



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 28 JANUARY 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: 28 January 2021

Time: 1.00pm

Certificate of Qualified Advice

Background

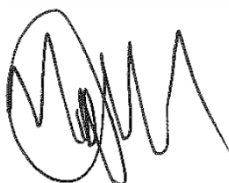
To comply with section 65 of the *Local Government Act 1993* (Tas):

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

RESTRICTED NUMBERS - AUDIO of COUNCIL MEETINGS

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

This Council Meeting will be streamed live to:
www.launceston.tas.gov.au/Council/Meetings/Listen .

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

To help keep you safe you must register your attendance at the Council Meeting in advance by telephoning 6323 3000 and leaving a message by 11.00am on the morning of the Council Meeting. A Council Officer will contact you with relevant attendance details.

At the Council Meeting, please take care to follow signage and the directions of the Council's Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed.

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

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 - 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 10 December 2020 be confirmed as a true and correct record.

5 DEPUTATIONS

No Deputations have been identified as part of this Agenda

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

7 COMMUNITY REPORTS

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

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

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

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

8.1.1 Follow Up Responses - Mr Robin Smith - Council Meeting - 12 December 2020**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, asked and responded to at the Council Meeting on 12 December 2020 by Mr Robin Smith, required a follow-up response and additional information has been provided by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Currently the Council does remove graffiti on property, whether it be private or Council property or whichever government agency owns it if the words are deemed rude or offensive. As it stands, a swastika is not considered an offensive word. Is that something the Council could look at?

The Mayor, Councillor A M van Zetten, responded that if the Council is made aware of the location of graffiti and type of graffiti, the Council will respond quickly and I have received positive comments on action such as this. If you can make us aware of the location, the matter can be followed up.

As a follow-up statement, Mr Smith noted that it is more about the categorisation of the swastika, which is not removed by the Council because it is not deemed an offensive word, it is a symbol.

The Mayor, Councillor A M van Zetten, advised that this would be looked into.

Subsequent to the Meeting, the following additional information is provided:

The City of Launceston (CoL) has a proactive approach to graffiti prevention and reduction with most graffiti on the Council's owned facilities removed the same day it is reported. The CoL removes offensive words and symbols on private property with the owner's consent. No distinction is made between offensive symbols and words as intimated in the question. If it is offensive, such as a swastika, then the CoL will remove it from public property, or seek the owner's consent to remove it from private property.

**8.1.1 Follow Up Responses - Mr Robin Smith - Council Meeting - 12 December 2020
...(Cont'd)**

2. Over the last three or four weeks there has been an explosion of graffiti and spray painting in Launceston by four or five individuals. I am asking if the Council can spend more time and funds on the detection, reporting and removal of this graffiti on all property in the City - not just no-man's land or the Council owned property or if indeed it is a landlord who is rich but perhaps an absentee. Is that something the Council would spend more time, resources and on?

The Mayor, Councillor A M van Zetten, responded by saying that this issue has not yet been considered by the Council and it would need further investigation.

Subsequent to the Meeting, the following additional information is provided:

Preventative management of graffiti is whole of community responsibility and involves multiple government agencies, including law enforcement. As part of its regular cleansing activities, the CoL proactively identifies and removes graffiti on a daily basis.

The CoL does not have the authority, resources or responsibility to remove all graffiti from private property. However, offensive words and symbols are removed with the owner's consent and there is a process for requesting land owner's consent to remove graffiti. The CoL follows up on all reports of graffiti and encourages any members of the public who witness vandalism to report it to Crime Stoppers on 1800 333 000.

In addition to physical removal of graffiti, the CoL works closely with youth, schools and the Tasmanian Police to discourage graffiti.

The CoL already has an active role in discouraging and removing graffiti from public property and the Council does not believe additional resourcing to address graffiti on private property can be justified at this time. However, the CoL does maintain graffiti prevention resources for businesses, residents and schools on its website at www.launceston.tas.gov.au.

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 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building

FILE NO: DA0616/2020

AUTHOR: Doug Fotheringham (Planning Consultant)

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:	Ireneinc Planning
Property:	2-4 Invermay Road, Invermay
Zoning:	Particular Purpose 4 - Inveresk Site
Receipt Date:	24/09/2020
Validity Date:	12/10/2020
Further Information Request:	15/10/2020
Further Information Received:	01/12/2020
Deemed Approval:	28/01/2021 via extension of time
Representations:	Four

STANDARDS REQUIRING COUNCIL DISCRETION

Standard	Reason
E6.5.1 Car parking numbers P1.1	No additional spaces are proposed
E6.5.2 Bicycle parking numbers	No additional spaces are proposed
E6.5.3 Taxi spaces	No additional spaces are proposed
E6.5.4 Motorcycle parking	No additional spaces are proposed
E6.6.4 Loading bays P1 and P2	Loading bay information does not demonstrate compliance with A1
E13.6.4 Site coverage P1	No Acceptable Solution
E13.6.5 Height and bulk of buildings	No Acceptable Solution

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

Standard	Reason
E13.6.6 Site of buildings and structure	No Acceptable Solution
E13.6.9 Wall materials	No Acceptable Solution
E13.6.10 Outbuildings and structures	No Acceptable Solution

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 Education and Occasional Care - change of use to education and occasional care; alterations and additions to a building at 2 Invermay Road, Invermay subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, prepared by 6ty^o Pty Ltd, Drawing No. AD01, dated 14/01/2021.
- b. Proposed Floor Plan, prepared by 6ty^o Pty Ltd, Drawing No. AD03, dated 22/07/2020.
- c. Proposed elevations, prepared by 6ty^o Pty Ltd, Drawing No. AD04, dated 22/07/2020.
- d. Existing and Proposed Sections, prepared by 6ty^o Pty Ltd, Drawing No. AD05, dated 22/07/2020.

2. LEGAL TITLE

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

3. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

No works on Sundays and Public Holidays

4. AMENITY

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.

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

5. EXTERNAL MATERIALS, COLOURS AND FINISHES

To the satisfaction of the Council:

- (a) the proposed doors identified on the approved elevations, prepared by 6ty° Pty Ltd, Drawing No. AD04, dated 22/07/2020, must be constructed of steel and coloured light grey/silver to match the existing doors on the building; and
- (b) the proposed retaining wall identified on the approved elevations, prepared by 6ty° Pty Ltd, Drawing No. AD04, dated 22/07/2020, must be constructed of concrete blockwork coloured light grey or similar to match the existing building.

6. 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.

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0616/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

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.

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

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. Building Act 2016 and the National Construction Code

It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine any requirements under the Building Act 2016.

Please Note:

Councillors are advised that in accordance with the Council's Policy, the assessment of this Development Application was outsourced to an independent consultant Town Planner as it relates to development in which the Council has a pecuniary interest.

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

REPORT:

1. THE PROPOSAL

The University of Tasmania (UTAS) proposes to change the use of an existing building in the Inveresk Site at 2 Invermay Road, Invermay from Community Meeting and Entertainment to Education and Occasional Care. The building was previously used by the Royal National Agricultural and Pastoral Society of Tasmania. UTAS proposes to use it for storage and operational uses, such as cleaning stores, ancillary to the University.

The proposal incorporates:

- changes to the internal building layout;
- a roller door in the north-west elevation facing Forster Street;
- a new personnel door on the north-east elevation; and
- a minor retaining wall around the south-east corner of the building to support a new gravel access path.

No additional students or staff will be generated by the proposal. The submitted site plan shows the parking arrangements for the recently approved Roundhouse Car Park, which is currently under construction.

The advertised plans showed a new crossover on Forster Street leading directly to a new access in the north-west elevation of the building. These plans also showed the proposed removal of a tree in the Forster Street road reserve, adjacent the building. However, the proposed crossover, new building access and tree removal have since been removed from the proposed plans because the applicants had not identified the Forster Street Road Reserve on the permit application form, as required under the *Land Use Planning and Approvals Act 1993*.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The Inveresk Site (sometimes referred to as the Inveresk Precinct) is located between Invermay Road, Forster Street and the North Esk River. The Inveresk Site contains the Roundhouse Pavilion and Roundhouse Car Park, the UTAS Stadium and Inveresk Campus, QVMAG buildings, Invermay Bowls and Community Club, Elizabeth Gardens, the Inveresk Railway Turntable and Roundhouse and the Launceston Big Picture School.

The Inveresk Site is identified as a Heritage Place under the Launceston Interim Planning Scheme 2015. It also contains three heritage places listed under the Tasmanian Heritage Register, including the York Park Entrance Gates, the Invermay Park Northern Stand and the Launceston Railway Station complex.

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

The area consists of open space interspersed with landscaped gardens and buildings serving residential, educational, recreational, and cultural uses.

The building subject to this permit application is located adjacent Forster Street and between a sports oval and the Roundhouse Car Park. The current access to the site is located approximately 55m to the north west on the Inveresk Site's western boundary with Forster Street. The building is a relocated locomotive shed, which is located on flat land.

There are single mature trees located in the Forster Street road reserve on the north-western boundary of the site, including one adjacent to the north-west elevation of the building.

Residential development is located on the northern side of Forster Street, opposite the proposed development site.

The development site is serviced by reticulated sewer, water, power and gas. There are two power poles located adjacent the north-west elevation of the building in Forster Street.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

35.0 Particular Purpose Zone 4 - Inveresk Site

<p>35.1.1 Zone Purpose Statements</p> <p>35.1.1.1 To provide for re-use and redevelopment of the zone for a range of cultural, educational, recreational and public purpose uses.</p> <p>35.1.1.2 To provide for residential uses and developments associated with and supporting educational uses within the zone.</p> <p>35.1.1.3 To locate use and development appropriately within the precincts of the zone.</p>
<p>Consistent</p> <p>The proposed use is ancillary to the main purposes of the university use, which is classified as Education and Occasional Care, which means that the proposal is consistent with the zone's purpose statements.</p>
<p>Local Area Objectives</p> <p>The area contains four local area precincts as shown on Figure 35.1.2 to this zone. The proposal is located in the Open Space Precinct, the objective of which is to provide an open space and recreational use area linking the existing York Park and Invermay Park to the North Esk River. The area is to be retained as an area for public use and for events ranging from an Agricultural Show, outdoor exhibitions and displays, open air markets and general recreational activities.</p>

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

Consistent
 As the development includes only minor alterations to the existing building, the alterations to the building will not significantly encroach on the existing outdoor layout Open Space Precinct, which includes open areas capable of being used for events. Further, the proposed use of the building for purposes ancillary to the university will not prevent the Open Space Precinct's outdoor areas from being used for events. Given these matters, the proposal is consistent with the precinct's objective to provide an open space and recreational use area.

35.3 Use Standards

35.3.1 Hours of operation

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

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

Complies with A1
 The application states that commercial vehicles will not operate outside of the prescribed hours of 6am to 10pm.

35.3.2 Noise levels

Objective:
 To ensure that noise emissions from uses do not cause an unreasonable loss of amenity to nearby sensitive uses.

A1 Noise generated by a use on the site must:

- (a) not exceed a time average A-weighted sound pressure level (L_{aeq}) of 5dB(a) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or
- (b) be in accordance with any permit conditions required by the Environment Protection Authority or an environment protection notice issued by the Director of the Environment Protection Authority.

Complies with A1
 As it is proposed to use the building for storage and operational uses, such as cleaning stores, ancillary to the University, it is unlikely to result in significant noise impacts. A standard permit condition is recommended to ensure that potential noise impacts can be managed.

35.4 Development Standards

35.4.1 Building height

Objective:
 To ensure that development on the site is compatible with the character of the local area precinct.

A1 No acceptable solutions.

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

Complies with A1
 The proposed retaining wall for a small garden area around the south- eastern corner of the building has a maximum height of 0.5m. Otherwise, the application does not propose any changes to the height of the existing building.

35.4.2 Location of car parking

<p>Objective: To ensure that car parking is compatible with the character of the local area precinct.</p>
<p>A1 Car parking must be located within the building structure.</p>
<p>P1 Car parking must be located to minimise its visibility, having regard to:</p> <ul style="list-style-type: none"> (a) the character of the local area precinct; (b) the location of the car parking; (c) vehicle and pedestrian traffic safety; (d) any measures to screen parking; and (e) any landscaping proposed.
<p>Not Applicable The application does not propose or require car parking.</p>

35.4.3 Active ground floors

<p>Objective: To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity</p>
<p>A1 New buildings with non-residential uses on ground floors must:</p> <ul style="list-style-type: none"> (a) have clear glazing, display windows or glass doorways for a minimum of 80% of all ground floor facades to, roads, malls, laneways or arcades; (b) not have security grilles or screens that obscure the ground floor facades to roads, malls, laneways or arcades; (c) not have mechanical plant or equipment, such as air conditioning units or heat pumps located on the facade; and (d) not have blank walls, signage panels or blocked out windows, wider than 2m on ground floor facades to roads, malls, laneways or arcades.
<p>P1 New buildings must be designed to maximise interaction between the use of the building and pedestrians, having regard to:</p> <ul style="list-style-type: none"> (a) an adequate level of glazing, openness and transparency on the ground floor facades to roads, malls, laneways or arcades; (b) the potential for security grilles or screens to reduce the amenity of the building or reduce levels of interaction with the public; (c) screening or obscuring all mechanical plant or equipment such as air conditioning units or heat pumps so as they are not recognisable or visible from ground level public view points; and (d) minimising the area of all blank walls, signage panels or blocked out windows on ground floor facades to roads, malls, laneways or arcades.

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<p>Not Applicable No new buildings are proposed.</p>
<p>A2 Alterations to ground floor facades of non-residential buildings must not:</p> <ul style="list-style-type: none"> (a) reduce the level of glazing on a facade to a road, mall, laneway or arcade that is present prior to alterations; (b) have security grilles or screens that obscure the ground floor facade; (c) introduce new or additional mechanical plant or equipment such as air-conditioning units or heat pumps located on the façade; and (d) increase blank walls, signage panels or blocked out windows, wider than 2m on ground floor facades to roads, malls, laneways or arcades.
<p>Complies with A2 The proposed building will not reduce any glazing on the façade to a road. There are no grilles or screens proposed and the façade is not disturbed by any mechanical plant or equipment. The proposed building will not increase the area of blank walls, signage panels or blocked out windows.</p>

35.4.4 Lot size and dimensions

<p>Objective: To ensure the area and dimensions of lots are appropriate for the zone.</p>
<p>Not Applicable The application does not propose subdivision.</p>

35.4.5 Frontage and access

<p>Objective: To ensure that lots provide:</p> <ul style="list-style-type: none"> (a) appropriate frontage to a road; and (b) safe appropriate access suitable for the intended use of the new lot.
<p>Not Applicable The application does not propose subdivision.</p>

35.4.6 Discharge of stormwater

<p>Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.</p>
<p>Not Applicable The application does not propose subdivision.</p>

35.4.7 Water and sewerage services

<p>Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.</p>
<p>Not Applicable The application does not propose subdivision.</p>

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E2.0 Potentially Contaminated Land Code

Exempt

As the proposed development does not involve disturbance of more than 1m² of land, it is exempt under Clause E2.4.4.

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

As the proposed change of use will not increase numbers of staff or students and the building is to be used for storage purposes, the proposal will not result in significant traffic impacts on the road network or result in conflict between sensitive uses and major roads.

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.

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

Complies with A3

Forster Street has a speed limit of 50km/h and the site is served by two existing accesses (leading to the Roundhouse Car Park). As the proposed change of use will not increase numbers of staff or students and the building is to be used for storage purposes, the proposal is unlikely to increase use of the existing by more than 20% or 40 vehicle movements per day.

E4.5.2 Existing level crossings

Objective:

To ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.

Not Applicable

The proposal does not affect any level crossings.

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E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

Objective: To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (a) ensures the safe and efficient operation of roads and the rail network;
- (b) allows for future road and rail widening, realignment and upgrading; and
- (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.

Not Applicable

The proposal is not adjacent a category 1 or category 2 road or railway network.

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.

A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.

Not Applicable

The application does not propose any new accesses or junctions.

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.

Complies with A2

The site will be served by two existing accesses on Forster Street, which provide separate entry and exit to the Roundhouse Car Park.

E4.6.3 New level crossings

Objective:

To ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.

Not Applicable

The application does not propose a new level crossing.

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.

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.

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Complies with A1

In accordance with the Safe Intersection Sight Distance shown in Table E4.6.4, the existing accesses on to Forster Street achieve a site distance of 80m.

E6.0 Parking and Sustainable Transport Code

E6.1 Purpose of the Parking and Sustainable Transport Code

E6.1.1 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 application is a relatively minor proposal that will not increase numbers of university staff or students and the building is to be used for storage purposes. It proposal relies on existing parking arrangements at the Inveresk Site, which currently provides approximately 660 car parking spaces, all spaces being located within walking distance of the building. This will be increased 852 car parking spaces once the Roundhouse Car Park has been developed (in October 2020, Council approved a planning permit for this adjacent car park, which will provide 192 new spaces in October 2020 and construction is currently underway).

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.

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

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

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<p>(f) an assessment of the actual car parking demand determined in light of the nature of the use and development;</p> <p>(g) the effect on streetscape; and</p> <p>(h) the recommendations of any traffic impact assessment prepared for the proposal.</p>
<p>Complies with P1.1</p> <p>The proposal complies with P1.1. for the following reasons:</p> <p>(a) The Inveresk Site will soon have 852 car parking spaces available within walking distance of the building, including 192 new spaces in the Roundhouse Car Park;</p> <p>(b) Due to the existing building’s location, the proposal will not compromise the multiple users of the Inveresk Site’s ability to share onsite car parking arrangements;</p> <p>(c) Metro and the Tiger bus operate public transport services to the area within reasonable walking distance of the site;</p> <p>(d) The proposed retaining wall and access pathway will not constrain the nearby parking arrangements;</p> <p>(e) The proposal does not propose or require on-road parking;</p> <p>(f) The building is to be used for storage purposes ancillary to the university use and will not increase numbers of University staff or students, so will not increase actual car parking demand;</p> <p>(g) The proposal will have no effect on the streetscape; and</p> <p>(h) No traffic impact assessment is required for this application because it will not result in a significant increase in traffic to the site. This is because the building is to be used for storage purposes ancillary to the University use and will not increase numbers of university staff or students or parking demand.</p>
<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require six or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p>
<p>Complies with A1</p> <p>As the proposal will not increase the demand for parking spaces, the University’s existing number of accessible car parking spaces is considered satisfactory.</p>

E6.5.2 Bicycle parking numbers

<p>Objective:</p> <p>To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the likely number and characteristics of users of the site and their opportunities and likely need to travel by bicycle;</p> <p>(b) the location of the site and the likely distance a cyclist needs to travel to reach the site; and</p> <p>(c) the availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>

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Complies with P1

As the proposal will not increase the demand for bicycle parking spaces, the university's existing number of spaces is considered satisfactory.

E6.5.3 Taxi spaces

Objective:

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

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

- (a) the nature of the proposed use and development;
- (b) the availability and accessibility of taxi spaces on the road or in the vicinity; and
- (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.

Complies with P1

As the proposal will not increase the demand for taxi parking spaces, the university's existing number of spaces is considered satisfactory.

E6.5.4 Motorcycle parking

Objective:

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

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

- (a) the nature of the proposed use and development;
- (b) the availability and accessibility of motorcycle parking spaces on the road or in the vicinity; and
- (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.

Complies with P1

As the proposal will not increase the demand for motorcycle parking spaces, the university's existing number of spaces is considered satisfactory.

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.

A1 A loading bay must be provided for uses with a gross floor area greater than 1,000m² in a single occupancy.

Complies with A1

An existing loading bay on is provided on the north-east elevation of the building.

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E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective: To ensure that parking areas are constructed to an appropriate standard.
Not Applicable No parking areas are proposed or required.

E6.6.2 Design and layout of parking areas

Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking
Not Applicable No parking areas are proposed or required.

E6.6.3 Pedestrian access

Objective: To ensure pedestrian access is provided in a safe and convenient manner.
Not Applicable This clause only relates to pedestrian access for parking areas. No parking areas are proposed or required.

E6.6.4 Loading bays

Objective: To ensure adequate access for goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.
P1 Loading bays must have area and dimensions suitable for the use, having regard to: (a) the types of vehicles likely to use the site; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; and (e) the location of the site and nature of traffic.
Complies with P1 As no development is proposed to constrain the existing loading bay on the north-eastern elevation, it should be suitable for the use under the current site conditions and the future conditions (once the Roundhouse Car Park has been developed).
P2 Access for vehicles commercial vehicles to and from the site must be safe, having regard to: (a) the types of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; (e) the location of the site and nature of traffic; (f) the effectiveness or efficiency of the surrounding road network; and

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

(g) site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping.
Complies with P2 The building will be used for storage and operational uses, such as cleaning stores, which will result in occasional use by commercial vehicles. As no development is proposed to constrain the existing loading bay on the north-eastern elevation, access to and from the site for commercial vehicles will be safe under the current site conditions and the future conditions (once the Roundhouse Car Park has been developed).

E6.6.5 Bicycle facilities

Objective: To ensure that cyclists are provided with adequate facilities.
Not Applicable No bicycle facilities are proposed or required.

E6.6.6 Bicycle parking and storage facilities

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.
Not Applicable No bicycle parking and storage facilities are proposed or required.

E13.0 Local Historic Cultural Heritage Code

E13.1 The purpose of this provision is to: (a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts; (b) encourage and facilitate the continued use of these places; (c) encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and (d) ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the historic cultural heritage significance of the places and their settings.
Consistent The Invermay Site at 2 Invermay Road is a listed as a heritage place under Table E13.2.5 Invermay. The application was referred to the Council's Placemaking Team, with no objections were received. As the proposal will only result in minor modifications to the existing building, it will not impact the cultural heritage significance of the Place. The Tasmanian Heritage Council advised that it has no interest in the permit application.

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E13.6 Development Standards

E13.6.1 Demolition

Objective:

To ensure that the demolition or removal of buildings and structures does not impact on the historic cultural heritage significance of local heritage places and their setting.

Not Applicable

The application does not proposed demolition.

E13.6.2 Maintenance and repair

Objective:

To ensure that maintenance and repair of heritage buildings are constructed and undertaken to be sympathetic to, and not detract from the historic cultural heritage significance of local heritage places.

A1 New materials and finishes match or are similar to the materials and finishes that are being replaced.

Not Applicable

The proposed alterations to the building do not constitute maintenance or repair.

E13.6.3 Lot size and dimensions and frontage

Objective:

To ensure that subdivision does not impact on the historic cultural heritage significance of local heritage places and their settings.

Not Applicable

The application does not propose subdivision.

E13.6.4 Site coverage

Objective:

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

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

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

Complies with P1

As the proposal will not increase the roofed area of the building, it will not result in a change in site coverage.

E13.6.5 Height and bulk of buildings

Objective:

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

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Complies with P1

The proposal will not change the current height of the existing building.

E13.6.6 Site of buildings and structure

Objective:

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

Complies with P1

The proposal will not change the existing front, side and rear setbacks.

