<p><i>Response 1:</i> 81 Gleadow Street is the legal address for the property and the address the application was advertised.</p>
<p>Issue 2: 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.</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>Issue 3: 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.</p>
<p><i>Response 3:</i> The site is located a distance from these elements and should not significantly impact on the pathway or Overend Way.</p>
<p>Issue 4: The Traffic Impact Assessment (TIA) does not discuss the total road network.</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>Issue 5: Detailed covenants in favour of TasWater over the link road which will obstruct traffic flows and impose costs and traffic congestion.</p>
<p><i>Response 5:</i> This work has been completed prior to opening of the link road.</p>
<p>Issue 6: The TIA is a self serving document that does not independently or faithfully expose or resolve traffic matters and should not be relied upon.</p>
<p><i>Response 6:</i> There is no evidence provided to substantiate this statement.</p>

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<p>Issue 7: The land is within the flood plain and is subject to Seismic Risk which endangers the stability and durability of the flood levees.</p>
<p><i>Response 7:</i> <i>The report addresses the necessary requirements for the application being for land previously subdivided for the purpose of the application. The report includes means of addressing the situation of a major flood event.</i></p>
<p>Issue 8: The proposed landscaping, tree planting and beautification is an improvement to the area.</p>
<p><i>Response 8:</i> <i>Noted.</i></p>
<p>Issue 9: Concerns are raised as to the number of similar Council decisions which have made for similar development particularly relating to traffic and flood impacts, and commercial undertakings of various parties.</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. Only development and use that is considered to be of a minimal risk level and will not impact on human life are considered appropriate. The developers provide justification for their development as part of their planning submission.</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.

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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.

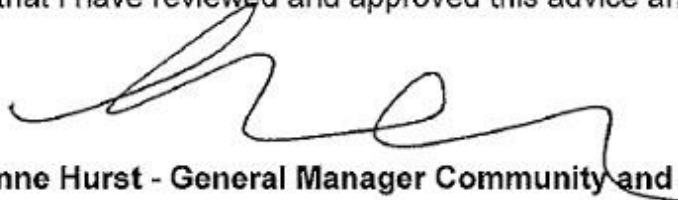
BUDGET & FINANCIAL ASPECTS:

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 - 81 Gleadow Street, Invermay (*electronically distributed*)
 2. Plans to be Endorsed - 81 Gleadow Street, Invermay (*electronically distributed*)
 3. Representations - 81 Gleadow Street, Invermay (*electronically distributed*)
-

9.5 DA0401/2021 - 54A Mulgrave Street, South Launceston - Residential - Construction of a Dwelling**FILE NO:** DA0401/2021**AUTHOR:** Aidan Colahan (Graduate Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	S Group Pty Ltd
Property:	54 Mulgrave Street, South Launceston
Zoning:	General Residential
Receipt Date:	26/07/2021
Validity Date:	28/07/2021
Further Information Request:	03/08/2021
Further Information Received:	11/08/2021
Deemed Approval (extension granted):	23/09/2021
Representations:	Four

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.12 Earthworks and retaining walls
10.4.2 Setbacks and building envelope for all dwellings
E2.6.2 Excavation

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 DA0401/2021 Residential - Construction of a dwelling at 54A Mulgrave 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. Planning Letter, Prepared by S. group, Dated 26/07/2021.
 - b. Cover, Prepared by S. Group, Drawing No. A0-001, Project No. #J007203, 54A Mulgrave Street South Launceston, Page No. 1 of 6, Dated 26/07/2021.
-

9.5 DA0401/2021 - 54A Mulgrave Street, South Launceston - Residential - Construction of a Dwelling ...(Cont'd)

- c. Site Plan, Prepared by S. Group, Drawing No. A0-001, Project No. #J007203, 54A Mulgrave Street South Launceston, Page No. 2 of 6, Dated 26/07/2021.
- d. Shadow Diagrams, Prepared by S. Group, Drawing No. A0-001, Project No. #J007203, 54A Mulgrave Street South Launceston, Page No. 3 of 6, Dated 26/07/2021.
- e. Floor Plan, Prepared by S. Group, Drawing No. A0-001, Project No. #J007203, 54A Mulgrave Street South Launceston, Page No. 4 of 6, Dated 26/07/2021.
- f. Elevations, Prepared by S. Group, Drawing No. A0-001, Project No. #J007203, 54A Mulgrave Street South Launceston, Page No. 5 of 6, Dated 26/07/2021.
- g. Elevations, Prepared by S. Group, Drawing No. A0-001, Project No. #J007203, 54A Mulgrave Street South Launceston, Page No. 6 of 6, Dated 26/07/2021.

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 2021/01269-LCC, 02/08/2021 and attached to the permit.

4. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

6. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

9.5 DA0401/2021 - 54A Mulgrave Street, South Launceston - Residential - Construction of a Dwelling ...(Cont'd)

The explicit permission of Infrastructure and Engineering is required prior to undertaking works where the works:

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

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

7. APPLICATION TO ALTER A STORMWATER SERVICE

An application must be made using the Council's eServices web portal, or on the approved form, and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with Council standards. All costs associated with these contractors are to be borne by the applicant.

8. SOIL AND WATER MANAGEMENT PLAN

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

9. 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.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0401/2021. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

9.5 DA0401/2021 - 54A Mulgrave Street, South Launceston - Residential - Construction of a Dwelling ...(Cont'd)

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

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.

9.5 DA0401/2021 - 54A Mulgrave Street, South Launceston - Residential - Construction of a Dwelling ...(Cont'd)

REPORT:**1. THE PROPOSAL**

The proposal is for the construction of a dwelling at 54A Mulgrave Street, South Launceston. The dwelling will include four bedrooms, one with ensuite, two bathrooms, laundry, kitchen, pantry, dining and living areas, and a two car garage. The floor area proposed is 304m². While the dwelling is single storey, the maximum height will be 6.58m. This height is attributed to the raised roof line designed to let sunlight in. A large easements running along the southern and western side boundaries of the site constrains the siting of the development.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject site, 54A Mulgrave Street, South Launceston is an 845m² internal block located within the General Residential Zone. The site is currently vacant and was previously subdivided from 54 Mulgrave Street as part of DA0450/2018.