E13.6.7 Fences

Objective:

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

Not Applicable

The application does not propose new fences.

E13.6.8 Roof form and materials

Objective:

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

Not Applicable

The application does not propose new roof form.

E13.6.9 Wall materials

Objective:

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

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

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

Complies with P1

Condition 5. is recommended so as to ensure that the external colours, materials and finishes of the proposed doors and retaining wall.

E13.6.10 Outbuildings and structures

Objective:

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

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<p>P1 Outbuildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the location of existing infrastructure services; (c) the bulk, form and size of buildings on the site; (d) the bulk, form and size of the outbuilding or structure; (e) the external materials, finishes and decoration of the outbuilding or structure; and (f) the visibility of the outbuilding or structure from any road, public park or reserve.
<p>Complies with P1 The proposed retaining wall is a relatively minor development that will be compatible with the heritage significance of the Inveresk Site.</p>

E13.6.11 Driveways and parking

<p>Objective: To ensure that driveways and parking are compatible with the historic heritage significance of local heritage places and their settings.</p>
<p>Not Applicable The application does not propose any driveways or parking areas.</p>

E13.6.12 Tree and vegetation removal

<p>Objective: To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not impact on the historic heritage significance of local heritage places and their settings.</p>
<p>Not Applicable The application does not propose any tree or vegetation removal.</p>

E13.6.13 Signage

<p>Objective: To ensure that signage is compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Not Applicable The application does not propose any signage.</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.

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Consistent

As the proposal complies with Clause E16.6 Use Standards (below), it is consistent with the purposes set out in Clause E16.1. There are no applicable development standards (see Clause E16.7 below).

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.

A1 Must not be:
(a) Education and occasional care, except in the Inveresk Cultural precinct;
(b) Emergency services; or
(c) Hospital services.

Complies with A1
The proposed land use is Education and Occasional Care, within the Inveresk Cultural precinct.

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 with A1
The proposed use is not Residential.

A3 Must not be Community Meeting and Entertainment in the Riveredge Industrial or Inveresk Residential precincts.

Complies with A1
The proposed use not 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.

Not Applicable
The application does not propose residential development.

A2 Subdivision or division of land by strata plan:
(a) must not create any additional lots capable for any future residential development;
or
(b) is to:
(i) separate existing dwelling units; or
(ii) separate existing residential and non-residential buildings;
that have been approved by Council on a single title.

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Not Applicable
The application does not propose subdivision.

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.

A1 Floor levels of all habitable rooms within the Residential use class must be at least 3.7m AHD.

Not Applicable
The application does not propose habitable rooms.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	No objections in principle.
Environmental Health	No objections in principle.
Placemaking/Heritage/Urban Design	No objections in principle.
EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	Provided notice that it has no interest
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 5 December to 21 December 2020. 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.

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

<p>Issue 1 Concerns over potential traffic impacts on the surrounding area.</p>
<p><i>Response 1</i> As the building will be used for storage purposes ancillary to the university use, the site will likely be accessed by university vehicles during the course of normal operations and the occasional commercial vehicle. The building was previously used by the Royal National Agricultural and Pastoral Society of Tasmania, which fell under the Community Meeting and Entertainment land use. The levels of traffic generated by the previous use would, at times, have been much more significant than the proposed use eg. on show days. Further, the building is to be used for storage purposes ancillary to the university use and will not result in an increase in numbers of university staff or students, an increased demand for parking or significantly increased levels of traffic to the site. Given this, it is unlikely that there will be significant traffic impacts on the surrounding area.</p>
<p>Issue 2 No Traffic Impact Assessment has been provided with the application.</p>
<p><i>Response 2</i> No traffic impact assessment is required for this application because it will not result in a significant increase in traffic to the development site. This is because the building is to be used for storage purposes ancillary to the university use and will not result in an increase numbers of university staff or students, an increased demand for parking.</p>
<p>Issue 3 Traffic impacts should be assessed by the State Emergency Services.</p>
<p><i>Response 3</i> The planning scheme provides the statutory requirements for assessing traffic impacts. Council is the planning authority responsible for assessing these requirements.</p>
<p>Issue 4 Concerns that a tree will be removed from the Forster Street road reserve.</p>
<p><i>Response 4</i> The proposal to remove a tree from the road reserve has now been deleted from the application.</p>
<p>Issue 5 Concern that the application is not in the best public interest and will cause a general loss of community amenity.</p>
<p><i>Response 5</i> The planning assessment in the above sections of this report demonstrates that the proposal complies with the applicable provisions of the planning scheme.</p>

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

<p>Issue 6 Concern that the application was advertised incorrectly and without any reference to Forster Street.</p>
<p><i>Response 6</i> The application was advertised in accordance with the submitted permit application form and correctly referred to the property address as being 2 Invermay Road, Invermay. It also made specific reference to the proposed crossover and tree removal in Forster Street. However, as the permit application form did not identify the Forster Street Road Reserve, as required by the Land Use Planning and Approvals Act 1993, the applicants have now deleted the proposed crossover and tree removal from the proposed plans.</p>
<p>Issue 7 Concern that the owner of the building has not consented to the planning permit application.</p>
<p><i>Response 7</i> The Council is the landowner and Council's Chief Executive Officer provided written consent under pursuant to Section 52(1B)(b) of the Land Use Planning and Approvals Act 1993. Given this, the application meets the requirements of the Act.</p>
<p>Issue 8 Concern over the application's reference to the proposal aligning with the Urban Design Framework (UDF) which has been developed for the Inveresk precinct to allow the University to deliver the balance of the Northern Transformation Masterplan.</p>
<p><i>Response 8</i> Under the planning scheme, the Urban Design Framework is not a relevant matter and cannot be considered by the planning authority.</p>
<p>Issue 9 Concern that the proposal will increase flood risk in the area.</p>
<p><i>Response 9</i> The proposal complies with the requirements of the planning scheme's Clause E16.0 Invermay/Inveresk Flood Inundation Area Code.</p>
<p>Issue 10 Concerns regarding the overall development of the Inveresk Site as a University Campus.</p>
<p><i>Response 10</i> The overall development of the Inveresk Site as a University Campus is not proposed as part of this permit application, is not a relevant matter and cannot be considered by the planning authority. Only the proposals for current planning application under the applicable requirements of the planning scheme may be considered by the planning authority.</p>

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

<p>Issue 11 Concern that three descriptions were given for the advertising material.</p>
<p><i>Response 11</i> <i>The application was described in accordance with the submitted application details, the Council's advertising procedures and the requirements of the Land Use Planning and Approvals Act 1993.</i></p>
<p>Issue 12 Concern that the application does not make it clear if it is the building or the site that is the subject of the application.</p>
<p><i>Response 12</i> <i>The application clearly referred to 2 Invermay as being the land subject to the application and clearly identifies which building is subject to the change of use. This is satisfactory.</i></p>
<p>Issue 13 Concern that the proposal does comply with Clause 35.1.2S' local area objective for the Open Space Precinct.</p>
<p><i>Response 13</i> <i>The planning assessment above demonstrates that, the proposed alterations to the building will not significantly encroach on the existing outdoor layout Open Space Precinct, which includes open areas capable of being used for events. Further, the proposed use of the building for purposes ancillary to the university will not prevent the Open Space Precinct's outdoor areas from being used for events. Given these matters, the proposal is consistent with the precinct's objective to provide an open space and recreational use area.</i></p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

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 - 2 Invermay Road, Invermay (*electronically distributed*)
 2. Plans to be Endorsed - 2 Invermay Road, Invermay (*electronically distributed*)
 3. Application Documents - 2 Invermay Road, Invermay (electronically distributed)
 4. Tasmanian Heritage Council - Notice of No Interest - 2 Invermay Road, Invermay (*electronically distributed*)
 5. Representations - 2 Invermay Road, Invermay (*electronically distributed*)
-

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, with Access Over 170-178 Elizabeth Street

FILE NO: DA0800/2020

AUTHOR: Iain More (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:	Theresa Lesley Hatton
Property:	169 York Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	19/11/2020
Validity Date:	8/12/2020
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval (extension of time granted):	28/01/2021
Representations:	10

STANDARDS REQUIRING COUNCIL DISCRETION

15.4.6 Private open space
15.4.8 Storage
E6.5.1 Car parking numbers

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 DA0800/2020 - Residential - Construction of alterations and additions to a dwelling to create an additional dwelling, with access over 170-178 Elizabeth Street at 169 York Street, Launceston subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Proposed Site Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-03 of 10, dated 06/11/2020.
-

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

- b. Proposed Site Details Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-04 of 10, dated 06/11/2020.
- c. Proposed Drainage Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-05 of 10, dated 06/11/2020.
- d. Demolition Ground Floor and First Floor Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-07 of 10, dated 06/11/2020.
- e. Proposed Ground and First Floor Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-08 of 10, dated 06/11/2020.
- f. Elevations, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-09 of 10, dated 06/11/2020.
- g. Proposed North East Elevation, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-10 of 10, dated 06/11/2020.

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 2021/00019-LCC, 13/01/2021 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. FENCING

Any fencing constructed that does not meet the exemptions under Clause 6.4 of the Launceston Interim Planning Scheme 2015 will require a separate planning permit.

6. 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.

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

7. SOIL AND WATER MANAGEMENT PLAN

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

8. OCCUPATION OF ROAD RESERVE (COMPLEX)

Any works in the road reserve, or requiring the occupation of the road reserve, must be undertaken by, or under the supervision of a tradesman/contractor who is registered with the Council as a Registered Contractor.

Where it is necessary for works to occur within the road reserve or for the occupation of the road reserve, the express written permission of the General Manager Infrastructure and Assets Network is required. Application for the occupation of York Street must be made 14 days prior to date of the scheduled occupation or works and detailing (but not limited to):

- a. the nature, dates and duration of the occupation and/or works;
- b. the contractor's name and registration number;
- c. the traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles;
- d. any alternative pedestrian routes to be provided where the existing footpath in York Street is unavailable for use due to the delivery of materials such as the precast concrete panels;
- e. any temporary works required to maintain the serviceability of the road or footpath.

A permit issued for any occupation and/or works may be subject to conditions specifying or limiting:

- a. the nature, dates and duration of the occupation and/or works;
- b. the traffic management works that must be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles, any alternative pedestrian routes to be provided where the existing footpath in York Street is unavailable for use due to the delivery of materials such as the precast concrete panels;
- c. any temporary works required to maintain the serviceability of the road or footpath;
- d. all remedial works required to repair any damage to the road reserve resulting from the occupation and/or works.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

9. 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.

10. 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 DA0800/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

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.

REPORT:

1. THE PROPOSAL

It is proposed to alter the existing two storey dwelling to create two multiple dwellings and includes some minor demolition works, internal works, as well as provide an extension to the building.

Works to the ground level will include an extension for a new laundry and set of external stairs to gain access to the top floor dwelling. The ground floor dwelling will consist of a bathroom/laundry, kitchen/living/dining area, a single bedroom and verandah. There will be a fenced area to allow for private open space and an area for bin storage. The extension will be setback 2.86m from the rear boundary and built to the western side boundary.

The top floor dwelling is also proposed to extend towards the rear of the site to allow for the external stairs, a new bathroom/laundry, and a new deck. The dwelling will consist of a bathroom/laundry, deck, kitchen, verandah, dining/living area and a single bedroom.

It must be stated that whilst the submitted plans have shown a fenced area, that fencing will not be a consideration of this assessment. Fencing is exempt from planning assessment under Clause 6.4 of the planning scheme, which allows side and rear boundary fences to be constructed to a maximum height of 2.1m above natural ground level, without the need for approval.

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	169 York Street, Launceston
Zone	Urban Mixed Use
Size	160m ² over two levels
Access	Existing and along the rear via right of a way over 170-178 Elizabeth Street, as well as pedestrian access via York Street
Shape	Irregular rectangle
Slope	Flat
Existing structures	Single terraced dwelling
Vegetation	Very minimal planted residential vegetation
Connection to services	Connected to all reticulated services
Surrounding land	The site is located to the west of the corner of York and Bathurst Streets and contains 18 terraced dwellings. On the same city block is Holden Motors. Opposite the site to the north is Dan Murphys. To the east are mixed commercial and retail uses.
Overlays	E2.0 Potentially Contaminated Land Code

The site forms part of a four lot strata which was amended in May 2020. The amendment increased the depth of each property, which resulted in an increase of 2.8m to the rear of the subject site.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

15.0 Urban Mixed Use Zone

<p>15.1.1 Zone Purpose Statements</p> <p>15.1.1.1 To provide for integration of residential, retail, community services and commercial activities in urban locations.</p> <p>15.1.1.2 To provide for a diverse range of urban uses and increased intensity of development including residential densities that support the role of activity centres.</p> <p>15.1.1.3 To encourage residential, visitor accommodation and tourist operation uses as a means of increasing activity outside normal business hours.</p> <p>15.1.1.4 To create:</p> <p>(a) activity at pedestrian levels, with active road frontages offering interest and engagement to shoppers; and</p> <p>(b) appropriate provision for car parking, pedestrian access and traffic circulation.</p>
<p>Consistent</p> <p>Consistency with the zone purpose has been achieved as the proposal is encouraging further residential use in accordance with 15.1.1.3.</p>

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15.4 Development Standards

15.4.1 Building height, setback and siting

<p>Objective: To ensure that building bulk and form, and siting:</p> <ul style="list-style-type: none"> (a) is compatible with the streetscape and character of the surrounding area; (b) protects the amenity of adjoining lots; and (c) promotes and maintains high levels of public interaction and amenity.
<p>Consistent</p>
<p>A1 Building height must be no greater than:</p> <ul style="list-style-type: none"> (a) 12m; or (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.
<p>Complies The existing building height is 8.10m. The proposed extensions will not increase this height.</p>
<p>A2 Setback from a frontage:</p> <ul style="list-style-type: none"> (a) must be built to the frontage at ground level; or (b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.
<p>Complies There will be no change to the front setback as a result of this proposal.</p>
<p>A3 Setback from a side boundary:</p> <ul style="list-style-type: none"> (a) must be built to the side boundaries at ground level; or (b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.
<p>Complies The proposed extensions will be built to the side boundaries at ground level.</p>

15.4.4 Pedestrian access to dwellings

<p>Objective: To ensure pedestrian access to residential development is safe and convenient.</p>
<p>Consistent</p>
<p>A1.1 New dwellings or residential developments must be provided with a pedestrian access independent of the access to any ground floor use in the building, or tenancies on the same site or within the same building; and</p> <p>A1.2 Pedestrian access directly onto a road frontage must be no wider than 4m.</p>
<p>Complies The ground floor dwelling will gain access via the existing front door facing York Street. The top floor dwelling will gain access from the rear of the site via a set of external stairs. The pedestrian access for the ground floor will not be wider than 4m.</p>

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15.4.5 Daylight to windows

Objective: To allow adequate daylight into habitable room windows.
Consistent There are no changes to the existing habitable room windows or their current access to sunlight.

15.4.6 Private open space

Objective: To provide adequate and useable private open space for the needs of residents.
Consistent Consistency with the objective has been achieved as each dwelling is able to provide adequate and useable private open space for the needs of residents.
A1 Dwellings must have an area of private open space with direct access from a habitable room other than a bedroom, comprising: (a) on the ground floor, 24m ² with a horizontal dimension of no less than 3m; or (b) wholly above ground floor, 8m ² with a minimum horizontal dimension of 2m; or (c) a roof-top area, 10m ² with a minimum horizontal dimension of 2m.
Relies on Performance Criteria As each dwelling will contain an area of private open space that is less than 24m ² , reliance on the performance criteria is required.
P1 Dwellings must be provided with sufficient private open space to meet the reasonable needs of the residents having regard to: (a) the size and useability of the private open spaces; (b) the accessibility of the private open space; (c) the availability of common open space; (d) the availability of and access to public open space; (e) the orientation of the lot to the road; and (f) the ability of the private open space to receive adequate solar access.
Complies The ground floor dwelling will contain a 9m ² area of private open space at the rear of the property, directly accessible from the kitchen/dining/living area. There will also be an 8m ² area located at the front of the dwelling within the verandah. The top floor dwelling will contain a 7m ² deck accessible from the bedroom at the rear of the property, as well as an 8m ² verandah at the front of the property. These areas of private open space are considered appropriate for the use. The development will result in two small, one-bedroom units. The areas of private open space are easily accessible, and useable considering such a small space. The two spaces facing York Street will receive adequate sunlight considering the sites orientation.

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<p>The closest public open space areas are Kings Park, approximately 414m to the north, and Brickfields Park, approximately 260m to the south. The location of these public parks are considered close enough to allow residents of the site to access and utilise, meeting the reasonable needs of the residents, and complying with the performance criteria.</p>
<p>A2 Private open space must receive a minimum of four hours of direct sunlight on 21 June to 50% of the designated private open space area.</p>
<p>Complies The two private open space areas facing York Street will both receive a minimum of four hours of direct sunlight on 21 June.</p>

15.4.8 Storage

<p>Objective: To provide adequate storage facilities for each dwelling.</p>
<p>Consistent Consistency with the objective has been achieved as the proposal provides adequate storage facilities for each dwelling.</p>
<p>A1 Each dwelling must have access to 6m³ of dedicated, secure storage space not located between the primary frontage and the facade of a dwelling.</p>
<p>Relies on Performance Criteria As 6m³ for each dwelling has not been provided, reliance on the performance criteria is required.</p>
<p>P1 Each dwelling must provide adequate storage for the reasonable needs of residents, having regard to: (a) size and type of dwelling proposed; (b) the location, type, and size of storage proposed; (c) the availability, accessibility and convenience of the storage proposed; (d) any common or other types of storage on the site; and (e) the existing streetscape.</p>
<p>Complies Each dwelling will have a metal lockable storage container of approximately 2m² under the rear stairs which will be easily accessible. There will also be sufficient useable storage located in each dwelling. Considering the smaller sizes of the units, 6 cubic metres is not considered necessary. As such the proposal complies with the performance criteria.</p>

15.4.9 Common property

<p>Objective: To ensure that common areas are easily identified.</p>
<p>Consistent</p>
<p>A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces;</p>

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<p>(c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.</p>
<p>Complies The provided drawings must clearly delineate private and common areas. It is noted that each unit will have their own mailbox, which is located in the corner of the site.</p>

E2.6 Development Standards

E6.0 Parking and Sustainable Transport Code

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

E6.5 Use Standards

E6.5.1 Car parking numbers

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p>Consistent Consistency with the objective has been achieved as the proposal ensures that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p>A1 The number of car parking spaces must:</p> <p>(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>

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Relies on Performance Criteria

Table E6.1 requires that one bedroom dwellings in the Urban Mixed Use Zone provide one space per bedroom. As such, the development requires two car parking spaces. As no car parking spaces are required, reliance on the performance criteria is required.

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

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

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

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

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

Complies

The proposal is for the change of use from a single two-bedroom dwelling, to two one-bedroom dwellings. A single two-bedroom dwelling requires two car parking spaces. As such, there is no increase in the number of spaces required. Notwithstanding, the proposed development is not providing any car parking for the multiple dwelling use.

An assessment against the performance criteria is provided below, noting that only P1.2 is applicable.

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

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(a) the intensity of the use and car parking required:

The intensity of the residential uses will be minimal, considering the proposal is for one bedroom terraced apartments close to the city. The dwellings are considered to be inner City apartments, within reasonable walking distance to businesses, shops, entertainment, and open space. Furthermore, there is a bus stop directly outside of the site on York Street.

Occupiers of the dwellings will have opportunity to apply for residential permit parking within the immediate vicinity if available. Alternatively, there are two public car parks within walking distance from the site, being the Bathurst Street car park, and a Care Park at Margaret Street. There are also some unrestricted parking areas within the immediate surrounds.

Developments such as this, that do not supply parking, should be encouraged. As stated, the development and use is for inner city living that encourages walkability and public transport over vehicular reliance. As this is what has been applied for, due to the type of proposal and its intensity, the lack of parking does not hinder the proposal and due to the size and location, is considered to meet the needs of the use.

(b) the size of the dwelling and the number of bedrooms; and

The dwellings are small, one bedroom dwellings. They will not be suited to a family who may require a vehicle, but rather students or retirees who want to be located close to the City and easily access services. Therefore, due to the small size of each dwelling, and their likely occupants, the proposal meets the needs of the use in terms of parking.

(c) the pattern of parking in the locality; or

There is no one pattern of parking within the locality. As the surrounding area is of a high mixed use nature, the pattern is consistently changing. Some shops nearby such as Dan Murphys and Woolworths can have a quick turn around, whilst public car parking areas such as Bathurst Street will have all day parking strategies. There is the option for residential parking permits, paid parking and free on-street parking areas as well. As such, providing a residential use that encourages pedestrian access to the City, rather than providing parking, is considered reasonable and, therefore, complies with the performance criteria.

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4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Submission to Planning Authority Notice provided with conditions - TWDA 2021/00019-LCC dated 13/01/2021
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 minimum 14 day period from 9 December 2020 until 4 January 2021. Ten representations were received.

The representors were contacted to further discuss their concerns. 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 A key concern is the proposed fence at the rear of the property which will block access into the terraces south-west of the site along York Street.</p>
<p><i>Response 1</i> <i>The fence does not form part of the assessment of this application. The fence in its current place, so long as it is under 2.1m, is exempt from planning under Clause 6.4 of the planning scheme.</i></p>
<p>Issue 2 Will there be a gate and will it open inwards or outwards?</p>
<p><i>Response 2</i> <i>A gate would form part of a fence. Again, in its current place, so long as it is under 2.1m, is exempt from planning under Clause 6.4 of the planning scheme.</i></p>

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

<p>Issue 3 Another dwelling will increase the pressure on parking in the area.</p>
<p><i>Response 3</i> A detailed assessment of the parking requirements has been undertaken. It is considered that one-bedroom inner City units that encourage walkability and not the reliance on vehicle parking should be encourage when in such close proximity to the city. There are alternative parking options available near the site should an occupier own a vehicle.</p>
<p>Issue 4 The application was advertised over Christmas/new year holiday and has not allowed sufficient opportunity to people to make comment.</p>
<p><i>Response 4</i> The application was advertised on 9 December 2020 and came off on 4 January 2021. This resulted in the application being advertised for a total of 27 days, including public holidays, which is more than sufficient time to make a representation on the proposal.</p>
<p>Issue 5 The body corporate is not supportive of the development.</p>
<p><i>Response 5</i> This is not a planning consideration.</p>

It should be reiterated that the fence is an exempt development under the provisions of the planning scheme. Whilst it is understood that its development may cause issues around access, it cannot be a consideration of a decision on the current application.