The subject site is located in an old established residential area, west of Mulgrave Street and to the south of Eardley Street. It is surrounded by residential properties, predominately used as single dwellings. Immediately south of the site is a large shed, once used as a joinery and furniture manufacture and now forming part of the residential use of 56A Mulgrave Street.

Notwithstanding the historic development of the area for single dwellings, there are several multiple dwelling developments within the immediate area (ie. within 100m) and the broader surrounds.

Coronation Park is within 100m and the site is within walking distance of the Launceston General Hospital and the city centre. Public transport is available in Mulgrave Street and it is a short commute to Kings Meadows, the city and a number of surrounding schools.

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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

Single dwellings have a no permit required status in the zone and therefore the proposal is consistent with the zone purpose.

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.

Consistent

The proposal satisfies acceptable solutions A1 and A2 and performance criteria P3.

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:

- (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;

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- (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;
- (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;
- (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
- (e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.

Complies

As the lot is internal it achieves a frontage setback of approximately 24.7m.

A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:

- (a) 5.5m, or alternatively 1m behind the building line;
- (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or
- (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.

Complies

The proposed garage achieves a setback from the frontage of 24.7m.

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:

- (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and
 - (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

A wall length greater than 9m is proposed within 4.5m of the eastern side boundary.

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

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- (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

- (a) The proposed setbacks will not cause an unreasonable loss of amenity to adjoining properties.
 - (i) Shadow diagrams have been provided that show minimal impact upon the adjoining properties, particularly reduction in sunlight to habitable rooms. Due to the orientation of the dwelling, the northern and eastern properties will not be impacted by overshadowing. The setback from the southern and rear boundaries are compliant with the acceptable solutions.
 - (ii) Overshadowing will be seen at 3 Eardley Street and 56 Mulgrave Street. The area of private open space that will be impacted at 3 Eardley Street is already significantly impacted by the large trees that are at the rear of the property while the impact on 56 Mulgrave will not be unreasonable with majority of this private open space not being impacted during the morning with overshadowing occurring from 2pm onwards.
 - (iii) There are no adjoining vacant properties.
 - (iv) The scale and bulk of the dwelling is not unreasonable when considering the likely impacts when viewed from adjoining properties. At its highest point the dwelling will reach 6.53m from natural ground level where a 2.5m wide building bulkhead extends vertically from the roofline. The scale and bulk of the dwelling is not unreasonable when considering the likely impacts when viewed from adjoining properties. At its highest point the dwelling will reach 6.53m from natural ground level where a 2.5m wide building bulkhead extends vertically from the roofline. The section of the dwelling is located 10.9m from the northern boundary, 3.6m from the eastern boundary, 10.1m from the southern boundary and 9.8m from the western boundary and is located wholly within the building envelope. This design feature of the building contains windows for the purpose of allowing light to access the main living area of the dwelling. The windows proposed along the length and rear of this bulkhead will ensure no unnecessary visual bulk is presented in the direction of adjoining properties.
A cut to a maximum depth of approximately 1.3m is proposed along the eastern boundary along with the existing fences of these properties will reduce the perceived height and subsequently the visual bulk of the dwelling from adjoining properties.

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- (b) Separation between dwellings of a distance under 2m is frequent within the area. Examples include the separation between 1 and 3 Eardley Street and between 5 and 7 Eardley Street along with the high density multiple dwellings at 11 Glenelg Street slightly to the south-west. Separation between dwellings will be adequate and consistent with the housing within the surrounding area.
- (c) The proposal will not reduce sunlight to an existing solar energy installation.
 - (i) Overshadowing will not reach the roofline of any adjoining property and as such any potential impacts on solar energy installations will be avoided.
 - (ii) There are no other dwellings currently on the site.

10.4.3 Site coverage and private open space for all dwellings

<p>Objective: That dwellings are compatible with the amenity and character of the area and provide:</p> <ul style="list-style-type: none"> (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.
<p>Consistent The proposal meets the acceptable solutions.</p>
<p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).
<p>Complies With a roofed area of 302m² on an 845m² block, the proposed site coverage is 35.9%. This achieves the acceptable solution.</p>
<p>A2 A dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is not less than: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.

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Complies

The proposal will provide private open space in a single area of approximately 200m² and which has a minimal horizontal dimension in excess of 4m. The proposed private open space is not located between the dwelling and the frontage and is on a gradient of approximately 10%.

10.4.5 Width of openings for garages and carports for all dwellings

Objective:

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

Consistent

10.4.6 Privacy for all dwellings

Objective:

To provide reasonable opportunity for privacy for dwellings.

Consistent

The proposal provides reasonable opportunity for privacy for all dwellings.

A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:
 - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
 - (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.

Complies

The applicant does not propose any balcony, deck, roof terrace or parking space with a finished floor level above 1m.

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):

- (a) the window or glazed door:
 - (i) is to have a setback of not less than 3m from a side boundary;
 - (ii) is to have a setback of not less than 4m from a rear boundary;
 - (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
 - (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.

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- (b) the window or glazed door:
- (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;
 - (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
 - (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%.

Complies

The applicant does not propose a window or glazed door to a habitable room that has a finished floor level above 1m.

10.4.12 Earthworks and retaining walls

Objective:

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

Consistent

The proposal satisfies the performance criteria.

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

- (a) be located no less than 900mm from each lot boundary;
- (b) be no higher than 1m (including the height of any batters) above existing ground level;
- (c) not require cut or fill more than 1m below or above existing ground level;
- (d) not concentrate the flow of surface water onto an adjoining lot; and
- (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.

Relies on Performance Criteria

Proposed earthworks include excavation to a depth in excess of 1m and within 900mm of a lot boundary.

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

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

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Complies

A retaining wall will be engineered along these boundaries to a length of 13.9m along the eastern boundary and 15.6m along the northern boundary to a maximum depth of 1.3m.

- (a) The topography of the site requires earthworks and retaining walls to be constructed which will in turn reduce the impact of visual impact of the dwelling when viewed from adjoining properties. As the property slopes downward at an angle of 10% from north to south, earthworks are required to construct the new dwelling on a level surface.
- (b and c) The earthworks proposed will reduce the impact of the dwelling when viewed from surrounding properties as they will lower the dwelling along the northern and eastern side boundaries and allow for screening by the existing fences. Earthworks will reduce the ability of the dwelling to overlook the adjoining properties. There are no windows along the eastern boundary that would result in overlooking. With earthworks, the proposed outdoor patio area will be lowered to a point that will reduce overlooking of adjoining properties.
- (d) The retaining wall will be engineered and suitably drained to the stormwater system.
- (e) Due to the topography of the property which slopes downward at an angle of 10% from north to south, earthworks are required to construct the new dwelling on a level surface. Due to development constraints on the site imposed by an easement running along the rear and southern side boundary of the property, the dwelling has been sited in the north eastern corner of the property and requires earthworks due to these limitations imposed.
- (f) The earthworks and retaining wall are to be setback an adequate distance from adjoining structures and must be engineered appropriately to avoid impacting the stability of any adjoining structures.
- (g) The plans indicate a 1.3m engineered retaining wall that is to be suitably drained to the stormwater line.
- (h) The proposed earthworks will be engineered appropriately to avoid any potential loss of topsoil or soil erosion.

10.4.13 Location of car parking

Objective:

To:

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

Consistent

The proposal meets the acceptable solutions.

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

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

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Complies
The proposed garage is located approximately 24.7m from the primary frontage.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent
The proposed dwelling has appropriate parking and access and is consistent with the purpose of the code.

E6.5 Use Standards

E6.5.1 Car parking numbers

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

Consistent
The proposal complies with the acceptable solutions.

A1 The number of car parking spaces must:

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

Complies
Table E6.1 of the Parking and Sustainable transport Code requires the proposed dwelling to have two car parking spaces. The required parking spaces are provided in a garage.

E6.6 Development Standards

E6.6.1 Construction of parking areas

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

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<p>Consistent The proposal complies with the acceptable solutions.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.
<p>Complies The two parking spaces provided for the dwelling are consistently flat and will be of concrete construction. The driveway will have a gradient of 9.5% and will be formed and paved and drained to the public stormwater system.</p>

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>Consistent The proposal complies with the acceptable solutions.</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m above the parking surface level. <p>A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.</p> <p>A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.</p> <p>A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p>
<p>Complies The parking spaces and access provided meet the requirements in Tables E6.2 and E6.3 of the Parking and Sustainable Transport Code. Each parking space will have a width of 2.8m to comply with the acceptable solution.</p>

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4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditions recommended:
Environmental Health	Condition recommended:
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA TWDA 2021/01269-LCC, 02/08/2021.
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

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 14 August to 30 August 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>Issue 1: Potential for overlooking and reduction in privacy</p>
<p><i>Response 1:</i> <i>The dwelling is single storey and will be on a lower elevation than the adjoining properties. This will be assisted by the proposed earthworks that will lower the finished floor level significantly below the fence line along some areas of the boundary.</i></p>
<p>Issue 2: Potential overshadowing of neighbouring private open space</p>
<p><i>Response 2:</i> <i>Shadow diagrams and an assessment against the relevant provisions have determined that overshadowing is reasonable.</i></p>

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<p>Issue 3: Potential for earthworks and retaining walls to destabilize adjoining properties</p>
<p><i>Response 3:</i> <i>Earthworks and retaining walls will be suitably engineered to prevent adverse impacts to dwellings on adjoin properties.</i></p>
<p>Issue 4: Visual impact from streetscape and surrounding properties</p>
<p><i>Response 4:</i> <i>The subject site is on a lower elevation than Mulgrave Street and will have no visual impact. Earthworks are proposed due to the slope of the site which will reduce the bulk form presented and reduce the visual impact from surrounding properties.</i></p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

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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.



Leanne Hurst - General Manager Community and Place Network

ATTACHMENTS:

1. Locality Map - 54A Mulgrave Street, South Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 54A Mulgrave Street, South Launceston (*electronically distributed*)
 3. TasWater SPAN - 54A Mulgrave Street, South Launceston (*electronically distributed*)
 4. Representations - 54A Mulgrave Street, South Launceston (*electronically distributed*)
 5. Applicant's Response to Representations - 54A Mulgrave Street, South Launceston (*electronically distributed*)
-

10 ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Thursday 9 September 2021

- Attended the *Marjorie Unravelling: Tasmania's Fantabulous Edna* performance

Friday 10 September 2021

- Hosted a Civic Reception to acknowledge *Tasmanian Leaders Inc.*

Saturday 11 September 2021

- Presented the fundraising cheque to *Variety* for the East Launceston Bowls and Community Club
- Officiated at the *Northern Tasmanian Football Association's* Premier Division Grand Final at UTAS Stadium

Sunday 12 September 2021

- Officiated at and participated in the *Womens 5k Walk/Run*
- Attended the *Tasmanian State League* Grand Final at UTAS Stadium

Wednesday 15 September 2021

- Officiated at the *2021 Waste NoT Awards* ceremony
- Attended the *Dance and Drama Celebration 2021* at Launceston Grammar

Thursday 16 September 2021

- Attended the welcome for the 39th *Speak Out Conference Standing Strong, Standing Together'*
- Officiated at the opening of *iSEE CHURCH*
- Officiated at the *Youth Spectacular* event

Friday 17 September 2021

- Officiated at the *Key to the City* presentation for Ariarne Titmus
-

10.1 Mayor's Announcements ...(Cont'd)

Saturday 18 September 2021

- Officiated at the bowls season opener for North Launceston
- Attended the *60th Charter* Anniversary dinner for Launceston Windmill Hill Lions Club

Sunday 19 September 2021

- Officiated at the *MS Walk Run and Roll*

Monday 20 September 2021

- Presented to children at *Launceston Christian School* regarding the Mayoral role

Wednesday 22 September 2021

- Officiated at *Singfest - A Coral Celebration*
-

11 COUNCILLORS' REPORTS

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

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

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

12.1.1 Councillors' Questions on Notice - Councillor P S Spencer - York Park Centenary - Council Meeting - 9 September 2021**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 9 September 2021 by Councillor P S Spencer, has been answered by Mrs Leanne Hurst (General Manager Community and Place Network).