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

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 - 169 York Street, Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 169 York Street, Launceston (*electronically distributed*)
 3. TasWater SPAN - 169 York Street, Launceston (*electronically distributed*)
 4. Representations - 169 York Street, Launceston (*electronically distributed*)
 5. Response to Representations - 169 York Street, Launceston (*electronically distributed*)
-

9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling**FILE NO:** DA0763/2020**AUTHOR:** Iain More (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:	TMK Design Solutions
Property:	15 Queen Street, Invermay
Zoning:	Inner Residential
Receipt Date:	30/10/2020
Validity Date:	10/11/2020
Further Information Request:	04/11/2020
Further Information Received:	11/11/2020
Deemed Approval (extension of time granted):	28/01/2021
Representations:	Seven

STANDARDS REQUIRING COUNCIL DISCRETION

- 11.4.1 Setback from a frontage for single dwellings
- 11.4.3 Building envelope for single dwellings
- 11.4.5 Privacy for single dwellings

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 DA0763/2020 - Residential - Construction of a dwelling at 15 Queen Street, Invermay subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad01, dated 10/11/2020.
 - b. Shadow Diagram - 21 June 9am, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad02, dated 10/11/2020.
-

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

- c. Shadow Diagram - 21 June 1pm, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad03, dated 10/11/2020.
- d. Shadow Diagram - 21 June 2pm, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad04, dated 10/11/2020.
- e. Shadow Diagram - 21 June 4pm, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad05, dated 10/11/2020.
- f. Ground Floor Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad06, dated 10/11/2020.
- g. Ground Floor Dimension Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad07, dated 10/11/2020.
- h. First Floor Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad08, dated 10/11/2020.
- i. First Floor Dimension Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad09, dated 10/11/2020.
- j. Elevations 1 of 2, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad010, dated 10/11/2020.
- k. Elevations 2 of 2, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad011, dated 10/11/2020.

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 2020/01849-LCC dated 20/11/2020, 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. PRIVACY SCREEN

To ensure reasonable privacy is maintained, the following must be undertaken prior to issuing of a building permit:

- a. A 1.7m high privacy screen must be erected along the north eastern side of the front balcony; and
 - b. The kitchen window must be glazed in a non-transparent treatment, or made out of opaque glass.
-

9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling ...(Cont'd)

6. 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.

7. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

8. SINGLE STORMWATER CONNECTIONS

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

9. 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 15 Queen Street, Invermay - Residential - Construction of a Dwelling ...(Cont'd)

10. 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.

11. 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 DA0763/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

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 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(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.

REPORT:**1. THE PROPOSAL**

It is proposed to construct a four bedroom, two storey dwelling. The dwelling will be setback 4m from the frontage, 1.06m from the eastern side boundary, 1.8m from the western side boundary and 8.2m from the rear boundary. The dwelling has been designed in response to the flood constraints on site. Undercover parking is provided through a carport within the ground floor level of the dwelling and will be accessed via an existing crossover.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located at 15 Queen Street, Invermay. It is 340m² in size, is generally flat and is zoned Inner Residential. The site has an existing access, and is currently vacant with no planted vegetation. The site is connected to all reticulated services and located within the combined drainage area. Surrounding development is predominantly residential with lots containing single dwellings and outbuildings. The site is located in the flood prone area of Invermay and has an AHD level of 1.5m.

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

11.0 Inner Residential Zone

11.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

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

11.4 Development Standards

11.4.1 Setback from a frontage for single dwellings

Objective:

To ensure that the setback from frontages:

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

Consistent

Consistency with the objective has been achieved as the proposal ensures that the front setback maintains the streetscape character and enhances the residential amenity.

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

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

Relies on Performance Criteria

The dwelling is setback 4m from the frontage. As such reliance on the performance criteria is required.

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

<p>P1 The setback from frontage must:</p> <ul style="list-style-type: none"> (a) provide transitional space between the road and private dwelling allowing mutual passive surveillance; (b) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; (c) provide measures to ensure that noise generated by traffic will not adversely impact on residential amenity and vehicular egress provides for the safe use of the road; and (d) have regard to streetscape qualities or assist the integration of new development into the streetscape.
<p>Complies The dwelling has a 4m front setback. The adjoining lot to the east contains a front setback of approximately 2.7m, whilst the dwelling to the west has a front setback of approximately 1.55m.</p> <p>The proposed dwelling will contain a balcony along the frontage which will allow for mutual passive surveillance. Setbacks of other buildings in the street are varied, from 1.5m to 6.65m. As such, a 4m setback is not out of character and is in fact compatible with the existing streetscape. Parking on site is in the form of a double carport, through an existing crossover, which will help ensure any traffic generated noise is mitigated. As the streetscape of Queen Street is quite mixed, a new contemporary building will assist in the revitalisation of the street, and enhance residential amenity. The proposal complies with the performance criteria.</p>

11.4.2 Site coverage and rear setback for single dwellings

<p>Objective: To ensure that the location and extent of building site coverage:</p> <ul style="list-style-type: none"> (a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity; (b) assists with the management of stormwater; (c) provides for setback from the rear boundary; and (d) has regard to streetscape qualities.
<p>Consistent</p>
<p>A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.</p>
<p>Complies The site coverage of the dwelling will be 49.08%.</p>
<p>A2 A rear setback of no less than 4m, unless the lot is an internal lot.</p>
<p>Complies The dwelling will have a rear setback of 8.2m.</p>

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

11.4.3 Building envelope for single dwellings

<p>Objective: To ensure that the siting and scale of single dwellings:</p> <ul style="list-style-type: none"> (a) allows for flexibility in design to meet contemporary dwelling requirements; (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and (c) has regard to streetscape qualities.
<p>Consistent Consistency with the objective has been achieved as the proposal ensures that the contemporary design of the dwelling protects the amenity of neighbouring properties and the streetscape.</p>
<p>A1 All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes:</p> <ul style="list-style-type: none"> (a) determined by a setback of no less than 3m from side boundaries and no less than 4m from the rear boundary and a building height of no more than 5.5m; or (b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to a building height of no more than 8.5m above natural ground level (see Figures 11.4.3 A and 11.4.3 B); and walls are setback: <ul style="list-style-type: none"> (i) no less than 1.5m from a side boundary; or (ii) less than 1.5m, provided the wall is built against an existing boundary wall or the wall or walls have a total length of no greater than 9m or one third of the boundary with the adjacent property, whichever is the lesser.
<p>Relies on Performance Criteria The dwelling is located outside of the building envelope and reliance on the performance criteria is sought.</p>
<p>P1 The siting and scale of single dwellings must be designed to:</p> <ul style="list-style-type: none"> (a) ensure there is no unreasonable loss of amenity on adjoining lots by: <ul style="list-style-type: none"> (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than three hours between 9am and 5pm on 21 June or by increasing existing overshadowing where greater than above; (ii) overlooking and loss of privacy; and (iii) visual impacts when viewed from adjoining lots: and (b) take into account steep slopes and other topographical constraints; and (c) have regard to streetscape qualities.
<p>Complies The following addresses the performance criteria within the clause.</p> <p>The siting and scale of single dwellings must be designed to:</p> <ul style="list-style-type: none"> (a) ensure there is no unreasonable loss of amenity on adjoining lots by: <ul style="list-style-type: none"> (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than three hours between 9am and 5pm on 21 June or by increasing existing overshadowing where greater than above;

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

Clause (a)(i) is an unusual performance criteria in that it needs to be assessed as an absolute in a quantitative manner. The interpretation of this clause is either:

- A habitable room window or area of private open space that currently receives three hours or more of sunlight, cannot have their sunlight to these areas reduced below three hours as a result of adjoining development; or
- A habitable room window or area of private open space that currently receives less than three hours, cannot have their sunlight to these areas reduced below what they currently have.

Shadow diagrams were provided as part of the original submission. It was considered that those diagrams demonstrated compliance with (a)(i). Notwithstanding, overshadowing is a contentious issue and a concern raised multiple times in the received representations. As such, the applicant provided further detailed shadow diagrams to assist in the assessment and compliance to this clause. These diagrams should be viewed in conjunction with the assessment.

There are five properties that will be overshadowed as a result of this development:

- 17 Queen Street - directly adjoining the property to the west
- 13 Queen Street - directly adjoining the property to the east
- 26 Landale Street - directly adjoining the property to the south
- 24 Landale Street - directly adjoining the property to the south
- 20 Landale Street - adjacent to the property to the south-east

To ensure compliance with strict provisions of (a)(i), the impact of overshadowing on each property is assessed below:

17 Queen Street - directly adjoining the property to the west

This property contains a single storey dwelling located towards its frontage and a large shed along its rear boundary. The dwelling contains two habitable room windows that face east towards the subject site, and a small portion of private open space located behind the dwelling and in front of the shed.

Currently the habitable room windows receive sunlight from 10am until 5pm, at which point the sun no longer provides direct sunlight. The proposal will overshadow these windows from 9am until 1.30pm. As such, the windows will still receive 3.5 hours of sunlight, complying with (a)(i).

The area of private open space currently receives broken moving sunlight from 10am until 4pm. Due to the way the sunlight moves across the area of private open space, sunlight reaches less 50% of this area. The proposal will overshadow this area fully until 1.30pm.

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

Notwithstanding, the area of private open space will still receive more than three hours of sunlight in the afternoon after 1.30pm, complying with (a)(i).

13 Queen Street - directly adjoining the property to the east

This property contains a two storey dwelling occupying the majority of the site. It contains several habitable room windows facing west towards the subject site, and a small portion of private open space towards its rear as well as on its south-western side.

Currently the windows to habitable rooms receive sunlight all day, mainly due to them being on the top floor of the dwelling. The area of private open space receives moving sunlight from 9am until 4pm.

The development will likely not affect the habitable room windows, but will begin to overshadow the area of private open space at 2.30pm. As such, this area will still receive more than three hours of sunlight.

26 Landale Street - directly adjoining the property to the south

This property contains a single storey dwelling located at the front of the property, and a shed along its north-western corner. It has a large backyard utilised as private open space.

Overshadowing from the proposal will not reach the dwelling. The rear private open space currently receives moving broken sunlight from 9am until 4pm due to existing fencing and buildings surrounding the property. The shadowing as a result of this proposal will only cast over a very small section of this area from 11.30am until 2.30pm, noting that all other sunlight to the yard will remain. As such, more than three hours of sunlight will be cast to the rear yard.

24 Landale Street - directly adjoining the property to the south

This property contains a single storey dwelling located towards its frontage and a small shed in close proximity to the dwelling. It contains a large vacant rear yard utilised as private open space.

The overshadowing as a result of the proposal will cast a shadow onto the northern tip of the dwelling between 3pm and 5pm, with the remainder of the day allowing sunlight to be cast onto the building.

The rear area of private open space currently receives, again, broken and moving sunlight from 9am until 4pm as a result of surrounding fencing and development. The proposal overshadowing will cast into this space at 12.30pm until 5pm. As such the area of private open space will maintain more than three hours of sunlight.

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

20 Landale Street - adjacent to the property to the south-east

This site contains a single storey dwelling located towards the front of the property, as well as a large shed located along the western boundary. It also contains a large vegetated rear yard utilised for private open space.

The shadows from the new building will reach the dwelling and habitable room windows, at 4pm. For the remainder of the day sunlight will be able to enter the home.

The shadows into the areas of private open space will be overshadowed at 3.30pm from the development. However, these areas are already in shadow due to the existing overshadowing of the site.

(ii) overlooking and loss of privacy; and

Due to the constraints of the site, the dwelling is required to be two-storeys. It is setback 1.06m from the eastern side boundary, 1.80m from the western side boundary, and 8.2m from the rear boundary.

There are four windows on the top floor facing the eastern boundary. The windows are to the kitchen and three bedrooms. There is potential for overlooking and privacy issues into the adjoining lots dwelling, which has a balcony built to the boundary opposite the kitchen and bedroom four's windows. There is also a patio located in the north-eastern corner. The bedroom windows are set at a sill height of 1.6m. This sill height is considered acceptable to reducing potential conflict between the lots.

The kitchen window has a sill height of approximately 1m, and the patio is open. These two areas have potential to disturb the privacy of the adjoining lot. As such, a condition is recommended that a 1.7m high screen be constructed on the western side of the balcony to reduce overlooking, and the kitchen window be glazed in a non-transparent treatment or similar. This will ensure that overlooking and privacy are maintained. The western elevation of the top floor of the dwelling contains five windows. The living room window has a sill height of 1.5m, the bathroom and master bedroom windows have a sill height of 1.5m and a bathroom and a toilet window will have a sill height of 1.3m. The potential for overlooking, however, is greatly reduced along this boundary as the adjoining dwelling on the western property is a ground level dwelling. As such, any overlooking will be on to the adjoining roofline.

Therefore, with the changes to the eastern side of the top floor, being a screen for the balcony and glazing of the kitchen window to reduce transparency, any potential overlooking or loss of privacy is reduced to an acceptable level.

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)****(iii) visual impacts when viewed from adjoining lots: and**

The proposed dwelling will be two storeys in height and will have finishes of fibre cement sheet walls of the selected colours as illustrated on the plans. The building has also been broken up with the ground floor containing generally non-habitable rooms, including an open entertainment deck at the rear.

The site is highly constrained. Due to the site being within a flood area and subject to E16.0 Invermay/Inveresk Flood Inundation Area Code, habitable rooms are not permitted to be located on the ground floor. Therefore, the only potential for development is to construct a two storey dwelling. This is conducive to new development within this flood area, with the site at 13 Queen Street requiring a two storey building when it was developed. The site is further constrained by its dimensions, being only 12.19m in width. As a result, the development on the site will need to be outside of the building envelope.

With regard to the visual impact, and regarding the constraints of the site, the design and siting of the dwelling is considered acceptable. Whilst it will be noticeable within the landscape, and particular from adjoining lots, the applicant has chosen a modern contemporary design, utilising an array of building materials and techniques, such as window heights, to break up the bulk of the proposal.

(b) take into account steep slopes and other topographical constraints; and

Whilst the site is flat, it is highly constrained, as discussed in (a)(iii) above. With such sites there must be some scope to accept a design that is limited by the constraints of the site. The primary concern of the property is flooding, and the design has reflected this. Whilst it will be visible from adjoining properties, any other dwelling on the site would also need to build upwards. What the proposal has done is to ensure that minimal impact on amenity will occur. This has been achieved through a large rear setback, and placing the building closer to the front.

(c) have regard to streetscape qualities.

Numbers 13 and 19 Queen Street both contain two storey dwellings. Number 18A Queen Street contains a large bulky warehouse. The other buildings in the street are single-storey dwellings and there is also a car park at 11 Queen Street, associated with the Elderly Citizens' Club. As such, the streetscape is somewhat of a mix. The proposal is an unapologetic contemporary building that manages to fit in with the surrounding mix of development. Therefore, the design and proposal fits in with the streetscape.

The development proposes a contemporary single dwelling on a challenging lot. It has demonstrated its ability to be designed with the sites constraints in mind, to further ensure the residential amenity of the neighbours is minimised, whilst respecting the existing streetscape. The proposal, therefore, complies with the performance criteria.

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

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

<p>Objective: To ensure that the location and size of garages or carports:</p> <ul style="list-style-type: none"> (a) do not dominate the facade of the dwelling or dominate the streetscape; (b) do not restrict mutual passive surveillance of the road and dwelling; and (c) provides for safe vehicular access to and egress from the site.
<p>Consistent A1 Garages or carports within 12m of the frontage whether free-standing or part of the dwelling:</p> <ul style="list-style-type: none"> (a) must have a total width of openings facing the primary frontage of no greater than 6m or half the width of the frontage, whichever is the lesser; and (b) must have: <ul style="list-style-type: none"> (i) a setback from frontage measured to the door, post or supporting column no less than required for a single dwelling in 11.4.1 A1; or (ii) a setback from the primary frontage no less than 0.5m if the ground slopes up or down for 10m from the frontage at more than 1:5.
<p>Complies The carport is located 5.7m from the frontage and has an opening width of 5m and meets the front setback requirements for a single dwelling under 11.4.1 A1.</p>

11.4.5 Privacy for single dwellings

<p>Objective: To ensure that the location and design of windows of habitable rooms, balconies, decks, roof gardens, parking spaces and carports maintain residential amenity by minimising the potential for overlooking between neighbours.</p>
<p>Consistent Consistency with the objective has been achieved as the proposal ensures that the location and design of windows of habitable rooms, balconies, decks, roof gardens, parking spaces and carports maintain residential amenity by minimising the potential for overlooking between neighbours.</p>
<p>A1 Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level greater than 1m above natural ground level must have a side setback of no less than 3m and a rear setback of no less than 4m.</p>
<p>Relies on Performance Criteria The balcony on the top floor has a height greater than 1m above natural ground level and is setback 1.29m from the eastern side boundary. As such reliance on the performance criteria is required.</p>
<p>P1 The potential for direct overlooking from balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) with a finished surface or floor level more than 1m above natural ground level on one lot to the habitable rooms and balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation or offset or by use of solid or translucent screening.</p>

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

<p>Complies The adjoining dwelling to the east contains a balcony 2.6m from the proposed balcony. Whilst the adjoining lots balcony does contain a screen along the boundary, the section of the adjoining lots balcony facing Queen Street, and subsequently facing the proposed balcony's location, is unscreened. As such, a condition has been recommended that the proposed balcony provide a 1.7m high screen to ensure visual separation is provided. With this condition the proposal complies with the performance criteria.</p>
<p>A2 Windows of habitable rooms which have a floor level greater than 1m above natural ground level must:</p> <ul style="list-style-type: none"> (a) have a side setback of no less than 3m; or (b) be offset no less than 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or (c) have a window sill height of no less than 1.7m.
<p>Relies on Performance Criteria The western top floor elevation of the dwelling contains five windows all more than 1m above natural ground level. The living room window will have has a sill height of 1.5m, bathroom and master bedroom windows which have a sill height of 1.5m, and a bathroom and a toilet window, with a sill height of 1.3m. The potential for overlooking, however, is greatly reduced along this boundary as the adjoining dwelling on the western property is a ground level dwelling. As such, any overlooking will be on to the adjoining roofline.</p> <p>There are four windows on the top floor facing the eastern boundary. The windows are to the kitchen and three bedrooms, each with sill height of less than 1.7m. The kitchen window is offset more than 1.5m from windows of habitable rooms on the adjacent lot.</p> <p>The three bedroom windows have a sill height of 1.6m and less then 3m from the side boundary, and are not able to meet the offset requirements under A2(b). Therefore, reliance on the performance criteria is required.</p>
<p>P2 The potential for direct overlooking from windows of habitable rooms with a finished surface or floor level more than 1m above natural ground level on one lot to the windows of habitable rooms, balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation and offset or by use of solid or translucent screening.</p>
<p>Complies The three bedroom windows are setback 1.06m from the eastern side boundary. Bedroom two will be setback 3.3m from the window of a habitable room of the adjoining dwelling. Bedroom three will have a setback of 3m, and bedroom four will have a setback of 4.2m. There is a privacy screen between bedroom four and the habitable room window, ensuring privacy is provided for. Bedrooms three and four will face two habitable room windows next door that have a sill height of 1.7m. Due to the existing height of the adjoining dwellings windows, it is accepted that privacy will be maintained. The proposal complies with the performance criteria.</p>

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

Consistency with the code purpose has been achieved as the proposal provides for safe and adequate parking and access.

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

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 requires that a four bedroom dwelling in the Inner Residential Zone provide three car parking spaces. These spaces have been provided for, with two located within the carport and one able to park in tandem in the driveway.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

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

Consistent

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

- (a) have a gradient of 10% or less;
- (b) be formed and paved;
- (c) be drained to the public stormwater system, or contain stormwater on the site;

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

<p>(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</p> <p>(e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.</p>
<p>Complies All parking spaces, access ways, manoeuvring and circulation spaces will:</p> <ul style="list-style-type: none"> • have a gradient of 10% or less; • are formed and paved with an impervious all weather seal; and • drain to a reticulated stormwater system.

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</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces;</p> <p>(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;</p> <p>(c) have parking space dimensions in accordance with the requirements in Table E6.3;</p> <p>(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</p> <p>(e) have a vertical clearance of not less than 2.1m above the parking surface level.</p> <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 Internal access lanes meet the dimensions under Table E6.2. All parking spaces will have dimensions in accordance with Table E6.3, and a vertical clearance of not less than 2.1m.</p>

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

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

Consistency with the code purpose has been achieved as the proposal ensures risk from flooding is mitigated.

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

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 a single dwelling in the Inveresk Residential Precinct.

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

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 200m² 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 ground level will have a floor area of 41.68m². The first floor will have a gross floor area of 111.24m². As such the total gross floor area is 152.92m², complying with A1(b).

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(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
A1 Floor levels of all habitable rooms within the Residential use class must be at least 3.7m AHD.
Complies All enclosed spaces at ground level are non-habitable. The floor level of the first floor is 4.995m AHD.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA2020/01849-LCC 12/11/2020.
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 November to 30 November 2020. Seven 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 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)

<p>Issue 1 No mention of materials of colours and no window dimensions, landscaping, or fencing.</p>
<p><i>Response 1</i> Materials and colours are not required to assess an application on this site, however, they can assist in the assessment. If approved, the submitted plans will form part of the permit and the applicant is required to construct what was approved. This would reflect the proposed design, including the textures and colours proposed. Landscaping is not a requirement for this site and it was not considered necessary to require a landscaping plan. No fencing is proposed as part of this development.</p>
<p>Issue 2 The break in the roof form creates a higher and extended upper eave which seems to serve no purpose.</p>
<p><i>Response 2</i> The choice to have a split roof was a design option submitted by the applicant. It is considered that such a design enforces the contemporary nature of the dwelling.</p>
<p>Issue 3 The scale and form of the building does not fit within the streetscape. It is inappropriate.</p>
<p><i>Response 3</i> Number 13 and 19 Queen Street both contain two-storey dwellings. 18A Queen Street contains a large bulky warehouse. The other buildings in the street are single storey dwellings, and there is also a car park at 11 Queen Street, associated with the Elderly Citizens' Club. As such, the streetscape is a mix of development. The scale and form is considered appropriate for such a streetscape.</p>
<p>Issue 4 The soil classification will be an issue, especially during construction and potential drainage issues.</p>
<p><i>Response 4</i> The site will drain to a reticulated stormwater system. Soil types and construction conditions are not a consideration of the planning scheme.</p>
<p>Issue 5 The proposed deck will cause privacy issues to the adjoining property as well as noise issues. The same will occur with the kitchen window.</p>
<p><i>Response 5</i> As a recommended condition, a privacy screen will be required and the kitchen window will be glazed to ensure privacy is maintained.</p>
<p>Issue 6 The visual impact will cause of a loss of amenity. This will occur due to the relatively small setbacks. The dwelling is too close to the side boundaries.</p>
<p><i>Response 6</i> Due to the constraints of the site it has been assessed that the visual impact will be reasonable.</p>

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

<p>Issue 7 Mechanical ventilation plant are not shown. There could be issues with the location of these and may impact on adjoining neighbours.</p>
<p><i>Response 7</i> <i>Mechanical ventilation is exempt development under the planning scheme.</i></p>
<p>Issue 8 The overshadowing from the development will affect most of the adjoining lots and block out sunlight to the backyards.</p>
<p><i>Response 8</i> <i>Detailed overshadowing assessment has occurred and the proposal complies with the overshadowing provisions under 11.4.3 P1.</i></p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

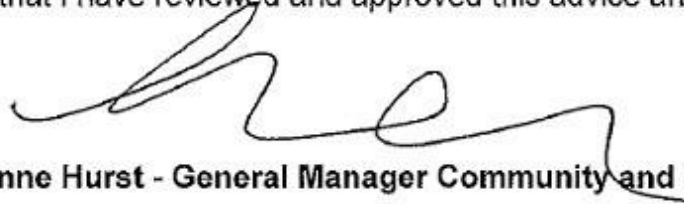
Not considered relevant to this report.