Questions:

1. [With reference to the 100 year centenary of York Park], will the Council be acknowledging this milestone in some way?

Response:

The Council's officers have reviewed the available records and whilst the first football game was not played at the site until 1923, York Park was officially opened in 1921. Consideration is currently being given to how best to recognise the anniversary.

12.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

13 COMMITTEE REPORTS**13.1 Cataract Gorge Reserve Advisory Committee Meeting - 17 August 2021****FILE NO:** SF0839**AUTHOR:** Anthea Rooney (Council and Committees Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

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

RECOMMENDATION:

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

REPORT:

The Cataract Gorge Reserve Advisory Committee, at its Meeting held on 17 August 2021, discussed the following:

1. *MONA FOMA 2022* in the Cataract Gorge First Basin - the event's organisers presented at the Meeting. The Committee were generally supportive of the proposal but identified a number of technical aspects that will require addressing during the event.
2. Theme 7.1 - Small, local, family oriented events - First Basin, larger recreational events TNRA - Events - *MONA FOMA 2022* - the Committee provided input into the Council Officer's feedback; discussed the integrated planning model in terms of the first five years and the second five years.
3. Cataract Gorge process for sharing knowledge - the Committee discussed the available knowledge base and current knowledge sharing processes.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

**13.1 Cataract Gorge Reserve Advisory Committee Meeting - 17 August 2021
...(Cont'd)**

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.

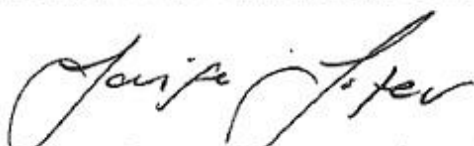
BUDGET & FINANCIAL ASPECTS:

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

13.2 Audit Panel Meeting - 31 August 2021**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Chief Financial Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Audit Panel Meeting held on 31 August 2021.

RECOMMENDATION:

That Council receives the report from the Audit Panel Meeting held on 31 August 2021.

REPORT:

The following is a precis of the substantive Agenda Items dealt with at the Meeting:

1. Opening of Meeting - Attendance and Apologies

The Chair welcomed Councillor T G Walker to his first Meeting.

6.1 Internal Audit - Internal Audit Report

Details: The Panel discussed the Wage Underpayment Review.

Action: The Panel noted the Review as presented and also noted that the two minor issues identified had since been resolved.

7.1 External Audit - External Audit Report

Details: The External Auditors were an apology for the Meeting and there was nothing to discuss.

8.1 Tasks Arising From Audits - Outstanding Internal and External Audit Tasks

Details: The Panel discussed and noted the progress on remaining outstanding items.

Action: The Panel approved nine outstanding issues be treated as resolved.

9.1 Financial Reports Against Budget - Capital Report

Details: The Panel received the Capital Report for the year ended 30 June 2021.

Action: The Panel received and noted the Capital Report as presented.

9.2 Financial Reports Against Budget - Budget Amendments

Details: The Panel received the 2020/2021 Budget Amendments approved by Council.

Action: The Panel noted the Budget Amendments as presented to Council.

13.2 Audit Panel Meeting - 31 August 2021 ...(Cont'd)

9.3 Financial Reports Against Budget - Budget Reallocations

Details: The Panel received project reallocations for the period ended 30 June 2021 as presented to Council.

Action: The Panel noted project reallocations for the period ended 31 March 2021.

10.1 Financial Management Report and KPIS - Investment Returns and Balances

Details: The Panel discussed the continuing low returns of invested funds and noted the investment report showing yearly returns.

Action: The Panel noted the Investment Summary report.

13.1 Corporate Planning and Risk - Risk Review Panel

Details: The Panel noted that the inaugural Risk Review Panel Meeting was held on 27 July 2021. The Panel discussed issues raised and were informed that an audit of the City of Launceston's corporate risks will be completed and reported to the Audit Panel annually.

Action: The Panel noted the commentary and suggested that a presentation also be made at a future Workshop to enable Councillors to better understand the City of Launceston risks and the mitigation measures in place to minimise such risks.

13.2 Corporate Planning and Risk - Long Term Financial Plan and Strategic Asset Management Plan

Details: The Panel noted that the Long Term Financial Plan and Strategic Asset Management Plan are currently being reviewed/refreshed and discussed the process and whether different scenarios could be modelled.

Action: The Panel noted the commentary and that a presentation will be scheduled at a future Workshop to enable Councillors to better understand the impact of different scenarios on the Strategic Asset Management Plan and Long Term Financial Plan.

13.3 Corporate Planning and Risk - Statutory Estimates 2021/2022

Details: The Panel noted the final Statutory Estimates approved by Council in June 2021.

Action: Noted by the Panel.

13.4 Corporate Planning and Risk - Financial Statements 2021/2022

Details: The Panel discussed the draft Financial Statements submitted to the Tasmanian Audit Office (TAO). TAO will now complete the audit of the statements and then provide their audit opinion.

Action: Noted by the Panel.

13.2 Audit Panel Meeting - 31 August 2021 ...(Cont'd)

14.1 Independent Audit Panel Member Tenure

Details: The Panel noted that two independent members of the Panel have now served their maximum terms under the Council's Audit Panel Charter. The steps that will need to be taken were discussed.