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(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

ATTACHMENTS:

1. Locality Map - 15 Queen Street, Invermay (*electronically distributed*)
 2. Plans to be Endorsed - 15 Queen Street, Invermay (*electronically distributed*)
 3. TasWater SPAN - 15 Queen Street, Invermay (*electronically distributed*)
 4. Representations - 15 Queen Street, Invermay (*electronically distributed*)
 5. Revised Shadow Diagrams - 15 Queen Street, Invermay (*electronically distributed*)
-

9.4 49 Amy Road and 18-20 Ellison Street, Newstead - Planning Scheme Text Amendment to Include Site Specific Qualification for Assisted Living; Construction of 15 Housing Units and Associated Buildings

FILE NO: DA0412/2020/SF7194

AUTHOR: Maria Lasso (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To consider a statement to the Tasmanian Planning Commission subsequent to the public exhibition period for an amendment to the Launceston Interim Planning Scheme 2015.

PREVIOUS COUNCIL CONSIDERATION:

Council - 12 November 2020 - Agenda Item 9.6 - 49 Amy Road and 18-20 Ellison Street, Newstead - Planning Scheme Text Amendment to Include Site Specific Qualification for Assisted Living; Construction of 15 Housing Units and Associated Buildings
Council resolved to initiate Amendment 65 to the Launceston Interim Planning Scheme 2015 to:

- Insert a site specific qualification for Assisted Housing at 49 Amy Road, Newstead and 18-20 Ellison Street, Newstead under the discretionary use class column of the Community Purpose Zone.

In accordance with former section 43A of the *Land Use Planning and Approvals Act 1993*, to:

- Approve development application DA0412/2020 for the construction of 15 housing units, a multi-purpose building, an administration building, extension of an existing crossover and to consolidate four lots into three.

RECOMMENDATION:

That Council:

1. in accordance with former section 39(2) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Amendment 65; and
 2. in accordance with former section 43F(6) 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 DA0412/2020; and
 3. provides advice to the Tasmanian Planning Commission that Amendment 65 be approved as certified and exhibited.
-
-

9.4 49 Amy Road and 18-20 Ellison Street, Newstead - Planning Scheme Text Amendment to Include Site Specific Qualification for Assisted Living; Construction of 15 Housing Units and Associated Buildings ...(Cont'd)

Please 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.

REPORT:

An application was made under former section 33(1) of the *Land Use Planning and Approvals Act 1993* (the Act) by 6ty^o Pty Ltd for an amendment to the Launceston Interim Planning Scheme 2015 concurrently with a development application pursuant to section 43A of the Act.

Council initiated the planning scheme amendment and approved the Development Application at its Meeting on 12 November 2020. The application and permit were exhibited from 20 November to 21 December 2020. The amendment appeared in *The Examiner* on two separate occasions: 21 and 25 November 2020.

No representations were received during this period.

In accordance with former section 39(2) and 43F(6) 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 on the amendment and planning permit.

CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

9.4 49 Amy Road and 18-20 Ellison Street, Newstead - Planning Scheme Text Amendment to Include Site Specific Qualification for Assisted Living; Construction of 15 Housing Units and Associated Buildings ...(Cont'd)

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 - 49 Amy Road and 18-20 Ellison Street, Newstead (*electronically distributed*)
 2. Instrument of Certification - 49 Amy Road and 18-20 Ellison Street, Newstead (*electronically distributed*)
 3. Planning Permit - 49 Amy Road and 18-20 Ellison Street, Newstead (*electronically distributed*)
 4. Plans to be Endorsed - 49 Amy Road and 18-20 Ellison Street, Newstead (*electronically distributed*)
-

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover**FILE NO:** DA0747/2020**AUTHOR:** Maria Lasso (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:	My Build Collective
Property:	36 Erina Street, East Launceston
Zoning:	General Residential
Receipt Date:	26/10/2020
Validity Date:	29/10/2020
Further Information Request:	05/11/2020
Further Information Received:	11/11/2020
Deemed Approval:	28/01/2021
Representations:	Nine

STANDARDS REQUIRING COUNCIL DISCRETION

- 10.4.12 Earthworks and retaining walls
- 10.4.13 Location of car parking
- 10.4.2 Setbacks and building envelope for all dwellings

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 the construction of alterations, additions and partial demolition to a dwelling and extension of crossover at 36 Erina Street, East Launceston subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, Prepared by My Build Collective, Drawing No. A 01, Job No. MB216, dated 06/11/20.
 - b. Site Plan, Prepared by My Build Collective, Drawing No. A 02, Job No. MB216, dated 06/11/20.
-

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

- c. Existing Site Plan, Prepared by My Build Collective, Drawing No. A 02a, Job No. MB216, dated 06/11/20.
- d. Existing Floor Plan, Prepared by My Build Collective, Drawing No. A 03, Job No. MB216, dated 06/11/20.
- e. Demolition Plan, Prepared by My Build Collective, Drawing No. A 04, Job No. MB216, dated 06/11/20.
- f. Proposed Floor Plan, Prepared by My Build Collective, Drawing No. A 05, Job No. MB216, dated 06/11/20.
- g. Proposed Lower Floor Plan, Prepared by My Build Collective, Drawing No. A 06, Job No. MB216, dated 06/11/20.
- h. Elevations, Prepared by My Build Collective, Drawing No. A 07, Job No. MB216, dated 06/11/20.
- i. Elevations, Prepared by My Build Collective, Drawing No. A 08, Job No. MB216, dated 06/11/20.
- j. Roof Plan, Prepared by My Build Collective, Drawing No. A 09, Job No. MB216, dated 06/11/20.
- k. 3D Perspectives, Prepared by My Build Collective, Drawing No. A 10, Job No. MB216, dated 06/11/20.

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 and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

4. SITE LANDSCAPING PLAN

Prior to the commencement of works, a landscape plan must be submitted for approval by the Manager of City Development. The plan must be drawn to scale and must show the following:

- a. garden areas and plantings to provide screening within the front setback including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity.

Once approved by the Manager City Development, the plan will be endorsed and will form part of the permit. The landscaping must be installed in accordance with the endorsed plan.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

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. SINGLE STORMWATER CONNECTIONS

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

7. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

No works to install, removal 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.

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.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

9. OCCUPATION OF ROAD RESERVE (COMPLEX)

Where it is necessary for works to occur within the road reserve or for the occupation of the road reserve, the express written permission of the General Manager Infrastructure and Assets Network, is required. Application for the occupation of Erina Street must be made 14 days prior to date of the scheduled occupation or works and detailing (but not limited to):

- a. the nature, dates and duration of the occupation and/or works;
- b. the contractors name and registration number;
- c. the traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles;
- d. any alternative pedestrian routes to be provided where the existing footpath in Erina Street is unavailable for use due to the delivery of materials such as the precast concrete panels;
- e. any temporary works required to maintain the serviceability of the road or footpath.

A permit issued for any occupation and/or works may be subject to conditions specifying or limiting:

- a. the nature, dates and duration of the occupation and/or works;
- b. the traffic management works that must be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles, any alternative pedestrian routes to be provided where the existing footpath in Erina Street is unavailable for use due to the delivery of materials such as the precast concrete panels;
- c. any temporary works required to maintain the serviceability of the road or footpath;
- d. all remedial works required to repair any damage to the road reserve resulting from the occupation and/or works.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

10. 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.

11. 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.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

12. DEMOLITION

The Developer must:

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0747/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

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.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(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.

REPORT:**1. THE PROPOSAL**

The proposal is for a two-storey addition to an existing dwelling. The addition at the lower level will add approximately 76m² of gross floor area and the addition at the upper level will add 28.66m² of gross floor area to accommodate an additional bedroom. It is also proposed to extend the existing crossover and to build a concrete driveway and parking area within the front setback of the site. A parapet wall is proposed along the western boundary of the site extending for approximately 8.1m.

Incidental development includes the demolition of an existing garage, the rear deck and internal walls, floors and roof sections. A cut to an approximate height of 1m is required to level the site and to allow the extension of the lower ground level.

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2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject site is located to the north-west side of Erina Street between its intersection with Compton and Abbott Streets. The site is rectangular in shape with a total site area of 326m². Pedestrian access to the site is via Erina Street. Although there is an existing crossover and a garage built to site boundaries, the garage is too narrow to be used as a parking space and is currently used for storage purposes. The site slopes down to the north-west for approximately 4.5m in 29m for a gradient of approximately 15%. Some small and medium sized trees are found to the rear of the site. The site is currently developed with a two storey dwelling and garage.

The subject site and properties adjoining the site are located within the General Residential Zone. The site is one property away from a zone boundary with the Local Business Zone at 17-19 Abbott Street, currently used as a retail and restaurant complex.



Figure 1 - Zoning Controls

To the east, the site adjoins 34 Erina Street developed with a two-storey dwelling, a garage and a deck along the western boundary at the second storey. To the west, the site adjoins 38 Erina Street developed with a two-storey dwelling built to its western boundary. 6 Compton Street adjoins the subject site to the north currently developed with a single dwelling.

Directly opposite the site is No. 35 and 33 Erina Street. No. 35 is an internal lot with double access, one via Erina Street and the second via Berean Street. No. 33 has access over a second title located at the intersection of Compton Street and Erina Street to the north-east.

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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

The proposed addition is associated with a single dwelling which is a *no permit required* use class under the General Residential Zone. The proposed addition and associated works are considered compatible with the existing character of the immediate area.

10.4 Development Standards

10.4.2 Setbacks and building envelope for all dwellings

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Consistent

The proposed additions are not considered to result in an unreasonable loss of amenity by way of reduction of sunlight, overshadowing or visual impacts to adjoining properties. A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

- (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or
- (b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or
- (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or
- (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.

Not Applicable

The existing dwelling has a front setback of approximately 3.7m whilst the garage is built to the front boundary. As the definition of dwelling includes outbuildings, the site currently has a front setback of 0m. The proposal does not alter the existing setback of the dwelling but it does increase the site's front setback to 3.7m given that the existing garage is to be removed.

A2 A garage or carport must have a setback from a primary frontage of at least:

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

Not Applicable

No garage or carport is proposed.

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:

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

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Relies on Performance Criteria

The proposed additions sit outside the building envelope set out in the acceptable solution.

- The new bedroom and section of the foyer at the ground level are setback approximately 1.6m to 1.9m from the eastern boundary. Given that their height off the natural ground level is approximately 6m, a setback of 3m from the eastern boundary is required to meet the acceptable solution. Reliance on the performance criteria is required.
- The new parapet wall built along the western boundary at the lower level is to have a maximum height of 3.7m, accordingly, it sits outside the envelope by approximately 700mm.

Drawing A 10 shows a 3D perspective of the sections outside the envelope. Please note that the section of the roof outside the envelope directly next to the parapet wall is not part of the assessment of this DA as it is an existing structure (underlined in red).

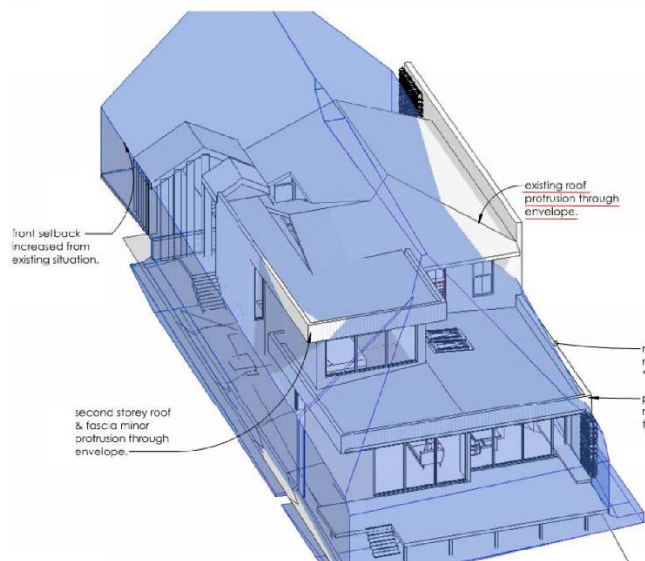


Figure 2

Building envelope perspective prepared by the applicant - Drawing No. A 10

P3 The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
 - (iii) overshadowing of an adjoining vacant lot; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

Complies

The proposed additions are not considered to result in an unreasonable loss of amenity by way of reduction of sunlight, overshadowing or visual impacts to adjoining properties.

- (a) The dwelling at No. 38 Erina Street has two north oriented windows located at the lower ground floor, one associated with a bedroom and the other with the kitchen. The kitchen window is setback over 8m from the common boundary. At the ground floor level the dwelling has a row of three north-oriented windows associated with a sunroom which are setback over 5m from the common boundary. The parapet wall proposed is not considered to significantly reduce sunlight access to these windows due to their setback to the common boundary. The sunroom windows are located at the ground level whilst the parapet wall is located at the lower ground level, accordingly, it is considered that this wall will result in little to no reduction in sunlight. The private open space of No. 38 will continue to receive adequate sunlight access given its north orientation.

The property to the north, No. 34 Erina Street will not be impacted by the proposal by way of loss of sunlight or overshadowing given that it is located to the north-east of the subject site. The proposed addition will be visible from adjoining properties but is not considered to result in detrimental visual impacts.

- (b) The addition has side setbacks consistent with the existing setbacks of the dwelling on-site and those of adjoining properties.

10.4.3 Site coverage and private open space for all dwellings

Objective:

To provide:

- (a) for outdoor recreation and the operational needs of the residents; and
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight.

Consistent

The acceptable solution is met.

A1 Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and
- (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) a site area of which at least 25% of the site area is free from impervious surfaces.

Complies

The proposal results in a site coverage of approximately 46.32% and a site permeability of 24.54%.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is at least: <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); and (b) has a minimum horizontal dimension of: <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); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9am and 3pm on 21 June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.
<p>Complies</p> <p>The site continues to have an area of private open space in compliance with the acceptable solution. The deck is to have a total area of 37m², with horizontal dimensions over 4m, directly accessible from living areas, north-oriented, with a gradient under 10% and not used for vehicle access.</p>

10.4.4 Sunlight and overshadowing for all dwellings

<p>Objective: To provide:</p> <ul style="list-style-type: none"> (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
<p>Not Applicable</p> <p>The existing dwelling does not have windows oriented 30 degrees east of north or 30 degrees west of north.</p>
<p>A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>
<p>Not Applicable</p> <p>The existing dwelling does not have windows oriented 30 degrees east of north or 30 degrees west of north.</p>
<p>Objective: To provide reasonable opportunity for privacy for dwellings.</p>

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

<p>Consistent The relevant acceptable solution is met.</p>
<p>A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: <ul style="list-style-type: none"> (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.
<p>Not Applicable The new deck will have a maximum height of approximately 691mm over natural ground level.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <ul style="list-style-type: none"> (a) The window or glazed door: <ul style="list-style-type: none"> (i) is to have a setback of at least 3m from a side boundary; and (ii) is to have a setback of at least 4m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 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 at least 6m from the private open space of another dwelling on the same site. (b) The window or glazed door: <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.
<p>Complies No new windows are proposed facing the western boundary of the site.</p> <p>Three new windows are proposed along the eastern side of the dwelling at the ground level within 3m of the common boundary. These windows will have a sill height of at least 1.7m above finished floor level.</p>

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

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 proposed earthworks are required to level the proposed addition to the lower level and are not considered to reduce the amenity of adjoining lots.</p>
<p>A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:</p> <ul style="list-style-type: none"> (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 Cut with a maximum height of approximately 1m is proposed within 500mm from the eastern boundary of the site and with a maximum height of 800mm to the western boundary of the site.</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>Complies The proposed earthworks are necessary for the development of the site. The earthworks are required to allow the extension of the existing lower level and to level the development area due to the topography of the lot. The earthworks will not be visible from adjoining properties as they are located directly under the proposed additions. The majority of the earthworks require cut, minimising the overshadowing and overlooking opportunities of the proposed development.</p> <p>A standard soil and water management condition has been included by Infrastructure and Assets.</p>

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

10.4.13 Location of car parking

<p>Objective: To:</p> <ul style="list-style-type: none"> (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.
<p>Consistent One car parking space is proposed within the front setback of the site due to the constraints of the site.</p>
<p>A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage. A2.2 Turning areas for vehicles must not be located within the primary front setback.</p>
<p>Relies on Performance Criteria A2.1 One car parking space is proposed to be located within the front boundary of the site. A2.2. Not applicable</p>
<p>P2 The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to:</p> <ul style="list-style-type: none"> (a) the visual impact of the car parking location viewed from the road; (b) access for users of the site; (c) pedestrian and vehicular traffic safety; (d) the nature and characteristics of the street; (e) the need for the location; (f) any landscaping of the car parking or turning area location; and (g) construction methods and pavement types.
<p>Complies One car parking space is proposed within the front setback of the site due to the constraints of the site. The existing dwelling is built to the western boundary and has a setback to the eastern boundary of 1.5m, accordingly the front setback is the only feasible location for a car space. The application includes the extension of the existing crossover to allow practicable access to the car space as well as the demolition of the existing garage which as mentioned previously cannot practically be used as a parking space.</p> <p>Although the application did not originally include landscaping along the new car space, due to the concerns raised in the representations received the applicant is willing to provide a greenbelt and garden belt along the north and west of the new car space. A landscaping condition has been included should a permit be granted.</p>

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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 parking area meets with all the relevant acceptable solutions under this 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.

Not applicable

The number of car parking spaces required by the site does not change as a result of the proposed additions.

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.

Not Applicable

The site currently has two bedrooms which require two parking spaces in the General Residential Zone. The site currently provides no car parking spaces. The proposed addition increases the number of bedrooms from two to three, notwithstanding three bedrooms require the same number of car parking spaces: two. The number of car parking spaces required by the site does not change as a result of the proposed additions. Accordingly, it is considered that the acceptable solution is not applicable to the proposed works.

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E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective: To ensure that parking areas are constructed to an appropriate standard.
Consistent The acceptable solution is met.
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 proposed driveway will be a concrete driveway with a maximum gradient of 6%.

E6.6.2 Design and layout of parking areas

Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.
Consistent The acceptable solution is met.
A1.1 Car parking, access ways, manoeuvring and circulation spaces must: (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m above the parking surface level. A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building. A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more. A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

<p>Complies</p> <p>(a) Not applicable.</p> <p>(b) The minimum width of the crossover is to be 4.1m in accordance with Table E6.2.</p> <p>(c) The new car space will have a minimum width of 3m and minimum length of 5.6m in accordance with Table E6.3.</p> <p>(d) and (e) are not applicable.</p>
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4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	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 November to 30 November 2020. Nine representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

The Council received three almost identical letters signed by a total of nine representors.

<p>Issue 1</p> <p>Landscaping between the footpath and the proposed car space should be provided to minimise the hard stand area.</p>
<p><i>Response 1</i></p> <p><i>The application did not originally include landscaping around the new car space, due to the concerns raised in the representations received the applicant has agreed to provide a 'greenbelt' or 'garden belt' along the north and west of the new car space. A condition has been included for the applicant to provide a landscaping plan with further details of the garden belt.</i></p>

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

<p>Issue 2 A traffic management plan of the construction phase is required to minimise traffic impacts to adjoining properties and to the retail complex at 17-19 Abbott Street.</p>
<p><i>Response 2</i> <i>Traffic generated during the construction phase of the development is not a planning matter. Notwithstanding this, the applicant has provided a response to the representors' concerns including a site management plan outlining the construction phases, duration and the location of trade parking. This response is contained in Attachment 3.</i></p>
<p>Issue 3 To minimise the impact of the proposed construction to the retail complex Council should alter parking restrictions along Abbott Street from 'all day' to '1 hour'.</p>
<p><i>Response 3</i> <i>Parking restrictions along Abbott Street are not relevant to the planning assessment of the proposed development at 36 Erina Street. Further, the proposal does not rely on any performance criteria under the Car Parking and Sustainable Transport Code.</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.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

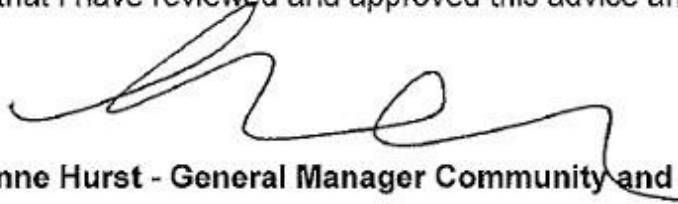
BUDGET & FINANCIAL ASPECTS:

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 - 36 Erina Street, East Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 36 Erina Street, East Launceston (*electronically distributed*)
 3. Representations - 36 Erina Street, East Launceston (*electronically distributed*)
 4. Response to Representations Prepared by the Applicant - 36 Erina Street, East Launceston (*electronically distributed*)
-

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings**FILE NO:** DA0538/2020**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:	Design To Live Pty Ltd
Property:	36 Hiawatha Street, Norwood
Zoning:	General Residential
Receipt Date:	2/09/2020
Validity Date:	2/09/2020
Further Information Request:	11/09/2020
Further Information Received:	19/11/2020
Deemed Approval:	28/01/2021
Representations:	Three

PREVIOUS COUNCIL CONSIDERATION:

DA0342/2013 - Subdivision - two lots into two lots - approved under delegation 14 October 2013

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.11 Outbuildings, swimming pools and fences
10.4.2 Setbacks and building envelope for all dwellings
10.4.3 Site coverage and private open space for all dwellings
E3.6.1 Development on Land Subject to Risk of Landslip

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 DA0538/2020 Residential - Construction of two outbuildings at 36 Hiawatha Street Norwood subject to the following conditions:

**9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings
...(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 Design to live, Job no HWTH36, Drawing No. 1, Revision No. R1, dated 19/11/2020.
- b. Site Plan, Prepared by Design to live, Job no HWTH36, Drawing No. 2/7, Revision No. R1, Scale 1:200, dated 19/11/2020.
- c. Shed Plans, Prepared by Design to live, Job no HWTH36, Drawing No. 3/7, Revision No. R1, Scale 1:100, dated 19/11/2020.
- d. Carport Plans, Prepared by Design to live, Job no HWTH36, Drawing No. 4/7, Revision No. R1, Scale 1:100, dated 19/11/2020.
- e. Shed Elevations, Prepared by Design to live, Job no HWTH36, Drawing No. 5/7, Revision No. R1, Scale 1:100, dated 19/11/2020.
- f. Carport Elevations, Prepared by Design to live, Job no HWTH36, Drawing No. 6/7, Revision No. R1, Scale 1:50, dated 19/11/2020.
- g. Section 7A, Prepared by Design to live, Job no HWTH36, Drawing No. 7/7, Revision No. R1, Scale 1:100, dated 19/11/2020.
- h. Landslide Risk Assessment, Prepared by Tasman Geotechnics Pty Ltd, Document Reference TG20224/1 - 01 report, dated 18/11/2020.