Action: Advertising for expressions of interest will be undertaken over the next few months to find two suitably qualified independent Audit Panel members.

15.1 Chief Executive Officer's Risk Certificate

Details: The Chief Executive Officer's priority list of risk issues were presented and discussed.

Action: The Panel noted the Chief Executive Officer's Risk report dated 13 August 2021.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

BUDGET & FINANCIAL ASPECTS:

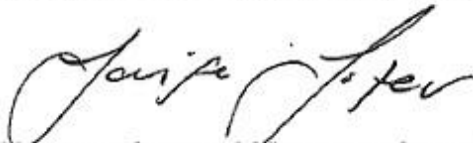
Not considered relevant to this report.

13.2 Audit Panel Meeting - 31 August 2021 ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

13.3 Pedestrian and Bike Committee Meeting - 2 September 2021**FILE NO:** SF0618**AUTHOR:** Cathy Williams (Infrastructure and Engineering Officer)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To receive and consider a report from the Pedestrian and Bike Committee Meeting held on 2 September 2021.

RECOMMENDATION:

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 2 September 2021.

REPORT:

The Pedestrian and Bike Committee, at its Meeting on 2 September 2021, discussed:

- the Launceston Network Operating Plans regarding identification and classification of pedestrian and bike routes.
- submissions for Launceston City Heart Stage 2 project which closed at 5pm, Friday, 10 September 2021.
- pedestrian and bike count to be undertaken on Tuesday, 21 September 2021.
- *Ride to Work Day* to be held on Wednesday, 10 November 2021.
- *Sally's Ride* to be held on Sunday, 14 November 2021.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

13.3 Pedestrian and Bike Committee Meeting - 2 September 2021 ...(Cont'd)

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

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)

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 16 and 23 September 2021:

Strategic Planning Session - Blue Sky

Councillors provided input and participated in a Strategic Planning session.

City of Hobart - Single Use Plastics Ban

Councillors discussed the City of Hobart's single use plastics ban (by-law).

Stadiums Tasmania

Councillors were briefed on the Tasmanian Government's plan to establish a new statutory entity to oversee the management of Tasmania's major public stadia.

Draft Queen Victoria Museum and Art Gallery Futures Plan

Councillors received a presentation on the Draft Queen Victoria Museum and Art Gallery Futures Plan.

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.

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

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

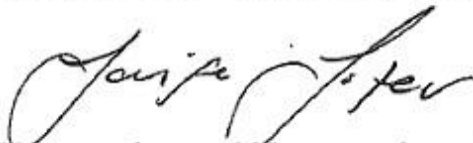
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

15 NOTICES OF MOTION

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

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

16 COMMUNITY AND PLACE NETWORK ITEMS**16.1 Myrtle Park Fees and Charges****FILE NO:** SF0896**AUTHOR:** Andrew McCarthy (Manager Business Enterprises)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)**DECISION STATEMENT:**

To consider adopting a fee in relation to the use of camping sites at the Myrtle Park Recreation Ground for 2021/2022.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 4 February 2021 - Draft 2021/2022 Operational Budget and Fees and Charges

Workshop - 1 April 2021 - 2021/2022 Budget Statutory Estimates and Annual Plan

Council - 22 April 2021 - Agenda Item 19.2 - 2021/2022 Council Fees

Workshop - 21 June 2021 - Myrtle Park Proposed Operating Model

RECOMMENDATION:

That, pursuant to section 205 of the *Local Government Act 1993* (Tas), Council adopts the following fees for the use of camping sites at the Myrtle Park Recreation Ground for 2021/2022:

Myrtle Park Camp Site - new fee setting as shown below:

Fee Number	Fee Description	Period	Recommend Fee (\$)	New
New	Myrtle Park Camp Site	per night	20.00	

REPORT:

The Council's officers recommend a new fee be added to the adopted 2021/2022 Fees and Charges as outlined in Table 1 below. The recommended fee will see the camp site fee from 2019/2020 maintained.

16.1 Myrtle Park Fees and Charges ...(Cont'd)

Table 1

Fee Number	Fee Description	Period	Recommend New Fee (\$)
New	Myrtle Park Campsite	per night	20.00

In order to take bookings for the Myrtle Park Recreation Ground's camping sites, it is necessary for the Council to set an appropriate fee. Whilst considering the benefit to the community versus the commercialisation of the site, the fee being considered of \$20 per site per night for up to 10 people per site is appropriate.

ECONOMIC IMPACT:

The revenue collected from Myrtle Park camp site fees will offset the Myrtle Park Operator contribution and other costs associated with maintaining the site.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

The recommended fee will ensure Myrtle Park continues to be an affordable holiday destination for families and community members.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

To promote tourism, and the development of a quality tourism offering for Launceston.

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.

To promote and enhance Launceston's rich heritage, culture and natural environment.

To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.

BUDGET & FINANCIAL ASPECTS:

As per the report.

16.1 Myrtle Park Fees and Charges ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS**18.1 Plaques and Memorials in Public Open Space Policy (26-Plx-020)****FILE NO:** SF2232**AUTHOR:** Mike Mead (Parks Planning Officer)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider and endorse the Plaques and Memorials in Public Open Space Policy (ECM Doc Set ID 4606520).

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 5 August 2021 - Draft Plaques and Memorials Policy

RECOMMENDATION:

That Council endorses the Plaques and Memorials in Public Open Space Policy (ECM Doc Set ID 4606520) as follows:

Plaques and Memorials in Public Open Space Policy***PURPOSE***

Plaques and memorials can contribute to the cultural value of the community and the desire and expectations to commemorate subjects of significance. A balance needs to be achieved when considering requests for plaques and memorials, with all uses and values of existing open space. The purpose of this document is to provide a clear and consistent framework for assessing future requests, to improve efficiency and provide better outcomes for all park users. A number of plaques and memorials are in existence in the Council's open space. Any existing plaque or memorial cannot be taken as a precedent for future approvals.

SCOPE

This policy applies to requests from the community to formally recognise significant local people, groups, places and events in public open space owned or managed by the City of Launceston by way of:

- One-off plaques
 - Clusters of plaques and memorials
-

18.1 Plaques and Memorials in Public Open Space Policy (26-Plx-020) ...(Cont'd)

This policy does not cover:

- Signage
- Display boards
- Public art
- Historic interpretive signage
- Plaques installed by the Council as part of funding agreements
- Plaques and memorials outside of the Council's owned or managed public open space

POLICY

Community requests for plaques and memorials must meet the following criteria in their application:

Subject

- Subject must relate to historically important national, state or regional events or people who have made a significant contribution to the social, political and cultural life of Launceston subject to the approval of the Council.
- For clusters of plaques and memorials, the subject cannot be memorialised elsewhere in the municipal area.

Funding

- Applicants agree to cover all costs associated with design, fabrication and installation. The Council has no obligation to contribute to these costs.

Location

- The location must be to the satisfaction of the Manager Parks and Sustainability with due regard to any management, maintenance and renewal of spaces including:
 - Site specific plans such as masterplans, heritage and conservation plans.
 - Values of the park and existing user groups.
 - Capitals works and renewals programs.
 - Maintenance schedules.
 - Alignment with current levels of service.

Longevity

- The subject matter must be of enduring interest to the wider community over time.
 - For one-off plaques the subject matter must be at least five years old to allow for historical perspective, ie. events that occurred at least five years ago or people who have passed away at least five years ago. For clusters of plaques and memorials the subject matter must be at least 10 years old.
-

18.1 Plaques and Memorials in Public Open Space Policy (26-Plx-020) ...(Cont'd)

Community support

- Applications must demonstrate community support.
- If armed service related, written endorsement from the RSL and relevant Service or Government Department is a requirement.
- Where individuals are the subject, written support from the immediate family is a requirement.

Aesthetic merit and form

- Factual information must be thoroughly researched by the applicant, and widely accepted by the community and endorsed by the City of Launceston.
- Wording should be positive, considerate and promote equality.
- The size of plaques is to be no smaller than 150mm x 100mm and no larger than 300mm x 300mm. The Council may approve a variation of the size due to the location of the plaque and the associated infrastructure.
- For clusters of plaques and memorials, applicants are required to work collaboratively with the Council's officers on the design proposal.

DONATE A TREE OR PARK FURNITURE

Applications that do not meet the criteria may be permitted to donate a tree or piece of park furniture in suitable areas of public open space subject to the following conditions:

- Plaques and memorials are not applicable on donated trees or park furniture under any circumstances where they have not met the required criteria.
- Applicants agree to cover costs of the item and installation.
- The item is to be arranged by the Council using the Council's suppliers.
- For trees, the species must be to the satisfaction of the manager of Parks and Sustainability and planting is to occur only in winter months.
- The location must be to the satisfaction of the manager of Parks and Sustainability.

APPROVAL PROCESS

- Applications for plaques and memorials must meet all applicable criteria and be made in writing to the manager of Parks and Sustainability. Applications must also include:
 - An Aboriginal Heritage Property Search Report to identify any registered Aboriginal relics or apparent risk of impacting Aboriginal relics at the proposed site.
 - A Planning Report on the proposed Council property to identify any planning requirements such as heritage, fire management, flooding etc.
 - Final approval rests with the General Manager of Infrastructure and Assets Network.
-

18.1 Plaques and Memorials in Public Open Space Policy (26-Plx-020) ...(Cont'd)

INSTALLATION AND MAINTENANCE

- If approved, manufacture and installation will be coordinated by the Council and all agreed upon costs will be borne by the applicant.
- Once installed, the item will become the property of the Council and will be maintained in accordance with its standard level of service for a minimum of 10 years subject to the Council's budget limitations and asset life considerations.
- The Council will maintain a register of plaques, memorials and donated trees and park furniture.

REMOVAL AND RELOCATION

- Any item which has been placed in the Council's open space without the Council's approval will be removed.
- The Council does not guarantee to retain items in perpetuity. Normally items will be retained in place for as long as practicable, with the following exceptions:
 - The area in which the item is sited is to be redeveloped.
 - The use of the area in which the item is sited changes significantly in character and the item is not deemed suitable for the site.
 - The structure or support on which the item is located is to be removed or permanently altered.
 - The item has deteriorated or is damaged and no longer viable.
- If an item is removed reasonable efforts will be made to identify, contact and advise relevant persons associated with the placement.
- The Council cannot guarantee replacement.

PRINCIPLES

The following general principles will apply to the proposal, placement and management of plaques and memorials in the City of Launceston's public open spaces:

- To ensure our plaques and memorials positively contribute to our open spaces and are generally of interest to the wider community.
- To improve efficiencies and costs associated with maintenance and management of plaques and memorials in our open spaces.
- To ensure consistency with the policies and strategies of any management plans for Launceston's open spaces.

This Policy aligns with the City of Launceston values which are:

- Our people matter.
 - We care about our community.
 - We bring an open mind.
 - We go home safe and well.
-

18.1 Plaques and Memorials in Public Open Space Policy (26-Plx-020) ...(Cont'd)

DEFINITIONS

A **plaque** commemorates a person, group, place or event in a single location in the City.

A **plaque cluster** is a group of plaques on a particular theme in one location, such as the one celebrating colourful individuals at Sydney's King's Cross or commemorating communities affected by war outside Adelaide's Immigration Museum.

A **memorial** refers to an object established in the memory of a person, group, association or event. This may include sculptures, statues, fountains and other landscape objects (but not plaques).

For the purpose of this policy **public open space** refers to all the Council's owned or managed land that is primarily reserved for leisure, recreation or nature conservation purposes.