2. LEGAL TITLE

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

3. EXTERNAL FINISHES

The external blockwork wall of the shed along the rear boundary must be rendered and finished in a light muted colour.

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. OUTBUILDINGS

The use of outbuilding is not permitted for human habitation or any commercial use and is limited to residential storage and related residential activities only.

**9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings
...(Cont'd)**

6. 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.

7. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

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. DEMOLITION

The Developer must:

- (a) carry out all demolition work in accordance with Safe Work Australia *Demolition Work Code of Practice* or any subsequent versions of the document;
 - (b) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
 - (c) not undertake any burning of waste materials on site;
-

**9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings
...(Cont'd)**

- (d) remove all rubbish from the site for disposal at a licensed refuse disposal site;
- (e) dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos Code of Practice* or any subsequent versions of the document.

10. PROTECTION OF STREET TREES

Existing street trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970: Protection of Trees on Development Sites*. The protection works are to be installed prior to the commencement of any other works on the site and are to remain in place until the completion of all other works.

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0538/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

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.

**9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings
...(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. 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.

REPORT:**1. THE PROPOSAL**

The application is for two outbuildings; one accessed from each of the two crossovers that serve the site. The larger of the two buildings is proposed in the rear north-western boundary. It has a floor area of 9m wide x 7.22m deep, has a single width sliding door at its front, a sliding glass door off its south-eastern side and the height of its skillion roof form rising from 4.02m to approximately 5m at its front north eastern elevation. The second building is a carport off the second access in front of the existing dwelling. It has a width of 3.4m x 6m deep and a skillion roof height rising from 2.4m to 3.364m at its north-eastern front elevation.

The front north-eastern and side south-eastern walls of the garage outbuilding are to be clad in weatherboard wall cladding with the remaining two elevations constructed of blockwork. The building is proposed with a 17.32m² mezzanine floor in the southern side of the building.

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located in the residential area south-east of the central city known as Norwood. Hiawatha Street is east of and parallel with Penquite Road, the main collector link through the area and accessed via Lenstan Street. The site has a parallelogram shape and drops away to the south-east but is relatively level where the development is proposed. The north-western side driveway rises approximately 1m over its 22m length.

A two storey dwelling and garden shed occupy the 941m² site.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

The proposed outbuildings will enhance the residential use of the serviced site.

10.4 Development Standards

10.4.2 Setbacks and building envelope for all dwellings

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

<p>Consistent The placement of the outbuildings should not impact on the adjoining dwellings.</p>
<p>A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5m, or alternatively 1m behind the facade of the dwelling; or (b) the same as the dwelling facade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>
<p>Relies on Performance Criteria The garage is proposed behind the existing dwelling and is approximately 22m from the frontage to meet (a). The carport is in front of an existing single width garage on the lower floor of the dwelling and must be considered against the performance criteria as the maximum setback of the carport is 5.09m.</p>
<p>P2 A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.</p>
<p>Complies There are no outbuildings in front of a dwelling in the street. The carport is setback more than 4.5m, is an open structure and the property is the last in the street. There are properties in the street that have limited on site parking and that, therefore, utilise the <i>tandem</i> spaces in front of their dwelling and have a car parked within the 4.5m of the frontage. The proposed carport structure is considered to be compatible with the way other properties in the street are used and within the streetscape setting. Compliance with the performance criteria is met.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and (b) only have a setback within 1.5m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

<p>Relies on Performance Criteria The proposed carport and shed are both outbuildings which are greater in height than the exclusion allows. While the carport at the front of the dwelling can be contained within the building envelope the shed encroaches on the north-western side boundary and south-western rear boundary due to its overall height and must be considered against the performance criteria.</p>
<p>P3 The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause unreasonable loss of amenity by: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or (ii) overshadowing the private open space of a dwelling on an adjoining lot; or (iii) overshadowing of an adjoining vacant lot; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.
<p>Complies The shed is setback only a minimal distance from the northern western side boundary, decreasing from 200mm at its front down to zero where the height decreases from 5m down 4.1m. The building is unlikely to cause overshadowing of the neighbouring property given the orientation of the properties. The visual impact of the shed is not considered to be significant as the wall is off the rear of the side neighbour and should not have too greater visual impact especially as there is a screen of bamboo along the boundary. In addition, the site will be excavated 300mm at the rear to slightly lower the building.</p> <p>There will be some overshadowing impact on the rear neighbour up to mid-morning in the winter. As the dwelling and the shed angle away from each other impacts should be minimal especially as the separation will be at least 7m. The visual impact of the shed is not considered to be significant as the walls of the buildings are not parallel and a condition will be imposed to require the blockwork to be render finished and painted as requested in the neighbour's representation. As noted above, the site will be excavated 300mm at the rear which will slightly lower the building relative to the adjoining properties.</p> <p>The applicant and developer were asked of the possibility of reducing the height of the shed but the purpose of the building is to fulfil a hobby of fixing up old cars and being able to install a hoist to lift out motors. The excavation will reduce the height and this is considered sufficient in this case. A condition not allowing any commercial use of the site will be included if a permit is issued.</p> <p>Point (b) of there being suitable separation between dwellings is considered to be met due to the alignment of the building in relation to the dwellings on either site. A number of other sites also have outbuildings in their rear yard so the proposed shed is consist with the character of the area.</p>

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

10.4.3 Site coverage and private open space for all dwellings

<p>Objective: To provide:</p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; and (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is integrated with the living areas of the dwelling; and (d) private open space that has access to sunlight.
<p>Consistent The site will retain sufficient area for private outdoor recreation and landscaping.</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); 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); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.
<p>Complies The proposed roof cover will be 273.14m² upon the 941m² and 29.03% of the site to meet (a). More than 25% of the site will remain pervious to meet (c).</p>
<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is at least: <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); and (b) has a minimum horizontal dimension of: <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); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9am and 3pm on 21 June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

<p>Relies on Performance Criteria The dwelling is located to the northern side of the site and is surrounded by open space within the frontage, along the southern side of the site and across the rear. The rear yard of the site, which has level access via the dining room is predominantly grassed with no set areas for specific outdoor activity. An area of approximately 3.9m deep is retained between the rear of the dwelling and the new shed which is indirectly accessed off the dining room. The new shed will overshadow this space for all but the late morning and is to be considered against the performance criteria.</p>
<p>P2 A dwelling must have private open space that: (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is: (i) conveniently located in relation to a living area of the dwelling; and (ii) orientated to take advantage of sunlight.</p>
<p>Complies The area immediately at the rear of the dwelling will be just below 4m in depth. It is a level area and no change is proposed to the rear of the dwelling to significantly alter the access to open space of the dwelling. It will be overshadowed for a greater portion of the day other than for late morning. There will be sufficient area at the rear of the dwelling for outdoor recreation with dimensions greater than 4m wide for use by residents and the front and eastern side of the yard will receive sun for most of the day but are not areas immediately accessible from a habitable room. The combination of spaces is considered suitable to meet the outdoor needs of the residents.</p>

10.4.5 Width of openings for garages and carports for all dwellings

<p>Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.</p>
<p>Consistent The proposed outbuildings will not dominate the primary frontage.</p>
<p>A1 A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>
<p>Complies The carport is within 12m of the frontage and has a width between columns of 3.2m to comply with the acceptable solution. The shed, setback 22.63m, also complies.</p>

10.4.6 Privacy for all dwellings

<p>Objective: To provide reasonable opportunity for privacy for dwellings.</p>

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

Consistent
The proposed development will not impact on the privacy of the adjoining dwellings.

10.4.11 Outbuildings, swimming pools and fences

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.

Consistent
The proposed outbuildings will not detract from the character of the area, are similar to development on other lots and will not dominate over the dwelling.

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.

Relies on Performance Criteria
The proposed floor area of the shed consists of 67.5m² at ground level plus a 48.83m² of mezzanine, to total 116.33m². There is a 3m x 3m shed off the south western corner of the dwelling. As the carport is not enclosed it does not contribute to the floor area calculation. As the floor area of the shed is greater than 45m² the performance criteria must be addressed.

P1 Outbuildings must not detract from the character of the surrounding area or the amenity of adjoining lots, having regard to:
(a) the visual impact on the streetscape;
(b) any overshadowing of adjoining lots;
(c) the size and location of outbuildings on adjoining lots;
(d) existing buildings on the site; and
(e) the topography of the site.

Complies
The proposed outbuilding is not considered to detract from the character of the area where there are a number of properties with outbuildings of a similar footprint in the area on properties between Hiawatha Street and Penquite Road, notably 27, 28, 30, 31, 32 and 34 Hiawatha Street and 207, 209, 213, 217 and 221 Penquite Road. The building is proposed in the rear north-western corner of the site and is barely visible from the street. It will overshadow the open space and living areas of the rear neighbour early of a winter's morning, as shown on the shadow diagrams but by around 10.30am both areas will be in sunlight and, as noted, as both buildings angle away from each other the impacts are considered to be acceptable. The impacts are also reduced as the subject site is slightly lower than the rear neighbour. The performance criteria are considered to be met.

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

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 A minimal depth of earthworks is proposed and should have little impact on the amenity of adjoining lots.</p>
<p>A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:</p> <ul style="list-style-type: none"> (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>Complies Earthworks of only up to 300mm is proposed along the rear of the shed to provide a level area for pouring of a floor slab to comply with acceptable solution.</p>

10.4.13 Location of car parking

<p>Objective: To:</p> <ul style="list-style-type: none"> (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.
<p>Consistent Convenient car parking is provided for residents, with minimal impacts on neighbours and the streetscape.</p>
<p>A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage. A2.2 Turning areas for vehicles must not be located within the primary front setback.</p>
<p>Complies The site has two driveways with vehicles able to park in either. Two spaces are required and are able to be provided in either drive in tandem.</p>

E3.0 Landslide Code

<p>E3.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) ensure that use and development subject to risk from landslide is appropriately located and managed; and (b) ensure that use and development does not cause, or have potential to cause an increased risk of landslide.

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

Consistent
 The proposed shed and carport are considered to be suitably positioned on the site and not likely to cause, or have potential to cause an increased risk of landslide in accordance with the purpose of the code.

E3.6 Development Standards

E3.6.1 Development on Land Subject to Risk of Landslip

Objective:
 To ensure that development is located and constructed to manage landslide risk through suitable measures to avoid the risk of injury to, or loss of human life, or damage to land, property and public infrastructure.

Consistent
 The proposed development will be developed to minimise risk to life and property.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Human life, land, property and public infrastructure is protected from landslide risk, having regard to:

- (a) the level of risk identified in a landslide risk management assessment;
- (b) any declaration of a landslip area under Part 9A of the *Mineral Resources Development Act 1995*;
- (c) measures proposed to mitigate the risk;
- (d) the nature, degree, practicality and obligation for any management activities to mitigate the risk;
- (e) the need for and permanency of any on-site or off-site maintenance arrangements;
- (f) the responsibility for and the permanency of any on-site or off-site maintenance arrangements;
- (g) impacts on public infrastructure; and
- (h) the impact of any mitigation works on the character of the area.

Complies
 A Landslide Risk Assessment has been undertaken and concludes that the development, presents a Very Low Risk. This is a result of the scale and location of the work and that the buildings are not for human habitation and will have little risk to life and property. The report includes recommendations for construction including footing design, stormwater drainage, maintenance of surface runoff and the Good Hillside construction practices be followed.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

- (a) ensure that an appropriate level of parking facilities are provided to service use and development;
- (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;
- (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

(d) ensure that parking does not adversely impact on the amenity of a locality;
(e) ensure that parking spaces and accesses meet appropriate standards; and
(f) provide for the implementation of parking precinct plans.
Consistent The proposal does not require the provision for additional car parking nor reduce the number of car spaces on the site. The carport is located over the driveway access to the garage below the dwelling where cars already park. No further assessment of the code will be undertaken.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
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 25 November to 9 December 2020. Two written submissions, resulting in three representors, were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

Issue 1 The development of the shed will damage the plantings along the north-western boundary.
<i>Response 1</i> <i>In civil terms each property is able to be developed up to their boundary as long as there is no damage to the neighbour's property. If the neighbours' vegetation is damaged the owner of the subject property is responsible but this must be negotiated between the property owners.</i>

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ... (Cont'd)

<p>Issue 2 The garage will be 3m from a neighbour's bedroom and will cause a noise issue.</p>
<p><i>Response 2</i> <i>The garage will adjoin the rear corner of the neighbour's property at the end of the existing driveway. The proposed garage should not result in any noise from the site.</i></p>
<p>Issue 3 The position of the shed will have a detrimental effect on the quality and quantity of natural and filtered sunlight to both the inside and outside of the western neighbour. Therefore, why does the building need to be so high? Why a mezzanine, which takes the floor area 85m² required?</p>
<p><i>Response 3</i> <i>The south-western wall is proposed to be of block wall construction and have a height of 4.02m. It is parallel to the site's north-western side boundary but not the rear where the rear setback reduces from 1.7m at the side boundary to 1m over its 9m width. It will be to the north-east of the adjoining site where the dwelling is setback a minimum of 9m from the common boundary, the neighbouring dwelling angled across its site. Given the setback of the neighbouring dwelling and differing alignment of both the buildings impacts of overshadowing are limited.</i></p>
<p>Issue 4 The north-western wall is to be clad in face block. To reduce the visual impact can the wall be rendered and finished in a light colour.</p>
<p><i>Response 4</i> <i>A condition can be imposed for such a finish to be applied.</i></p>
<p>Issue 5 There only appears to be one downpipe. If this fails what contingency applies to prevent flooding the adjoining property?</p>
<p><i>Response 5</i> <i>If approved the development will be subject to a plumbing permit which will verify what plumbing may be necessary.</i></p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

**9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings
...(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.

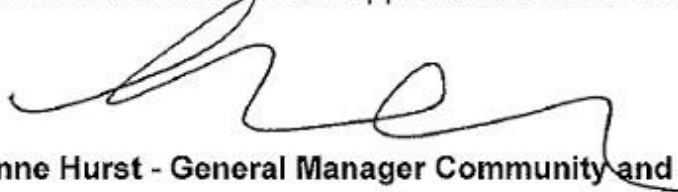
BUDGET & FINANCIAL ASPECTS:

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. Locality Map - 36 Hiawatha Street, Norwood (*electronically distributed*)
 2. Plans to be Endorsed - 36 Hiawatha Street, Norwood (*electronically distributed*)
 3. Representations - 36 Hiawatha Street, Norwood (*electronically distributed*)
-

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective)**FILE NO:** DA0607/2020**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:	Jade Samuel Child
Property:	21 Waverley Road, Waverley
Zoning:	Low Density Residential
Receipt Date:	22/09/2020
Validity Date:	12/11/2020
Further Information Request:	07/10/2020
Further Information Received:	12/11/2020
Deemed Approval:	28/01/2021
Representations:	Four

PREVIOUS COUNCIL CONSIDERATION:

DA0289/2020 - Subdivision - Subdivide Land into Two Lots - Planning Permit issued under Delegated Discretionary on 9 July 2020

DA0665//2020 - Residential - Construction of a Dwelling on Future Lot 1 - Planning Permit issued under Delegated Discretionary on 11 November 2020

STANDARDS REQUIRING COUNCIL DISCRETION

12.4.3 Outbuildings and other structures

E7.6.2 Scenic management areas

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 DA0607/2020 Residential - Construction of a driveway and earthworks (retrospective) at 21 Waverley Road, Waverley subject to the following conditions:

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, Extract from City of Launceston Maps, Scale 1:1.703, dated 23/09/2020.
- b. Written submission, Prepared by J. Child, dated 11/2020.
- c. Site Plan with drainage detail.

2. CUT AND FILL BATTERS

- a. All faces of cut and fill created by the excavation work must be covered with approximately 100mm of top soil and re-vegetated to promote rapid regeneration of the site to its natural state.
- b. A drain must be installed along the lower side of the road excavation to the minimum run off to adjoining properties.
- c. All scarring or physical disturbance of the land surface during any excavation work must be restricted to only that which is shown on the approved plan as required for building or access purposes. All exposed faces around such scarred areas and spoil must be screened with trees and shrubs and planted with suitable ground covers to the satisfaction of Council within three months of the date of undertaking the excavation work. A line of trees must be planted along the western side of the driveway for the extent of its length.
- d. No contaminated material, organic material (such as trees, roots or timber), building debris, metals or plastics must be used as fill.

3. LEGAL TITLE

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

4. USE LIMITATION

This permit does not allow for the use of the land other than to manage the site and to be in association with a future residential use of the site.

5. 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

6. NO FURTHER VEGETATION REMOVAL

Tree and vegetation removal must be limited to those specifically notated on the approved plans. No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

7. 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.

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

9. VEHICULAR CROSSING APPLICATION (RURAL STYLE DRIVEWAY)

Prior to the commencement of the use, the development must be provided with an adequate all weather access from the edge of the road pavement to the property boundary in accordance with LGAT-IPWEA Tasmanian Standard Drawings TSD-R03 Rural Roads typical property access and TSD-R04 Rural Roads typical driveway profile, unless specified otherwise.

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

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

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

10. 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.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0607/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

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.

REPORT:**1. THE PROPOSAL**

The application is for the construction of a gravel driveway and levelling an area for future development on the large semi-rural character lot. The driveway extends approximately 165m, along a curved alignment, into the site from Waverley Road to a levelled area of 20m x 25m, before continuing through to the rear of the site and the property adjoining. An additional area of 15m x 15m is to be levelled to the east of the drive where low shrubs, gorse, blackberries and blackwood shoots have been removed. The owner's stated intent is to clean up the site to make it more visually appealing, clear weeds and for bushfire management.

Some works have already been undertaken. This includes the construction of the driveway, levelled areas and placing of mulch along the lower western side of these areas and removal of some vegetation intended to manage the site. Works to be done to complete the drainage of the drive and levelled areas, revegetation where earthworks have been undertaken, filling of hollows in the ground surface with excavated material and additional clearing to manage the site.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located to the east of the city between the suburbs of Newstead and Waverley. Waverley Road adjoins the intersection of Hoblers Bridge, St Leonards and Ravenswood Road and has a mixed use character. The southern side of the street supports a light industrial strata development surrounded by residential properties. Land to the north has a rural character and is developed for residential purposes. Adjoining land is a mix of low density residential and commercial development of Waverley Woollen Mills to the east.

The site has recently been subdivided and a dwelling has been approved on the other lot. The site rises to the north/north east and is currently vacant.

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

12.0 Low Density Residential Zone

12.1.1 Zone Purpose Statements

12.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.

12.1.1.2 To provide for non-residential uses that are compatible with residential amenity.

12.1.1.3 To provide for development that is compatible with the natural character of the surrounding area.

Consistent

The development of the access provides for future compliant development and use of the land in keeping with the character of the site and is considered to meet the zone purpose. The use of the site is limited and is in conjunction with the residential use of the owner's adjoining land.

12.4 Development Standards

12.4.1 Site Coverage

Objective:

To ensure that site coverage:

- (a) is compatible with the character of the surrounding area;
- (b) provides sufficient area for private open space and landscaping; and
- (c) assists with the management of stormwater runoff.

Consistent

The site coverage is not altered by the proposal.

A1.1 Site coverage must be no greater than 50%; and

A1.2 No less than 25% of the site must be free from impervious surfaces.

Complies

There are no roofed structures on the site and the site is fully pervious.

12.4.3 Outbuildings and other structures

Objective:

To ensure that:

- (a) outbuildings do not detract from the character of the surrounding area;
- (b) dwellings remain the dominant built form within an area; and
- (c) earthworks and the construction or installation of retaining walls are appropriate to the site and respect the amenity of adjoining sites.

Consistent

The site works proposed are considered to respect the amenity of the site and surrounds.

A2 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:

- (a) be located no less than 1.5m from each lot boundary;
- (b) be no higher than 1m (including the height of any batters) above existing ground level;

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

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

Relies on Performance Criteria

The earthworks include the construction of the gravel driveway and levelling areas for future development. The depth of earthworks is varied as the land excavated for the road and filled for the level area is graded to either side. The maximum change is around 1.5m which does not meet (b) and (c) and must be considered against the performance criteria. The works are more than 1.5m away from a boundary to meet (a), are generally designed to limit overland flow to meet (d) and are not within 1m from a main to meet (a).

P2 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:

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

Complies

The driveway required a deeper cut adjoining the north-eastern corner of the adjoining recently approved lot. To control runoff, the driveway is designed with a slight camber to the east and to where an open drain is proposed. To minimise erosion the drain is to be rock lined and to drain to Waverley Road to the south.

The levelled area is not for any purpose at this stage and any future development will require a future application. Erosion will be minimised by the placing of woodchips on its lower western side. A condition will be imposed to ensure that this area is drained to divert water from adjoining properties.

The performance criteria are considered to be compliant.

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 *potential contamination alert* has been raised because of LPG tanks having been stored on adjoining land. The Council's environmental health staff have commented that tanks are not *potentially contaminating* and, therefore, there will be no impact on human health or the environment and the code does not apply.

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

E2.6 Development Standards

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The application is not seeking to establish a specific use on site. There is no requirement for parking to be provided and no parking proposed. There is sufficient area to provide parking for future development but at this stage the code does not apply.

E7.0 Scenic Management Code

E7.1 The purpose of this provision is to:

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

Consistent

The proposed development is considered to be appropriately managing the site to maintain the scenic values of the area.

E7.6 Development Standards

E7.6.2 Scenic management areas

Objective:

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

Consistent

The proposed development is not considered to be obtrusive and is intended to enhance the scenic values of the area.

A1 No acceptable solution.

Relies on Performance Criteria

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

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;
- (b) the impact on skylines, ridgelines and prominent locations;
- (c) the nature and extent of existing development on the site;

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

- (d) the retention or establishment of vegetation to provide screening;
- (e) the need to clear existing vegetation;
- (f) the requirements for any hazard management;
- (g) the need for infrastructure services;
- (h) the specific requirements of the development
- (i) the location of development to facilitate the retention of trees; and
- (j) design treatment of development, including:
 - (i) the bulk and form of buildings including materials and finishes;
 - (ii) any earthworks for cut or fill;
 - (iii) the physical (built or natural) characteristics of the site or area;
 - (iv) the nature and character of the existing development; and
 - (v) the retention of trees.

Complies

The site is within the North Esk Flood Plain Precinct where the northern sector of the precinct, which includes the subject site, is characterised by more open pasture. Visually prominent development is to be avoided and native vegetation maintained and enhanced where possible.

The construction of the driveway is visible from Waverley Road and immediately adjoining land and is not considered to be out of character or visually prominent. It will not impact on skyline or ridgelines and was developed through a pastured area and did not require tree removal. The section of land which has been levelled out on the higher portion of the site should also have a minimal effect on the scenic qualities of the area and from which the applicant states no large trees were removed.

The submission states that the vegetation removal has been limited to low growing shrubs, blackwood suckers, blackberry and gorse. Banks surrounding the earthworks are to be revegetated and mulched. Conditions are to be imposed to limit removal of any trees and to provide a line of planting along the lower side of the road. This will enhance the site, minimise runoff and erosion and leave the eastern side free from encumbrances, other than for future development.

The proposal is considered to be able to meet the performance requirements.

4. REFERRALS

REFERRAL	COMMENTS
	INTERNAL
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

REFERRAL	COMMENTS
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 November to 30 November 2020. Two submissions, each with two names have been lodged to total four representations 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 Water runoff into adjoining properties from overland flows which have been explained as having increased since clearing has occurred on the site.</p>
<p><i>Response 1</i> Overland flows are naturally occurring and can be interrupted by development. In this case the driveway interrupts the path of water. Discussion with both parties explained that the Council has worked with the developer to ensure that design of the driveway and drainage is diverted to the kerb in Waverley Road. An open rock faced drain is proposed down the eastern side of the driveway which will cross to the western side of the driveway and connect to the public stormwater system.</p>
<p>Issue 2 The area of fill is surrounded by woodchips to cover the flow path.</p>
<p><i>Response 2</i> A condition is to be imposed for a drain to be installed around the toe of the batter to minimise runoff to adjoining properties.</p>
<p>Issue 3 Trees were removed from the site soon after the owner purchased the land.</p>
<p><i>Response 3</i> The matter is noted but cannot be considered as part of the development application.</p>

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

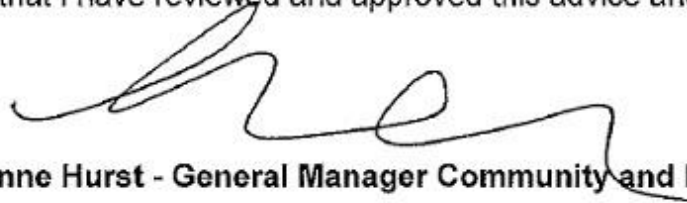
Not considered relevant to this report.

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(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

ATTACHMENTS:

1. Locality Map - 21 Waverley Road, Waverley (*electronically distributed*)
 2. Plans to be Endorsed - 21 Waverley Road, Waverley (*electronically distributed*)
 3. Representations - 21 Waverley Road, Waverley (*electronically distributed*)
-

9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots**FILE NO:** DA0760/2020**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:	6ty° Pty Ltd
Property:	30 Juliana Street, West Launceston
Zoning:	Low Density Residential
Receipt Date:	30/10/2020
Validity Date:	11/11/2020
Further Information Request:	11/11/2020
Further Information Received:	02/12/2020
Deemed Approval:	25/02/2021
Representations:	Five

STANDARDS REQUIRING COUNCIL DISCRETION

12.4.10 Walking and cycling network
12.4.5 Lot size and dimensions
12.4.9 Integrated urban landscapes
E4.5.1 Existing road accesses and junctions
E4.6.4 Sight distance at accesses, junctions and level crossings
E7.6.2 Scenic management areas

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 DA0760/2020 Subdivision - Subdivide one lot into five lots at 30 Juliana Street, West Launceston subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- (a) Proposal Plan, Prepared by 6ty°, Project No 18.364, Drawing No. P21, Rev A, Scale 1:500, dated 29/10/202.
 - (b) Bushfire Hazard Management Plan, Prepared by Scott Livingston, dated 29/11/2020.
-

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

2. LEGAL TITLE

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

3. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA2020/01902-LCC dated 14/01/2021 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

No works to be undertaken on Saturdays, Sundays or Public Holidays

5. NO FURTHER VEGETATION REMOVAL

Tree and vegetation removal must be limited to those specifically notated on the approved plans as *tree to be removed*. No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

6. PROTECTION OF EXISTING TREES

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

7. REVEGETATION OF DISTURBED AREAS

All disturbed surfaces on land resulting from the buildings and works authorised or required by this permit must be revegetated and stabilised to the satisfaction of the Council so as to prevent any erosion or siltation either on or adjacent to the land.

The two trees shown on plan at the head of the turning circle must be native species common to the area while not conflicting with Bushfire Hazard Management plan.

8. COVENANTS ON SUBDIVISIONS

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

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

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

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 Technical Services is required prior to undertaking works where the works:

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

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

11. 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 watertight 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.

12. SOIL AND WATER MANAGEMENT PLAN

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

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

13. RETICULATED SERVICES

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

14. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and Assets Network for approval. Such plans and specifications must:

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. electricity infrastructure including street lighting.
 - ii. communications infrastructure and evidence of compliance with the *fibre-ready* requirements of National Broadband Network.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or engineering consultancy.
- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and practical completion and final inspections.

15. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network. The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
 - i. provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
 - ii. the provision of a DN100 connection to the lowest point of each lot,
 - iii. provision of an overland flow path for flows up to a 100 year ARI storm event.
 - b. Roads
 - i. provision of a fully constructed road 6.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel,
 - ii. provision of a 1,500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,
 - iii. provision of a single vehicular crossing for each lot within the subdivision,
 - iv. all necessary line marking, signage and other traffic control devices.
-

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

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

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. construction requirements
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange the Council's Audit inspections and other responsibilities,
- c. construction audit inspections,
- d. practical completion and after a 12 months defects liability period the final inspection and hand-over.

16. WORKS REQUIRED FOR EACH LOT IN A STAGE

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

- a. fully constructed public road along all frontages, including the secondary frontage where a corner lot,
- b. a sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition
- c. a stormwater connection to the public drainage system,
- d. access to underground electricity and communications infrastructure, and
- e. where applicable, reticulated gas infrastructure.

17. CONSTRUCTION DOCUMENTATION

At the time of practical completion for the public works, the developer must provide the Council with construction documentation sufficient to show that the works are completed in accordance with the Council's standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. an *as constructed* plan in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure and Assets Network.
 - b. a Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
 - c. compaction and soil test results for all earthworks or pavement works.
 - d. an engineer's certificate that each component of the works comply with the approved engineering plans and the Council's standards.
-

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

18. EASEMENTS

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

19. SEALING PLANS OF SUBDIVISION

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

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

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

20. CONVEYANCE OF ROADS

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

21. COMPLETION OF WORKS

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

22. AS CONSTRUCTED PLANS

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

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

23. 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.

24. 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.

25. PROTECTION OF PUBLIC OPEN SPACE

The Public Open Space is to be protected from damage during the construction works by ensuring that:

- a. prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Public Open Space and the subject site.
- b. no building material, stockpiles, skip bins or machinery are to be stored on the Public Open Space.
- d. no excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of the Council to maintain, the Public Open Space.
- e. no access to the subject site is permitted via the Public Open Space without express written consent from the General Manager Infrastructure and Assets Network.
- f. where permission is granted to access subject site via the Public Open Space, any and all damage caused to the Public Open Space is to be remediated within the timeframe specified in the written consent to access.

26. RESERVES, PARKS & GARDENS BY-LAW

Pursuant to Clause 7(7) of City of Launceston By-law, Reserves, Parks and Gardens By-law No.4 of 2009, boundary fences abutting the public open space (Woods Reserve) are not permitted to have any openings or gates allowing pedestrian or vehicular access to or from the private property into the reserve. No approval for such an access is given and failure to comply with this condition may result in the issue of a fine pursuant to the by-law.

27. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan of Survey, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots excluding Lot 1 shown on the final plan. The valuation shall be determined by a registered land valuer and must be not more than 12 months old at the time of the sealing of the final plan. Valuations are to be procured at the subdivider's expense.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0760/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

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.

REPORT:

1. THE PROPOSAL

The application proposes the subdivision of the 9,332m² lot into five lots. The subject title is comprised of two lots of SP23142. Lot 9 had an area of 1,875m² and fronts onto Juliana Street and Lot 5 which had an area of 7,457m² and frontage to West Park Drive. Proposed Lot 1, contains an established dwelling and will have an area of 1,882m² and be very similar to the historical Lot 9 and with frontage to Juliana Street. The remaining lots will have frontage to a new section of road off West Park Drive and the following approximate dimensions:

Lot 2	2,149m ²
Lot 3	1,087m ²
Lot 4	1,502m ²
Lot 5	1,780m ²

The title is encumbered by a Right of Way from West Park Drive to the address of 21 West Park Drive (SP 23142 folio 6). This is to be removed at the time of sealing the final plan.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The property is located on the ridge line of the hill face to the west of the central city in the established residential area of West Launceston. The large site contains a dwelling adjoining Juliana Street, which is a no-through street off the south-eastern side of Brougham Street. The remainder of the site is grassed with trees along primarily its north-western boundary and is more accessible off West Park Drive, again a no-through street, off the north-eastern side Cambridge Street.

The site is steeper off West Park Drive where the land has a slope of 1:10. The remainder of the site is relatively level.

Other than a Council reserve as the site's north-western neighbour and a primarily vegetated site of TasWater containing water reservoirs, the remaining land in the area is developed and used for residential purposes and contains a mix of both single and multiple dwellings.

9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

12.0 Low Density Residential Zone

12.1.1 Zone Purpose Statements

12.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.

12.1.1.2 To provide for non-residential uses that are compatible with residential amenity.

12.1.1.3 To provide for development that is compatible with the natural character of the surrounding area.

Consistent

The application meets the zone purpose by proposing larger lots which are compatible with the character of the area.

12.4 Development Standards

12.4.5 Lot size and dimensions

Objective:

To ensure:

- (a) the area and dimensions of lots are appropriate for the intended use of the lots; and
- (b) adjoining land is protected from adverse impacts.

Consistent

The proposed characteristics of the lots meet the zone purpose and the *as of right* use of a single dwelling without having a significant impact on the adjoining neighbours.

A1.1 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) have a minimum area of no less than 1,500m²; and
- (b) be able to contain 25m diameter circle with the centre of the circle no greater than 25m from the frontage; or

A1.2 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or
- (b) be required for the provision of public utilities; or
- (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and

A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.

Relies on Performance Criteria

The proposal includes the following:

- Lot 1 - 1,882m²
- Lot 2 - 2,149m²
- Lot 3 - 1,087m²
- Lot 4 - 1,502m²
- Lot 5 - 1,780m²

9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots ...(Cont'd)

Lot 3 does not comply with the 1,500m² minimum lot size and must be considered against the performance criteria, and with reference to A1.1. Each lot is able to appropriately contain a 25m diameter circle with the exception of Lots 2 and 5 which cannot contain the circle within 25m of their frontage to meet (b) and must also be considered against the performance criteria. Clause A1.2 is not relevant to this application. The new rear boundary for Lot 1 does not meet the 5m setback required by A1.3 and must be considered against the performance criteria.

P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use having regard to:

- (a) the relevant acceptable solutions for development of buildings on the lots;
- (b) the likely location of buildings on the lots;
- (c) the likely provision of on-site parking and manoeuvrability for vehicles;
- (d) the topography of the site;
- (e) the presence of any natural hazards;
- (f) adequate provision of private open space; and
- (g) the existing pattern of development in the area.

Complies

Proposed Lot 3 will have sufficient area and dimensions to support a single dwelling, provide car parking and private open space with minimal impacts on the amenity of the adjoining property. A dwelling will likely be developed on the similar north-east/south-west axis to maximize solar access to the site. It is bordered by an existing dwelling to the south west at 9 West Park Drive, which will front the new road, and to the south east at 13 West Park Drive, an internal lot. As the lot will have a minimal fall from the north east development of a dwelling should not cause any significant overlooking or overshadowing and development of the site will most likely require a planning application. Lot 3 is also of similar size to lots fronting West Park Drive which range from around 1,010m² to 1,260m². Although Lot 3 is below the 1,500m² minimum lot size the average lot size for the subdivision is 1,680m². The performance criteria are addressed.

Lots 2 and 5 are both internal lots proposed behind Lots 4 and 3 respectively. Both lots are relatively level and have sufficient dimensions within their new boundaries to appropriately provide for a dwelling, parking and private open space without impacting on the amenity of the area.

The existing dwelling on proposed Lot 1 will encroach on the common boundary with proposed Lots 2 and 5. It has a stepped floor plan with only part of the rear of the single storey section of the dwelling seeking the variation. Lot 5 is to the west of the dwelling on Lot 1 and amenity between the existing and proposed dwelling is able to be maintained. Lot 2 is the largest of the proposed lots and is to the south of the Lot 1. As the topography is relatively level and Lot 1 is an established dwelling the variation is not likely to have unsurmountable amenity issues and the performance criteria are met.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

12.4.6 Frontage and access

Objective: To ensure that lots: (a) provide appropriate frontage to a road; and (b) provide safe and appropriate access suitable for the intended use.
Consistent Each lot will have suitable frontage to a road for the intended use of a single dwelling.
A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 4m.
Complies Each lot has a frontage greater than 4m. Lot 2 has the narrowest frontage of 5.6m.
P2 Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the character of the area; and (e) the advice of the road authority.
Complies Each lot can achieve a suitable vehicular access from its frontage to the likely dwelling location. Lots 2 and 5 are sited to the rear of Lots 4 and 3 and are able to have a driveway access of around 35m off the extended section of West Park Drive. West Park Drive contains 23 dwellings along its L-shaped alignment and contains lots with both full frontage to the street and as internal lots. The proposal is consistent with development character of the area.

12.4.7 Discharge of stormwater

Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
Consistent The proposal can be connected to a reticulated stormwater system.
A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
Complies The proposed lots and road extension can be connected to the Council's reticulated stormwater system.
A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

<p>Complies The Council's General Manager has provided written consent to advise that the stormwater system has the capacity to drain the proposed subdivision.</p>
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12.4.8 Water and sewerage services

<p>Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.</p>
<p>Consistent The proposal can be provided with water supply and the disposal of waste water.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.</p>
<p>Complies TasWater has issued a Submission to Planning Authority Notice approving a water connection.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.</p>
<p>Complies TasWater has issued a Submission to Planning Authority Notice approving connection to a reticulated sewerage system.</p>

12.4.9 Integrated urban landscapes

<p>Objective: To provide landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.</p>
<p>Consistent The proposal is not considered to have significant impact on the landscaping character of the surrounding vicinity.</p>
<p>A1 Subdivision does not: (a) create any new road, public open space or other reserves; or (b) remove or clear native vegetation; or (c) modify, drain, pipe or disturb any natural watercourse or wetland.</p>
<p>Relies on Performance Criteria The application does create a new section of road and removal of native vegetation and does not meet (a) and (b) and must be considered against the performance criteria.</p>
<p>P1 Subdivision must be designed to enhance the amenity of the area having regard to: (a) the topography of the site; (b) any significant natural and cultural features of the site; (c) the access to public open spaces and roads; (d) the retention of native vegetation; (e) linking areas of significant local habitat; and (f) landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in roads and public open space.</p>

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)****Complies**

The subdivision will not cause a significant impact on the amenity of the area. Although the development is on the brow of the hill, the low grade of the site will minimise impacts and not result in the development being visually obtrusive. The site does not contain *any significant natural and cultural features* but does adjoin a large Council reserve to the north-west which does have close links with Woods Reserve to the east and the Fraser Street Reserve to the north-west. Further beyond, to the north-west, is the Gorge. The reserves are features along the hillside and also provide near continuous habitat links. The proposal is not considered likely to have any significant impact on these especially as wildlife roams freely through the developed residential areas.

As described in the submission lodged with the application the site contains species recognised as Urban Areas (FUR) and *Eucalyptus viminalis* grassy woodland (DVG). The FUR land primarily extends through the vicinity of the proposed road and Lots 1, 2 and 3 while the DVG is over Lots 4 and 5 next to the reserve. At this stage, vegetation will only need to be removed to install the road and services. Six trees have to be removed to allow for the installation of the road and services infrastructure. Two replacement trees are proposed. Further vegetation removal is also necessary to comply with the Bushfire Hazard Management Plan so that each lot contains only low threat vegetation. Vegetation types along each common boundary of the proposed lots is stipulated.

The Bushfire Hazard Management Report states:

- *Land on lots 2 and 5 within 10m of the existing dwelling on Lot 1 must be low threat vegetation prior to sealing of titles and maintained in perpetuity.*
- *Land within 10m from boundaries of Lots 2-3, 2-5, 3-5, 4-5 to be low threat vegetation prior to change of ownership of any of lots 2, 3, 4 and 5 and maintained in perpetuity.*
- *All other land within a lot must be low threat vegetation prior to commencement of construction of a habitable building on that lot and maintained in perpetuity.*

Therefore, while additional vegetation will be removed, these management areas do not need to be completely stripped of vegetation. As the land adjoins a large reserve and the hillside contains large expanses of native vegetation, the loss of higher risk vegetation for bushfire protection will be limited and is not critical within the context of the landscaped hillside. This is especially as views of the site are limited due to its position on the western side of the ridge of the hillside and surrounding development.

The lots are considered to be of a size to suitably contain some runoff to assist in natural management of the area. The performance requirements are considered to be met.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

12.4.10 Walking and cycling network

Objective:

To:

- (a) provide safe and convenient movement through and between neighbourhoods by pedestrians and cyclists;
- (b) design footpaths, shared path and cycle path networks and cycle lanes that are safe and accessible; and
- (c) accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

Consistent

The proposal maintains the current network for pedestrians and cyclists.

A1 Subdivision does not create any new road, footpath or public open space.

Relies on Performance Criteria

The subdivision does create a section of new road and a short footpath and must be considered against the performance criteria.

P1 Subdivision provides roads, footpaths or public open spaces that are designed to provide safe and convenient walking and cycling networks, having regard to:

- (a) the linkages to any existing pedestrian and cycling networks;
- (b) connection of footpaths, shared paths, cycle paths and cycle lanes;
- (c) access for cycling and walking to activity centres, community facilities, bus stops and public transport routes and public open spaces;
- (d) the road network and public open spaces; and
- (e) passive surveillance.

Complies

The new section of road is nominally 65m long when taken from the existing carriageway of West Park Drive to the frontage of Lot 2. It will contain a new footpath along the front of the existing property of 5 West Park Drive which links with an existing path the leads to Cambridge Street. The path also provides access to a footway trail link through to tracks in the reserve which extend north west through to Brougham Street, and links to other green space areas fronting Cambridge Street to serve walkers and bike track riders. While only a section of footpath is proposed the scale of the subdivision does not warrant more but the path links to cycle paths and public transport stops in Cambridge Street which travel to the city centre and to Prospect. The proposed path is clearly viewed by residents in the street and does more clearly identify the trail link into the reserve. The performance criteria are met.

E1.0 Bushfire-Prone Areas Code

E1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

Consistent

The proposal has been designed with consideration of the likelihood of bushfire so to minimise risk to life and property.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

E1.6 Development Standards

E1.6.1 Subdivision: Provision of hazard management areas

Subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;
- (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and
- (c) provide protection for lots at any stage of a staged subdivision.

Consistent

The subdivision allows for building on lots subject to vegetation management of individual lots to provide setbacks between dwellings and vulnerable vegetation.

A1

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or
- (b) The proposed plan of subdivision:
 - (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;
 - (ii) shows the building area for each lot;
 - (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and
 - (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots, and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and
- (c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.

Complies

A Bushfire Hazard Management Report has been undertaken in accordance with (b) to allow for development of dwellings with a BAL19 rating. This includes the necessary removal of some further vegetation prior to sealing stages of the final plan(s).

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...(Cont'd)**

E1.6.2 Subdivision: Public and fire-fighting access

Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, firefighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

Consistent

The proposed road access to the new lots, via the road network to the proposed lots, has been designed to allow for fire appliances to access the site as necessary to defend a fire or for hazard management.

A1

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire-fighting; or
- (b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:
 - (i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and
 - (ii) is certified by the TFS or an accredited person.

Complies

A plan of subdivision has been provided that along with the requirements in the Report meet (b). The new road has a turning head with dimensions which allows a fire vehicle to access the sites and turn. This includes prohibition of parking in the turning head and therefore the installation of appropriate signage. The design has been undertaken with consultation from the TFS. Subject to the conditions required in the report, including those for a driveway longer than 30m, access will be sufficient.

E1.6.3 Subdivision: Provision of water supply for fire-fighting purposes

Adequate, accessible and reliable water supply for the purposes of fire-fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.

Consistent

The site has suitable access to water to allow for fire-fighting if necessary.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

<p>A1 In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire-fighting purposes; (b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.
<p>Complies The area is serviced by reticulated water. Whilst West Park Drive has hydrants within 120m of the site, a new hydrant is required to service Lots 2 and 5. Subject to requirements of the Bushfire report the acceptable solutions are met.</p>

E4.0 Road and Railway Assets Code

<p>E4.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (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 will not have significant impact on the existing 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 safety and efficiency of the surrounding roads will not be reduced by the new road stub and increase in use of the West Park Drive/Cambridge Street intersection.</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>Relies on Performance Criteria The site does not have an existing access or junction. The anticipated vehicle movements for a single dwelling is 10 movements per day which equates to 40 for the four new lots all of which front West Park Drive, Lot 1 only having access to Juliana Street and while meeting the acceptable solution in that respect does result in a new access, with no existing movements, increasing by 20% and requiring assessment against the performance criteria.</p>
<p>P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p>

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

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

Complies

The proposed road and, therefore, junction onto West Park Drive is not considered to cause a significant impact on the safety and efficiency of the access. It is for only four lots on an outer bend of corner which should be visible in both directions of travel. The nature of the no-through street is slow given the relatively short distance of travel from either a dwelling in the street or driving in from Cambridge Street.

The development of the new road has been considered and been granted approval under the Council's Transport Network Assessment. The Assessment states that the traffic to be generated can be accommodated within the existing road network and the cul-de-sac and width of the road reserve are in accordance with the LGAT/IPWEA Tasmanian Standard Drawings. Some minor improvements are necessary and suitable conditions have been recommended. The access is considered to be safe and to not impede on the efficiency to the road network.

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 safety and efficiency of the surrounding roads should not be reduced by the creation of the new accesses and junction.

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.

Complies

The new road stub will have one two way access to West Park Drive and each new lot will have only one access point.