A **significant contribution** is contribution that is extra-ordinary and over and above what might reasonably be expected through paid employment or their voluntary contribution to the community and that contribution stands out from others who may have also made a valuable contribution.

The **City of Launceston** is the corporate identity and informal name of the legal entity, the City of Launceston. Also referred to in this document as the Council.

RSL refers to the Returned and Services League of Australia.

REVIEW

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

REPORT:

The City of Launceston manages over 248 parks, reserves and other areas of public open space. These areas often hold a special significance for those that use them. Public open space is a significant part of the City's social and cultural heritage and makes a valued recreational, environmental and aesthetic contribution for people who live, work and recreate in the City. The significance that these spaces hold for many people results in Council receiving many requests for the placement of commemorative plaques and memorials in public open space.

18.1 Plaques and Memorials in Public Open Space Policy (26-Plx-020) ...(Cont'd)

The Council receives a number of requests for plaques and memorials in public open space each year and a policy gap has been identified in this area. In preparation for this policy a thorough review was conducted around policies that exist in similar local government areas such as the City of Melbourne, City of Hobart and City of Whitehorse. These policies demonstrate best practice and promote a strategic approach to plaques and memorials in parks that consider all functions of open space including intent of open space settings, site attributes and landscape maintenance.

The resulting developed policy is a clear process that considers all fore mentioned functions.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas: To promote and enhance Launceston's rich heritage, culture and natural environment.

Greater Launceston Plan

City of Launceston Cultural Strategy 2020-2030

City of Launceston Access Framework for Action 2020-2024

18.1 Plaques and Memorials in Public Open Space Policy (26-Plx-020) ...(Cont'd)

Plaques and memorials may be subject to the special provisions of the Launceston Planning Scheme depending on their size and impact on heritage significance. Schedule 2 of the Planning Scheme contains a list of heritage listed parks.

Historic Cultural Heritage Act 1995

Small Memorial Management Procedure

Launceston City Park Conservation Management Plan 2006 - Policies for Future Commemorative Plantings (Section 2.2.9)

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

18.2 Combined Drainage System - TasWater Service Agreement**FILE NO:** SF7106/SF5729**AUTHOR:** Robert Bujnowski (Properties and Legal Officer)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider a service agreement between the Council and TasWater with respect to the provision of stormwater services within the urban area of the City of Launceston.

PREVIOUS COUNCIL CONSIDERATION:

Closed Council - 10 June 2014 - Agenda Item 22.4 - Combined System - Mediation with TasWater

Workshop - 24 June 2021- Combined Drainage Agreement - TasWater and City of Launceston

RECOMMENDATION:

That Council:

1. requests the *Chief Executive Officer* to enter an agreement with TasWater, pursuant to section 6(3) of the *Urban Drainage Act 2013 (Tas)*, in accordance with the following terms:
 - (a) five year initial term plus a further five years;
 - (b) the Council to pay TasWater an annual contribution for capital works expenditure totalling \$760,000.00 exclusive of any GST (annual contribution);
 - (c) the annual contribution be adjusted annually during the contracted term in accordance with a mutually agreed capital works program;
 - (d) the Council pay TasWater an annual operational and maintenance fee totalling \$841,000.00 exclusive of any GST (annual operational and maintenance fee);
 - (e) the annual operational and maintenance fee be annually indexed based upon the March consumer price index for *All Groups Hobart* for the immediately preceding financial year.
 2. notes, for the avoidance of doubt, *Chief Executive Officer* is a term of reference used for the *General Manager* as appointed under section 61 of the *Local Government Act 1993 (Tas)*.
-
-

18.2 Combined Drainage System - TasWater Service Agreement ...(Cont'd)

REPORT:**Introduction**

A portion of Launceston's urban area has a combined public stormwater system and sewerage system, meaning that both stormwater and sewage is conveyed through the same pipelines and uses the same infrastructure (Combined Drainage System). The Combined Drainage System covers approximately one third of Launceston's urban catchment area.

The *Urban Drainage Act 2013* (UDA) places a responsibility upon the Council to provide stormwater services through the Combined Drainage System. In 2016 the Council engaged TasWater to provide stormwater services to enable the Council to comply with its obligations under the UDA via a service agreement.

The 2016 service agreement contract is due for renewal. To this end, TasWater and the Council have been negotiating the new terms of the agreement with the basic operating principles and intent of the 2016 service agreement remaining unchanged.

Background

In 2009, the responsibility for potable water and sewerage was removed from local councils in Tasmania and transferred to one of three Tasmanian water and sewerage corporations. For Launceston, its water and sewerage assets were transferred to Ben Lomond Water by a compulsory acquisition, with no payment, but in return the Council received a shareholding in Ben Lomond Water. Following amalgamation of the three Tasmanian water and sewerage corporations in 2013 into what is now TasWater, TasWater became the owner of a significant portion of Launceston's stormwater assets in the Launceston urban area.

Legislative Framework

The regulation of stormwater removal services in the urban areas of Tasmania is provided for by the UDA. The UDA requires that local councils be responsible for urban stormwater drainage as follows:

- Section 5 provides that Council's must *provide for such public stormwater systems as may be necessary to effectively drain the urban area of the Council's municipal area.*
 - Section 6 (4) provides that if a Council wishes to engage a third-party or use its infrastructure to provide stormwater services, *the parties must enter into a commercial agreement for that use or engagement.*
-

18.2 Combined Drainage System - TasWater Service Agreement ...(Cont'd)

At present, TasWater performs stormwater services for the Council in the urban area and is therefore a third-party owner of stormwater drainage infrastructure for the purposes of section 6(4) the UDA.

2016 Agreement

In November 2016, the Council and TasWater entered into a four-year service agreement under which the Council engaged TasWater to provide stormwater services to enable the Council to comply with its obligations under the UDA.

The service agreement was due to expire on 30 June 2020. However, due to COVID-19 impacting each party's ability to meet and negotiate a new contract, an extension to the end of 30 September 2021 was mutually agreed.