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.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

<p>Consistent The new accesses and junction will have sufficient sight distance to maximise safe movement of traffic.</p>
<p>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.</p>
<p>Relies on Performance Criteria The new junction of the road stub with West Park Drive will have a sight distance to Cambridge Street of approximately 100m and to the end of the cul-de-sac over 80m to meet the 80m required under Table E4.6.4 for a road with a speed less than 60km/h to meet (a). The new access points/crossovers to the individual lots will not meet the 80m sight distance requirement and must be considered against the performance criteria.</p>
<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the road or rail network; (c) any alternative access; (d) the need for the access, junction or level crossing; (e) any traffic impact assessment; (f) any measures to improve or maintain sight distance; and (g) any written advice received from the road or rail authority.</p>
<p>Complies The application proposes four new lots, each with a new access/crossover off the new road stub junction with the existing carriageway of West Park Drive. As the road is only 50m in length and to service only four lots, which will each contain only one dwelling, vehicles use of the junction should not be a safety issue. When exiting the new road vehicles will have to slow before entering onto West Park Drive given the proposed interruption to the road alignment, before continuing onto Cambridge Street, which is over a road length of 100m and not of a length to gain speed. A traffic impact assessment was not considered necessary. The internal assessment states that the traffic to be generated can be accommodated within the existing road network and the cul-de-sac and width of the road reserve are in accordance with the LGAT/IPWEA Tasmanian Standard Drawings. Some minor improvements are necessary and suitable conditions have been recommended.</p>

E6.0 Parking and Sustainable Transport Code

<p>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;</p>
--

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...(Cont'd)**

<p>(c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;</p> <p>(d) ensure that parking does not adversely impact on the amenity of a locality;</p> <p>(e) ensure that parking spaces and accesses meet appropriate standards; and</p> <p>(f) provide for the implementation of parking precinct plans.</p>
<p>Consistent</p> <p>Each lot will have suitable dimensions to contain car parking when the lots are developed for single dwelling in the future. The lots will also have easy access to walking and cycling pathways and trails. Buses serving as public transport also service Cambridge Street.</p> <p>As the development to be considered by this application is for subdivision only car parking requirements will be addressed at the time each dwelling is developed. No further assessment of the code will be undertaken for this proposal.</p>

E7.0 Scenic Management Code

<p>E7.1 The purpose of this provision is to:</p> <p>(a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and</p> <p>(b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and</p> <p>(c) ensure that vegetation is managed for its contribution to the scenic landscape.</p>
<p>Consistent</p> <p>The proposed subdivision is consistent with the code purpose and will not have a significant impact on the scenic qualities of the site and area. A minimal number of trees are proposed to be removed to establish the lots and, as further applications will be required for development of each lot, opportunities to manage vegetation and visual amenity remain.</p>

E7.6 Development Standards

E7.6.2 Scenic management areas

<p>Objective:</p> <p>The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.</p>
<p>Consistent</p> <p>The proposed subdivision will not be obtrusive in the landscape and future development will maintain the character of the area.</p>
<p>A3 Subdivision is in accordance with a specific area plan.</p>
<p>Relies on Performance Criteria</p> <p>The site is not located in an area which is covered by a specific area plan and must be considered against the performance criteria.</p>

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...(Cont'd)**

P3 Subdivision must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;
- (b) the size, shape and orientation of the lot;
- (c) the density of potential development on lots created;
- (d) the need for the clearance or retention of vegetation;
- (e) the need to retain existing vegetation;
- (f) the requirements for any hazard management;
- (g) the need for infrastructure services;
- (h) the specific requirements of the subdivision;
- (i) the extent of works required for roads or to gain access to sites, including any cut and fill;
- (j) the physical characteristics of the site and locality;
- (k) the existing landscape character;
- (l) the scenic qualities of the site; and
- (m) any agreement under section 71 of the Act affecting the land.

Complies

The site is located with the Western Hillside Precinct where the intent is to protect and enhance the vegetation cover of the area.

- (a) *Development within the Precinct must minimise its visual intrusion on the hillside by its location, form, scale, exterior materials, colours and landscaping particularly when viewed from major public vantage points. Visually dominating or obtrusive development, particularly along the skyline, should be avoided. Middle ground sites must be respectful of the pattern of development in the immediate area.*

The subdivision is located to the south-west of the section of the ridge of the hillside, between Brougham and Outram Streets, and not a position which is clearly visible from other parts of the City nor closer to the site where views are further protected because of surrounding development.

- (b) *Maintain and improve vegetation, particularly trees, within the skyline area of the Precinct. Species selected must be consistent with the dominant character of the immediate setting.*

Six trees have to be removed to allow for the installation of the road and services infrastructure. Two replacement trees are proposed. Further vegetation removal is also necessary to comply with the Bushfire Hazard Management Plan so that each lot contains only low threat vegetation. Vegetation types along each common boundary of the proposed lots is stipulated.

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...(Cont'd)**

The Bushfire Hazard Management Report states:

- *Land on lots 2 and 5 within 10m of the existing dwelling on Lot 1 must be low threat vegetation prior to sealing of titles and maintained in perpetuity.*
- *Land within 10m from boundaries of Lots 2-3, 2-5, 3-5, 4-5 to be low threat vegetation prior to change of ownership of any of lots 2, 3, 4 and 5 and maintained in perpetuity.*
- *All other land within a lot must be low threat vegetation prior to commencement of construction of a habitable building on that lot and maintained in perpetuity.*

Therefore, while additional vegetation will be removed, these management areas do not need to be completely stripped of vegetation. As the land adjoins a large reserve and the hillside contains large expanses of native vegetation, the loss of higher risk vegetation for bushfire protection will be limited and is not critical within the context of the landscaped hillside. This is relevant as views of the site are limited due to its position on the western side of the ridge of the hillside and surrounding development.

- (c) *Trees are to be encouraged throughout the Precinct. Species selected should have a height and form that will contribute to the canopy cover within the area, whilst also being consistent with the dominant character of trees, where there is an established character. Where the area is located within or near a reserve, local native species should prevail.*

The two trees which are proposed as replacement trees will be conditioned to be of locally native species consistent with the species within the adjoining reserve and a low threat to fire. As development of the lots will require further application to the Council, the opportunity to enhance the vegetation cover will be able to be addressed for each lot at such time and in keeping with the area.

- (d) *Increased residential density is encouraged, but only where development does not adversely interrupt the existing or historic pattern of development, and ability of the site to maintain significant vegetation. The favoured form of this type of development is one building, with shared driveways and gardens to maximise the open space available for vegetation.*

The subdivision will create five lots with an average size of 1,680m², greater than the minimum of 1,500m² required for the Low Density Residential zone and greater than the 1,200m² of existing Low Density Residential zoned properties in the vicinity. The lots will only be able to be developed with one dwelling per lot which helps ensure that each site has open space for addition plantings.

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...(Cont'd)**

(e) *Subdivisions are to address bushfire safety and vegetation management requirements to achieve visually unobtrusive development with sufficient vegetation coverage to retain the Precinct's character, or allow for the replacement vegetation to meet the character of the Precinct.*

The bushfire management plan stipulates the species able to be retained for a width along each boundary which maintains suitable area for the maintenance and provision of large species to retain canopy cover particularly alongside the reserve.

(f) *In the southern part of the Precinct, encourage only sympathetic development that will retain the rural character of the Precinct.*

The site is in the north section of the precinct. The proposal is considered to meet the objectives of the code to meet (a).

In addition, the lots are of a size which will achieve solar access, retain and enhance vegetation, a dwelling, open space and car parking. As noted above, the lots are consistent with the density of development in the area. The minimal slope of the parent site and position on the ridge of the hill will allow future development of the site to be relatively unobtrusive. The existing vegetation is primarily adjoining the reserve and will not be immediately impacted by the subdivision. Development of the new lots will be subject to further approvals against the planning scheme and the character of the landscape and scenic qualities of the area further considered at that future time.

The proposal complies with the performance criteria.

E10.0 Open Space Code

E10.1 The purpose of this provision is to:

- (a) Ensure that the location and area of land required for public open space in subdivisions meets the reasonable ongoing needs of the community.

Consistent

The application does not propose to supply public open space but instead to pay a cash contribution for future open space for the city.

4. REFERRALS

REFERRAL	COMMENTS
	INTERNAL
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.

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...(Cont'd)**

REFERRAL	COMMENTS
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2020/01902-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 5 December to 21 December 2020. Three submissions with five representors acknowledged. 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 Concerns of the necessary change to the driveway access into 5 West Park Drive, its proposed angle and its proximity to the pedestrian access to the adjoining reserve. The writer has discussed the concerns with the owner who is agreeable to a change to the crossover.</p>
<p><i>Response 1</i> <i>A change to the detail of the initial section of the road junction was discussed with the Infrastructure Assets Network and a suitable condition will be included if a permit issues.</i></p>
<p>Issue 2 The application applies to 30 Juliana Street but the impact of the development will be imposed upon properties in West Park Drive where four of the five lots will be accessed and serviced by a new section of road and footpath.</p>
<p><i>Response 2</i> <i>This is acknowledged.</i></p>
<p>Issue 3 A number of standards are not met.</p>
<p><i>Response 3</i> <i>The Planning Scheme contains acceptable solutions which must be considered when assessing an application. Where these are not met the performance criteria is considered to determine whether a particular requirement is appropriate.</i></p>

9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)

<p>Issue 4 Clause 12.4 5 A1.1 states: <i>Each lot proposed in a plan of subdivision must:</i> (a) have a minimum area of no less than 1,500m. Lot 3 has an area of only 1,087m².</p>
<p><i>Response 4</i> <i>The lot size does not meet acceptable solution but is addressed above against the performance criteria.</i></p>
<p>Issue 5 Clause 12.4 7 A2 states: <i>the Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.</i> The General Manager's written advice has not yet been received.</p>
<p><i>Response 5</i> <i>The General Manager's written advice was provided prior to advertising the application.</i></p>
<p>Issue 6 Clause 12.4 9 A1 states: <i>Subdivision does not:</i> (a) create any new road public open space or other reserves; or (b) remove or clear native vegetation, or A new road and footpath are proposed along with tree removal.</p>
<p><i>Response 6</i> <i>As the acceptable solution is not met, the performance criteria have been addressed. In this case, to provide suitable means of access a new road and footpath are essential to properly service the new lots. Tree removal will be addressed by a requirement for planting of street trees.</i></p>
<p>Issue 7 Clause E4.5.1 A3 states: <i>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. The development of dwellings on the lots will increase the number of vehicles by more than 20% or 40 vehicle movements per day onto West Park Drive and Cambridge Street.</i></p>
<p><i>Response 7</i> <i>It is generally expected that at dwelling will generate up to 10 vehicle movements per day which equates to 40 vehicles. The application was assessed for compliance against the performance criteria and approval from the Council's Infrastructure and Assets Network has been provided.</i></p>
<p>Issue 8 If the application is approved some limitations should be imposed to protect the character and nature of the quiet suburban street and lifestyle of residents during the works including hours of the works, traffic control of heavy vehicles - use and parking, delivery and storage of materials, any drilling or blasting, dust, debris and erosion, and interruption of services.</p>

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

Response 8

Construction stages are not a matter addressed under the planning scheme but are dealt with by other legislation including environmental limitations, building/plumbing regulations, TasWater and Work Place Standards in relation to any necessary blasting or drilling. Permit conditions will be imposed about hours of work and the need for Traffic management plans for works in the Council's road reserve.

Issue 9

The Council should re-affirm that the use of the proposed subdivision is and will remain zoned low density residential, single dwellings.

Response 9

There is no intention for the zoning to be changed. If a future change was ever proposed property owners would have the opportunity to raise any concern at that time.

Issue 10

Once the lots are developed there will be ongoing inconvenience when the dwellings are constructed.

Response 10

It is considered that the proposed subdivision will not unreasonably impact on the amenity of the surrounding area.

Issue 11

The proposal will impact on the peaceful surroundings currently experienced in West Park Drive, particular the more senior residents, including an increase in vehicle traffic.

Response 11

The subdivision may have an impact. The subject property is of a size to support the proposed subdivision and does include provision for a road connection between 5 and 9 West Park Drive.

6. CONCLUSION

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

ECONOMIC IMPACT:

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

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(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. Locality Map - 30 Juliana Street, West Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 30 Juliana Street, West Launceston (*electronically distributed*)
 3. TasWater SPAN - 30 Juliana Street, West Launceston (*electronically distributed*)
 4. Representations - 30 Juliana Street, West Launceston (*electronically distributed*)
-

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling**FILE NO:** DA0640/2020**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:	16 Ross Avenue, Invermay
Zoning:	General Residential
Receipt Date:	30/09/2020
Validity Date:	2/10/2020
Further Information Request:	12/10/2020
Further Information Received:	25/11/2020
Deemed Approval:	29/01/2021
Representations:	Four

STANDARDS REQUIRING COUNCIL DISCRETION

- 10.4.11 Outbuildings, swimming pools and fences
- 10.4.13 Location of car parking
- 10.4.2 Setbacks and building envelope for all dwellings
- 10.4.4 Sunlight and overshadowing for all dwellings

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 DA0640/2020 - Residential - construction of an additional dwelling at 16 Ross Avenue, 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. Locality Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 2/12, dated 15/10/2020.
 - b. Existing Site Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 3/12, dated 15/10/2020.
-

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

- c. Proposed Site Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 4/12, dated 15/10/2020.
- d. Landscaping Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 5/12, dated 15/10/2020.
- e. Site Plumbing Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 6/12, dated 15/10/2020.
- f. Car Parking Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 7/12, dated 15/10/2020.
- g. Existing House Floor Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 8/12, dated 15/10/2020.
- h. Lower Floor Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 9/12, dated 15/10/2020.
- i. Upper Floor Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 10/12, dated 15/10/2020.
- j. Elevations, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 11/12, dated 15/10/2020.
- k. Elevations, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 12/12, dated 15/10/2020.

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Manager City Development. Once approved, these amended plans will be endorsed by the Council and will then form part of the Permit. The amended plans must show the proposed car parking space, located in front of Unit 1, realigned to be parallel with Ross Avenue to enable entry and exit in a forward direction.

3. OBSCURE GLAZING

The windows in the south-western wall of Unit 1 shall be maintained with obscure glazing.

4. LEGAL TITLE

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

5. EXTERIOR AND SECURITY LIGHTING

Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.

6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2020/01599-LCC, dated 13/10/2020, and attached to the permit.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

7. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

8. 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 and not be removed, destroyed or lopped without the written consent of the Council.

9. FENCING

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

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

10. OUTBUILDINGS

The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.

11. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

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

12. 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.

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13. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)

On-site detention storage must be provided to restrict increases in stormwater discharge from the site arising from the proposed development.

The allowable discharge rate from the site is calculated on the basis of the land being developed with either 200m² of impervious area or at the existing state of site development, whichever is greater, for the design storm.

The design storm is the 20% AEP, one hour event.

The volume to be detained prior to overflow is to be the difference between the volume of the developed hydrograph and the volume of the allowable discharge hydrograph for the site resulting from the design storm event.

Prior to the commencement of works, the plans and calculations must be submitted to the General Manager Infrastructure and Assets Network for approval. On completion, an as *constructed* plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

14. 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.

15. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

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

16. SINGLE STORMWATER CONNECTIONS

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

17. SOIL AND WATER MANAGEMENT PLAN

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

18. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

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

Unit No	Strata Lot No.	Street Address
1	1	1/16 Ross Avenue
2	2	2/16 Ross Avenue

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0640/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional 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 the Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Ground Floor Living Room

Further approval (ie. amendment to this permit) is required if the use of the ground floor living room is changed to a bedroom.

**9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling
...(Cont'd)**

REPORT:**1. THE PROPOSAL**

It is proposed to construct a two storey, two bedroom dwelling, with a footprint of 155.5m², behind the existing dwelling at 16 Ross Avenue, Invermay. The building will contain a double garage and bedrooms on the ground level and living areas on the upper level.

The proposal also includes the demolition of the existing garage at the end of the driveway and the construction of a replacement double garage along the eastern side of the site.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is a relatively level, rectangular lot of 929m², located on the northern side of Ross Avenue.

It is adjoined on its northern boundary by St Finn Barr's primary school and is otherwise surrounded by residential properties with a mix of single and multiple dwellings, with single storey, single dwellings remaining the principal development style.

The character of the area is suburban residential.

3. PLANNING SCHEME REQUIREMENTS**3.1 Zone Purpose****10.0 General Residential Zone****10.1.1 Zone Purpose Statements**

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

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

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

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

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

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

Consistent
 The proposal to construct a two-storey, two bedroom dwelling behind the existing dwelling at 16 Ross Avenue 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. Notwithstanding the school on the adjoining northern boundary, the surrounding area predominantly contains a range of dwelling types, including single and multiple dwellings, at a suburban density.

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

Objective: To provide for suburban densities for multiple dwellings that: (a) make efficient use of suburban land for housing; and (b) optimise 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: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.
Complies The proposed development of a second dwelling, on the existing 929m ² lot, produces a site area per dwelling of 464.5m ² .

10.4.2 Setbacks and building envelope for all dwellings

Objective: To control the siting and scale of dwellings to: (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.
A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

<p>(b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>
<p>Complies The proposed dwelling is located behind the existing dwelling and is therefore more than 4.5m from the frontage.</p>
<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1m behind the facade of the dwelling; or</p> <p>(b) the same as the dwelling facade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>
<p>Complies The proposed dwelling contains a double garage within its footprint. Additionally, the existing garage at the end of the existing driveway is to be demolished and a new, timber framed garage of some 6.4m x 7m x 3.9m (h) is to be constructed adjacent to the eastern boundary, some 5.5m behind the existing dwelling.</p> <p>Both garages are setback in excess of 5.5m from the frontage.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ...(Cont'd)

Relies on Performance Criteria

The western eave of the proposed dwelling will extend beyond the envelope, some 500mm at the northern end and increasing to some 1,000mm at the southern end. Additionally, the proposed new garage for the existing dwelling is to be located as close as possible to the eastern boundary and at a height of 3.9m at the ridgeline and will project a triangle of roof up to 900mm beyond the envelope, both horizontally and vertically. Performance criteria are relied upon.

P3 The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
 - (iii) overshadowing of an adjoining vacant lot; or
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

Complies

The siting and scale of the proposed dwelling will not result in reduction of sunlight to any adjoining dwelling and will not cause any unreasonable loss of amenity as a result of overshadowing.

Shadows for the proposed building will cover the rear quarter of the adjoining lot to the west (18 Ross Avenue) at 9am on 21 June. By 11am on 21 June, the shadow cast from the proposed dwelling will be contained on the subject site and will not cross the eastern boundary (14 Ross Avenue) until 3pm. Private open space, on each of the adjoining sites will maintain more than three hours direct sunlight to more than 50% of its area on 21 June.

Whilst the representors to the east are of the view that the visual impact caused by the apparent scale and bulk of the building will result in an unreasonable loss of amenity, this is difficult to support. Clearly, the vista from the representor's back yard will change significantly with the introduction of a two storey dwelling. However, the construction of single and two storey dwellings, behind existing dwellings in the residential zones is relatively common and generally considered consistent with the objectives of sustainable development. Whilst the change is significant, the impact is not considered to be excessive or unreasonable.

The upper floor is setback further than the lower floor to reduce the perception of bulk and it is noted that, whilst a minor alteration to the roof design to remove the eaves would bring the dwelling within the acceptable solution, such change in design would result in reduced solar efficiency for the proposed dwelling with no noticeable benefit to the visual impact on the neighbours and is not recommended.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

Separation between dwellings remains compatible with that prevailing in the surrounding area.

The location of the proposed garage for the existing dwelling will result in a wall effectively on the boundary and extending above the fence line. Whilst the garage could be redesigned and moved up to 1m from the boundary, its proposed location is not uncommon in the residential setting. Additionally, it provides some visual screening in the potential sight line between the back door of the neighbouring dwelling and the window in the upstairs study in the proposed dwelling.

10.4.3 Site coverage and private open space for all dwellings

<p>Objective: To provide:</p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; and (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is integrated with the living areas of the dwelling; and (d) private open space that has access to sunlight.
<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); 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); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.
<p>Complies Site coverage is calculated at 368m², or approximately 40%. Some 271m² or 29% of the site remains free from impervious surfaces. Each dwelling has more than 60m² of private open space available.</p>
<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is at least: <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); and (b) has a minimum horizontal dimension of: <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); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

- (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9am and 3pm on 21 June; and
- (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and
- (f) has a gradient not steeper than 1 in 10; and
- (g) is not used for vehicle access or parking.

Complies
 Each dwelling has an area of more than 24m² of private open space that is directly accessible from a habitable room, other than a bedroom and that meets the prescribed measures regarding dimensions and location.

It is noted that access to the private open space for the proposed dwelling is via a room designated as a living room. Given that future owners may see the potential for this room to become a third bedroom, it is proposed to include a note to the permit to advise that further approval is required prior to conversion of this living room into a bedroom.

10.4.4 Sunlight and overshadowing for all dwellings

Objective:
 To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Consistent
 The proposal satisfies the applicable acceptable solutions or performance criteria.

A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).

Relies on Performance Criteria
 The proposed dwelling does not have windows to habitable rooms within the prescribed angle west or east of north. It has windows at 40 degrees west of north and 50 degrees east of north and relies upon performance criteria.

P1 A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

Complies
 All day sunlight is available to the dwelling through upper floor windows to the study, living and dining rooms.

10.4.6 Privacy for all dwellings

Objective:
 To provide reasonable opportunity for privacy for dwellings.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: <ul style="list-style-type: none"> (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.
<p>Complies The proposed dwelling has a deck, described on the upper floor plan as alfresco. Its floor level is more than 1m above natural ground level. The deck is setback from the western boundary by 3.0m and from the rear boundary by 4.2m.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <ul style="list-style-type: none"> (a) The window or glazed door: <ul style="list-style-type: none"> (i) is to have a setback of at least 3m from a side boundary; and (ii) is to have a setback of at least 4m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 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 at least 6m from the private open space of another dwelling on the same site. (b) The window or glazed door: <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.
<p>Complies The upper floor windows are setback from the side boundaries by 3m and from the rear boundary by 4.2m and comply with the acceptable solution to maintain privacy.</p>

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

<p>A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <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 at least 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.
<p>Complies The shared driveway passes directly adjacent to the windows on the western wall of the existing dwelling with insufficient space to provide appropriate separation or screening. It is proposed that the glazing be obscured with the application of opaque film.</p> <p>A condition is proposed such that the glazing on the western side of the existing dwelling be maintained as opaque.</p>

10.4.8 Waste storage for multiple dwellings

<p>Objective: To provide for the storage of waste and recycling bins for multiple dwellings.</p>
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.
<p>Complies Appropriate bin storage is shown on the landscape plan.</p>

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 or performance criteria.</p>
<p>A1 Each multiple dwelling must have access to 6m³ of secure storage space not located between the primary frontage and the facade of a dwelling.</p>
<p>Complies Appropriate storage is shown on the landscape plan.</p>

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

A2 Mailboxes must be provided at the frontage.
Complies Mail boxes are shown on the landscape plan.

10.4.10 Common property for multiple dwellings

Objective: To ensure that common areas are easily identified.
Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.
A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.
Complies The required features are shown on the landscape and strata plans.