Both the Council and TasWater agree to continue carrying out and complete their respective obligations as per the 2016 service agreement.

However, the parties now wish to formalise the terms of a new service agreement (on similar terms to the expiring 2016 service agreement) for a period of five-plus-five years.

Proposed 2021 Agreement

The proposed new agreement includes the following amendments:

- both the Council and TasWater agreeing to attend quarterly meetings to review the status of capital works and maintenance and to discuss any other relevant matters;
- greater clarity within the agreement around asset responsibilities;
- improved structure and readability of the agreed terms.

A summary of the key changes in the 2021 agreement is below:

Item	2016	2021	Change
Term of agreement	Four years	Five years	Extended by one year
Capital contribution calculation	Cost share arrangement for capital works paid quarterly adjusted at the completion of the contract term based on actual costs	Cost share arrangement for capital works paid quarterly adjusted annually based on actual costs	Move to annual adjustment

18.2 Combined Drainage System - TasWater Service Agreement ...(Cont'd)

Item	2016	2021	Change
Term of agreement	Four years	Five years	Extended by one year
Capital expenditure contribution amount	\$575,000	\$760,000	Increase to reflect planned and reactive capital works over the period
Operational expenditure contribution calculation	Cost share arrangement based upon predetermined asset usage allocations paid quarterly in arrears	Cost share arrangement based upon predetermined asset usage allocations paid quarterly in arrears	No change
Operational expenditure contribution amount	\$871,995	\$841,000	Change to reflect actual costs plus management overhead
Escalation for operational costs	Annual indexation based upon the March CPI for <i>All Groups Hobart</i> for the immediately preceding financial year	Annual indexation based upon the March CPI for <i>All Groups Hobart</i> for the immediately preceding financial year	No change

A draft of the agreement was discussed at the Council Workshop on 24 June 2021 and is available to Councillors upon request to the Chief Executive Officer.

ECONOMIC IMPACT:

The net economic impact to the community is considered to be marginal.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

18.2 Combined Drainage System - TasWater Service Agreement ...(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.
4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.
5. To maintain a financially sustainable organisation.

BUDGET & FINANCIAL ASPECTS:

Consideration contained in the report. The budget adjustment consideration of this item has been approved by the General Manager Organisational Services Network.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Shane Eberhardt - General Manager Infrastructure and Assets Network

19 ORGANISATIONAL SERVICES NETWORK ITEMS**19.1 Audit Panel - Appointments of Independent Members****FILE NO:** SF3611**AUTHOR:** Leanne Purchase (Manager Governance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the appointments of independent members of the Audit Panel.

RECOMMENDATION:

That Council determines to extend the current appointments of independent members to the Audit Panel as follows:

Mark Scanlon (Chair) - to 30 November 2021

Lyndal Kimpton - to 30 November 2021

Steven Hernyk - to 5 March 2026

REPORT:

City of Launceston's Audit Panel members are:

Mark Scanlon (Chair and Independent Member)

Lyndal Kimpton (Independent Member)

Steven Hernyk (Independent Member)

Councillor Hugh McKenzie

Councillor Tim Walker

Organisational support is provided by Louise Foster, General Manager Organisational Services Network.

Membership of the Audit Panel complies with clause 5 of the *Local Government (Audit Panels) Order 2014* and further, with the Audit Panel Charter 14-Plx-010. The membership clause of the Audit Panel Charter 14-Plx-010 provides for external members to be appointed for a period of up to four years, subject to a maximum term of eight years.

19.1 Audit Panel - Appointments of Independent Members ...(Cont'd)

The Audit Panel's Independent Members have the following commencement dates for their role:

	<i>Council Decision Date</i>	<i>First Panel Meeting</i>
Mark Scanlon (Chair)	26 November 2012	7 February 2013
Lyndal Kimpton	29 January 2013	7 February 2013
Steven Hernyk	5 March 2018	10 May 2018

At the Audit Panel Meeting held on 31 August 2021, Mr Hernyk agreed to an extension of eight years from 5 March 2018, however, Mr Scanlon and Ms Kimpton have exceeded their maximum eight year membership.

It is proposed to advertise for two suitably qualified people interested in becoming independent members of the City of Launceston Audit Panel prior to the end of 2021 with the appointments to commence as soon as practical following the recruitment process.

With this in mind, this report seeks a decision of Council to extend the term of the Audit Panel's independent members as follows:

	<i>Term to be extended to</i>
Mark Scanlon (Chair)	30 November 2021
Lyndal Kimpton	30 November 2021
Steven Hernyk	5 March 2026

This will allow Mr Scanlon's and Ms Kimpton's appointments to see out the Audit Panel's 2021 work program.

Remuneration and other conditions of Mr Scanlon's, Ms Kimpton's and Mr Hernyk's appointment are unchanged.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

19.1 Audit Panel - Appointments of Independent Members ...(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.
4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.
5. To maintain a financially sustainable organisation.

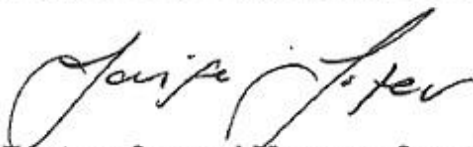
BUDGET & FINANCIAL ASPECTS:

Independent members are remunerated for the days on which the Audit Panel meets and this is a standing item in the budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items have been identified as part of this Agenda

21 CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

21.1 Confirmation of the Minutes

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

21.2 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 Approval of Leases - Myrtle Park Recreation Ground

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:

(c) commercial information of a confidential nature that, if disclosed, is likely to:

- (i) prejudice the commercial position of the person who supplied it; or
- (ii) confer a commercial advantage on a competitor of the council; or
- (iii) reveal a trade secret;

(f) proposals for the council to acquire land or an interest in land or for the disposal of land.

21.4 End of Closed Session

To be determined in Closed Council.

22 MEETING CLOSURE