10.4.11 Outbuildings, swimming pools and fences

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.
Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.
A1.1 The combined gross floor area of outbuildings must be no greater than 45m ² ; 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.
Relies on Performance Criteria The proposed garage has a floor area of 44.8m ² and the storage shed for the proposed dwelling has a floor area of 3.24m ² , giving a combined gross floor area of 48.04m ² and thus relying on performance criteria.
P1 Outbuildings must not detract from the character of the surrounding area or the amenity of adjoining lots, having regard to: (a) the visual impact on the streetscape; (b) any overshadowing of adjoining lots; (c) the size and location of outbuildings on adjoining lots; (d) existing buildings on the site; and (e) the topography of the site.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

Complies
 The proposed outbuildings will not be visible in the streetscape and will not unreasonably overshadow an adjoining lot. The outbuildings proposed are not dissimilar or out of character with those on adjoining lots.

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 applicable acceptable solutions or performance criteria.

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

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

Complies
 There are no earthworks requiring cut or fill in excess of 600mm proposed.

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 or performance criteria.

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.

Relies on Performance Criteria
 As noted at clause 10.4.6, the shared driveway does not have provision for separation from windows to habitable rooms, thus obscure glass treatment is proposed.

P1 Shared driveways or car parking spaces (other than for single dwellings) must be located to not unreasonably impact on the amenity of the adjoining habitable rooms, having regard to:

- (a) the width of the driveway;
- (b) the location of the existing dwellings and habitable rooms;
- (c) the location of car parking spaces;
- (d) the number of car spaces served by the driveway; and
- (e) any noise mitigation measures including screening or landscaping.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

<p>Complies</p> <p>The shared driveway provides access to four car parking spaces, two for the existing dwelling and two for the proposed dwelling. Given the constraints of the site, opaque treatment to the relevant windows is proposed to mitigate light intrusion or casual overlooking. No treatment is proposed to mitigate the likely noise from the additional two vehicles expected to travel the driveway as this is not considered likely to be significant.</p> <p>The visitor parking space is to be located in the frontage, adjacent to the window of bedroom two in the existing dwelling. A condition requiring the realignment of that parking space to be parallel with the street is proposed to minimise impact on that bedroom and to facilitate the capacity to exit the site in a forward direction.</p>
<p>A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage.</p>
<p>A2.2 Turning areas for vehicles must not be located within the primary front setback.</p>
<p>Relies on Performance Criteria</p> <p>A visitor car parking space is proposed in the primary front setback. This is not a tandem parking space and performance criteria are relied upon.</p>
<p>P2 The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to:</p> <ul style="list-style-type: none"> (a) the visual impact of the car parking location viewed from the road; (b) access for users of the site; (c) pedestrian and vehicular traffic safety; (d) the nature and characteristics of the street; (e) the need for the location; (f) any landscaping of the car parking or turning area location; and (g) construction methods and pavement types.
<p>Complies</p> <p>The provision of a visitor parking space in the frontage provides safe and convenient parking. It will be located behind the fence and proposed landscaping to minimise its visual impact on the streetscape. Provision is made for all vehicles on the site to be able to enter and exit in a forward direction.</p>

E6.0 Parking and Sustainable Transport Code

<p>E6.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) ensure that an appropriate level of parking facilities are provided to service use and development; (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas; (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; (d) ensure that parking does not adversely impact on the amenity of a locality; (e) ensure that parking spaces and accesses meet appropriate standards; and (f) provide for the implementation of parking precinct plans.
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9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

Consistent
 Appropriate parking facilities are provided to meet the reasonable needs of the residents in accordance 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 satisfies the applicable acceptable solutions or performance criteria.

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

Complies
 The Table requires the provision of two car parking spaces per dwelling and one visitor car parking space. These are provided with two car parking spaces in each garage and one visitor car parking space at the front of the site.

E6.6 Development Standards

E6.6.1 Construction of parking areas

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

Consistent
 The proposal satisfies the applicable acceptable solutions or performance criteria.

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
 All car parking spaces, access and manoeuvring areas are to be formed and sealed, drained to the public stormwater service and be of a gradient less than 10%.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

E6.6.2 Design and layout of parking areas

Objective:

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

Consistent

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

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

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

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

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

Complies

The parking, access and manoeuvring areas meet the prescribed minimum standards. The proposed condition to require the visitor car park to be aligned parallel with Ross Avenue will ensure an ability for users to enter and exit the site in a forward direction.

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 proposal is consistent with the purpose of the Code to minimise potential flooding impacts.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (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 or performance criteria.
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 a multiple dwelling.
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 site is within the Invermay Residential precinct.

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 or performance criteria.
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 site is within the Invermay Residential Precinct.

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.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.
A1 Floor levels of all habitable rooms within the Residential use class must be at least 3.7m AHD.
Complies The floor level is proposed at 10.2 AHD.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA2020/01599-LCC 13/10/2020.
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 28 November to 14 December 2020. Four representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

Issue 1 The overall height and size of the proposal will result in a loss of privacy to private open space and affect residential amenity.
<i>Response 1</i> <i>This is a matter of perception. All windows in the upper level of the proposed building are setback to satisfy the applicable acceptable solution. The ground floor windows are behind the boundary fence.</i>

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

<p>Issue 2 The size and scale of the proposed building will block cooling breezes and reduce the amenity of my private open space.</p>
<p><i>Response 2</i> <i>Buildings and landscaping all have the capacity to impact upon the path of the wind. Whilst cooling breezes may be impacted, the impact on the amenity at adjoining sites is unlikely to be unreasonable and is not specifically a measure considered by the scheme.</i></p>
<p>Issue 3 Overshadowing from this large two-storey dwelling will also impact on the amenity in my back yard.</p>
<p><i>Response 3</i> <i>The proposed building will cast a morning shadow into the rear of the yard at 18 Ross Avenue until 11am and into the rear yard of 14 Ross Avenue after 3pm. The overshadowing of these yards is considered to have a relatively minor impact and not to be unreasonable.</i></p>
<p>Issue 4 The height of the proposed dwelling is inconsistent with the surrounding development in the area.</p>
<p><i>Response 4</i> <i>Whilst this is the first two-storey dwelling in the immediate area, it is within the prescribed height limits and is reflective of a growing demand for increased housing density within established urban areas. Additionally, the adjoining school incorporates buildings of a larger scale.</i></p>
<p>Issue 5 The proposed building will overlook the grounds of the St Finn Barr's primary school and the privacy of the students will be affected.</p>
<p><i>Response 5</i> <i>The living areas of the proposed dwelling will indeed overlook the outdoor areas of the adjoining school. The dwelling is to be setback the required 4m from the rear boundary and the overlooking of supervised play or sport in the school yard is not considered to impact upon the privacy of the students.</i></p>
<p>Issue 6 The application proposed that trades vehicles will park on the street during construction. This will impact upon visiting friends and family.</p>
<p><i>Response 6</i> <i>There is inevitably some inconvenience associated with the array of trades vehicles associated with a building site. It is the responsibility of the developer and building surveyor to minimise this and where required prepare appropriate traffic management plans.</i></p>

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

<p>Issue 7 Allowance for stormwater is only for a short term event. More investigation should be done to cater for a larger event.</p>
<p><i>Response 7</i> <i>The requirement for stormwater detention is a TasWater requirement intended to effectively delay stormwater entering the system in the 20% probability storm event. Storage for greater events is considered impracticable.</i></p>
<p>Issue 8 I believe the rear fence of the site is incorrectly located and the rear boundary is actually some 750mm less, which further reduces the setback.</p>
<p><i>Response 8</i> <i>The setback is measured to the title boundary. The rear boundary of this site is consistent with the adjoining sites.</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.

**9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling
...(Cont'd)**

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 - 16 Ross Avenue, Invermay (*electronically distributed*)
 2. Plans to be Endorsed - 16 Ross Avenue, Invermay (*electronically distributed*)
 3. TasWater SPAN - 16 Ross Avenue, Invermay (*electronically distributed*)
 4. Representations - 16 Ross Avenue, Invermay (*electronically distributed*)
-

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling**FILE NO:** DA0813/2020**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:	Sharon Jean Stuart
Property:	316A York Street, West Launceston
Zoning:	General Residential
Receipt Date:	24/11/2020
Validity Date:	25/11/2020
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	29/01/2021
Representations:	Four

STANDARDS REQUIRING COUNCIL DISCRETION

- 10.4.13 Location of car parking
- 10.4.2 Setbacks and building envelope for all dwellings
- 10.4.3 Site coverage and private open space for all dwellings
- 10.4.4 Sunlight and overshadowing for all dwellings

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 pursuant to a delegation from Council, for DA0813/2020 - Residential - Construction of a dwelling at 316A York Street, West 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 Manager City Development unless modified by a condition of the Permit:

- a. Site Plan, Prepared by Artas Architects, Drawing No. A001-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
-

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

- b. Floor Plan, Prepared by Artas Architects, Drawing No. A120-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- c. Floor Finished Plan, Prepared by Artas Architects, Drawing No. A130-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- d. Roof Plan, Prepared by Artas Architects, Drawing No. A190-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- e. External Elevations, Prepared by Artas Architects, Drawing No. A210-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- f. Sections Sheet 1, Prepared by Artas Architects, Drawing No. A220-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- g. Sections Sheet 2, Prepared by Artas Architects, Drawing No. A221-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.

2. OBSCURE GLAZING

The window to the stairwell, on the south-western wall of the dwelling is to be maintained in opaque glazing.

3. 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.

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.

**9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

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

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

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

7. APPLICATION TO ALTER A STORMWATER SERVICE

To have an existing service connection physically removed/relocated/altered, or to have a new connection installed, an application must be made using the Council's eServices web portal or on the approved form and accompanied by the prescribed fee. All work must be carried out by a suitably experienced contractor and in accordance with the Council's standards. All costs associated with these contractors are to be borne by the applicant.

8. 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.

9. 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.

10. AMENITY

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

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

11. 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.

12. DEMOLITION

The Developer must:

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

13. PROTECTION OF STREET TREES

Existing street trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970: Protection of Trees on Development Sites*. The protection works are to be installed prior to the commencement of any other works on the site and are to remain in place until the completion of all other works.

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0813/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

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.

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

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. Heat Pump Use

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

REPORT:**1. THE PROPOSAL**

The proposal is for the demolition of an existing garage and the construction of a two storey dwelling with a gross floor area of 245m² and a footprint of approximately 113m². It has a maximum height of 7.2m. The ground floor contains a double garage, two bedrooms, bathroom, laundry, and storeroom. The upper floor contains a master bedroom suite, an open plan living, dining and kitchen area, powder room and a balcony with access from the living area.

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2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	316A York Street, West Launceston
Zone	10.0 General Residential
Size	562m ²
Access	Existing access to York Street, via a service road.
Shape	Regular rectangle
Slope	Approximately 2% downhill slope to the south west
Existing structures	Garage - proposed to be demolished
Connection to services	All services are maintained on site
Surrounding land	10.0 General Residential surrounding the site
Overlays	N/A

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

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

10.4 Development Standards

10.4.2 Setbacks and building envelope for all dwellings

<p>Objective:</p> <p>To control the siting and scale of dwellings to:</p> <p>(a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and</p> <p>(b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and</p>

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<ul style="list-style-type: none"> (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.
<p>Complies The dwelling has a minimum setback of 5.5m from the frontage.</p>
<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the facade of the dwelling; or (b) the same as the dwelling facade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.
<p>Complies The garage is setback 5.5m to the front boundary.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

- (b) only have a setback within 1.5m of a side boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or
 - (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

Relies on Performance Criteria

The dwelling is setback 5.1m from the rear boundary. With a height of 7.2m, a setback of 8.2m would be required to remain within the building envelope. Whilst the proposed building is contained within the envelope for the other boundaries, performance criteria are relied upon.

P3 The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
 - (iii) overshadowing of an adjoining vacant lot; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

Complies

The wall at the rear of the dwelling is located outside the building envelope. The dwelling is setback 5.1m to this boundary. The site is located south-east of the adjoining property to the rear and will not cause any overshadowing to the existing dwelling at 1A Quarry Road. The dwelling at 318 York Street will benefit from the demolition of the garage which is currently located on the common boundary which will increase morning sun into the rear yard of this property. The proposed development will reduce sunlight to the dwelling's windows along the north-eastern elevation for a short period in the morning. As the dwelling complies with the setbacks along this elevation the proposal is not considered to be unreasonable.

The form, materiality and siting of the dwelling is not considered to cause visual impact or dominate the streetscape. When viewed from the adjoining lots, the impact from 1a Quarry Road, at the rear, is softened by existing vegetation at the rear and the fact that primary views are to the north rather than the south. Similarly, the adjoining dwelling, to the north, at 316 Upper York Street, has view lines to the north and predominately driveway and parking adjoining the subject site. The adjoining dwelling to the south-west of the site has views over its primary outdoor area to the north-west, and its north-easterly view line will be dominated by the proposed dwelling.

Development of the subject site for a dwelling is something that the neighbours should reasonably have considered inevitable, and whilst the visual impact of the proposed dwelling will be relatively significant to the residents of 318 Upper York Street, it is not considered to be unreasonable. The performance criteria is met.

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

10.4.3 Site coverage and private open space for all dwellings

<p>Objective: To provide:</p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; and (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is integrated with the living areas of the dwelling; and (d) private open space that has access to sunlight.
<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); 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); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.
<p>Complies The proposal has a total site coverage of some 24%, and at least 55% of the site is free from impervious surfaces.</p>
<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is at least: <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); and (b) has a minimum horizontal dimension of: <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); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9am and 3pm on 21 June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.
<p>Relies on Performance Criteria The proposal does not have an area of private open space of 24m² that is both adjacent to a habitable room other than a bedroom and has a minimum horizontal distance of 4m. Assessment against the performance criteria is required.</p>

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

<p>P2 A dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is: <ul style="list-style-type: none"> (i) conveniently located in relation to a living area of the dwelling; and (ii) orientated to take advantage of sunlight.
<p>Complies</p> <p>The dwelling has a large deck on the eastern side of the house that is directly accessible from the open plan kitchen, living and dining area. The deck has an area of 20m² with dimensions of 4m by 5m and can serve as an extension for dining and entertaining. There is also a large area for open space to the north-east of the dwelling which is sufficient for recreation and relaxation.</p>

10.4.4 Sunlight and overshadowing for all dwellings

<p>Objective: To provide:</p> <ul style="list-style-type: none"> (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
<p>Consistent</p> <p>The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>
<p>Relies on Performance Criteria</p> <p>Due to the orientation of the dwelling on the site the windows are not orientated between the required 30 degrees west of north and 30 degrees east of north. Assessment against the performance criteria is required.</p>
<p>P1 A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).</p>
<p>Complies</p> <p>The dwelling's living, dining and kitchen areas have windows which will receive both morning and afternoon sun which is considered to meet the performance criteria.</p>

10.4.5 Width of openings for garages and carports for all dwellings

<p>Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.</p>
<p>Consistent</p> <p>The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1 A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

Complies
 The garage is located within 12m of the primary frontage and has a total door width of 4.8m.

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

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:
 - (i) from a window or glazed door, to a habitable room of the other dwelling on the 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 upper level balcony is setback 3.8m to the side boundary.

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

- (a) The window or glazed door:
 - (i) is to have a setback of at least 3m from a side boundary; and
 - (ii) is to have a setback of at least 4m from a rear boundary; and
 - (iii) if the dwelling is a multiple dwelling, is to be at least 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 at least 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, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or
 - (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 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 at least 1.7m above floor level, with a uniform transparency of not more than 25%.

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

Complies
 The upper floor windows are all setback at least 3m to the side boundary and 4m to the rear boundary.

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 or performance criteria.

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.

Relies on Performance Criteria
 There is no parking located within the front setback, however, there is a turning area proposed which will require assessment against the performance criteria.

P2 The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to:

- (a) the visual impact of the car parking location viewed from the road;
- (b) access for users of the site;
- (c) pedestrian and vehicular traffic safety;
- (d) the nature and characteristics of the street;
- (e) the need for the location;
- (f) any landscaping of the car parking or turning area location; and
- (g) construction methods and pavement types.

Complies
 The proposal includes a turning area at the front of the site so the residents can exit the site in a forward direction. The site is elevated 2m higher than the road with a steep road reserve. This has resulted in access being provided to the site from a service road with a length of 50m. There is no ability to turn within the service road and it will be difficult and unsafe to manoeuvre the length of the road while reversing from the site. It is essential that the residents are able to exit the site in a forward direction.

Due to the site being elevated from the road there is not considered to be any visual impacts on the streetscape as a result of the turning area. The provision of the turning bay is considered to improve the safety of the access and, therefore, the proposal is considered to meet the performance criteria.

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

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

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

The proposal satisfies the relevant acceptable solutions or performance criteria.

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

Complies

A single dwelling is considered to generate an average of between 6 - 10 vehicle movements per day.

E4.6 Development Standards

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

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 relevant acceptable solutions or performance criteria.

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

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

E6.6 Development Standards

E6.6.1 Construction of parking areas

<p>Objective: To ensure that parking areas are constructed to an appropriate standard.</p>
<p>Consistent The proposal satisfies the relevant 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 The parking areas and access way has a gradient of less than 10%, is 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 satisfies the relevant 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; (c) have parking space dimensions in accordance with the requirements in Table E6.3;

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

<p>(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</p> <p>(e) have a vertical clearance of not less than 2.1m above the parking surface level.</p> <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 double garage has a minimum vertical clearance of 2.1m. The parking areas and access way meet the dimensional requirements of Table E6.2 and E6.3.</p>

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
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 9 December 2020 to 4 January 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.

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

<p>Issue 1 The window, to the stairwell, on the south-western wall of the proposed dwelling looks directly into the adjoining dwelling. It is requested that this window be opaque.</p>
<p><i>Response 1</i> <i>Whilst the window is setback sufficiently to comply with the acceptable solution, the applicant has agreed to install opaque glass in this window and an appropriate condition is recommended.</i></p>
<p>Issue 2 We believe that the proposed dwelling will negatively impact all neighbouring residences. The apparent scale, bulk and proportion of the proposed dwelling is out of place, when compared to surrounding dwellings. All neighbouring properties are single storey. Visual impacts when viewed from the adjoining lots will be significant due to the two storey, bulky nature of the proposed dwelling. Our western neighbour, at 318 Upper York Street, will be impacted by the proposed building, causing overshadowing of the house and private open space.</p>
<p><i>Response 2</i> <i>The construction of a new dwelling, on a lot that has been effectively vacant for many years, will always have an impact upon the surrounding dwellings. The construction of a modern design into an established residential area is change that is often seen, initially, as inappropriate or incompatible. However, in the broader context, much of that hillside, particularly sweeping towards Basin Road, is an eclectic mix of designs spanning many eras and blending to form the residential character of West Launceston. The construction of the proposed dwelling and its design, will make a positive contribution to that character. The proposed dwelling will, as discussed previously, casts a morning shadow over the adjoining dwelling at 318 Upper York Street. This shadow will have completely left the primary open space in front of that dwelling by a little after 10am on 21 June and will have left the site by midday. This is not considered an unreasonable impact as all of the private open space receives more than three hours of sunlight on 21 June.</i></p>
<p>Issue 3 Whilst the setback of the proposed development from the side boundary with 316 Upper York Street is more than 3m, its design (height and direction) is such that it will substantially overlook the private open space of 316 Upper York Street. No effort has been made to screen the deck/balcony or design the dwelling to minimise overlooking of this private open space.</p>
<p><i>Response 3</i> <i>Only bathroom windows are located on the north-eastern elevation at ground level. The upper level has major windows to the kitchen/dining area and the master bedroom, plus the proposed balcony. All of these are designed to take advantage of the northerly views over the top of the adjoining dwelling roof. Notwithstanding that the yard of 316 Upper York Street, that is potentially overlooked, is largely driveway and parking, the setbacks meet the applicable acceptable solution in the scheme and there are no grounds upon which restrictions might be imposed.</i></p>

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling ... (Cont'd)

<p>Issue 4 The proposal does not comply with the form and scale of surrounding lots as required by clause 10.4.14 Development for discretionary uses.</p>
<p><i>Response 4</i> <i>The development of a dwelling on a lot zoned General Residential is classified as permitted. Discretion is invoked only in regard to reliance upon performance criteria.</i></p>
<p>Issue 5 The shared driveway crossover was paid for by the owners of 316 Upper York Street and the then owners of 316a Upper York Street over ten years ago. A second dwelling using the driveway will cause concerns with increased traffic. Are there any plans to alter these access arrangements in the future?</p>
<p><i>Response 5</i> <i>At the time of consenting to the construction of the current access, the Council's officers would have considered the eventual construction of a dwelling on this lot. The Council's infrastructure officers have reviewed the access arrangements in their assessment of this proposal and are satisfied that the safety of the road is not adversely impacted. The Council currently has no plans to alter the access arrangements for these 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.

**9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

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 - 316A York Street, West Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 316A York Street, West Launceston (*electronically distributed*)
 3. Representations - 316A York Street, West Launceston (*electronically distributed*)
-

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling**FILE NO:** DA0830/2020**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:	S Group
Property:	14 St Georges Square, East Launceston
Zoning:	Inner Residential
Receipt Date:	1/12/2020
Validity Date:	4/12/2020
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	29/01/2021
Representations:	Eight

PREVIOUS COUNCIL CONSIDERATION:

Council - 4 June 2018 - Agenda Item 8.2 - DA0136/2018 - Residential - subdivision; subdivide land into two lots

Several development proposals have been considered in recent years dealing with both 14 and 16 St Georges Square, involving subdivision, demolition and the construction of a dwelling on each of the lots.

Concurrent with this, much of the previous historic brick wall was removed for safety reasons.

Consistent throughout these proposals has been the Council's commitment to the protection of significant trees on the sites and the replacement of brick wall with another that is visually consistent with the demolished wall.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

STANDARDS REQUIRING COUNCIL DISCRETION

- 11.4.1 Setback from a frontage for single dwellings
- 11.4.2 Site coverage and rear setback for single dwellings
- 11.4.3 Building envelope for single dwellings
- E4.6.4 Sight distance at accesses, junctions and level crossings
- E7.6.2 Scenic management areas

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 DA0830/2020 - Residential - construction of a dwelling at 14 St Georges Square, East Launceston, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, page A0-001, dated 27/11/2020.
- b. Site Plan, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A1-001, dated 27/11/2020.
- c. Proposed Floor Plan, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A2-001, dated 27/11/2020.
- d. Elevation 01, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A3-001, dated 27/11/2020.
- e. Elevation 02, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A3-002, dated 27/11/2020.
- f. Shadows, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A3-003, dated 27/11/2020.

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Manager City Development. Once approved, these amended plans will be endorsed by the Council and will then form part of the Permit. The amended plans must show:

- a. the proposed dwelling with a rear setback of 4m.
 - b. the design of the brick fence required for the St Georges Square and Scott Street frontages, which is to be consistent and compatible with the scale, features and face materials of the remaining sections of historic brick fence further south on St Georges Square.
-

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

3. VEGETATION MANAGEMENT PLAN

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

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

4. PROTECTION OF EXISTING TREES

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

5. SUPERVISION BY PROJECT ARBORIST

The Project Arborist shall:

- a. prior to the commencement of works, provide the Manager City Development with written certification that all tree protection measures, as described in the Vegetation Management Plan, are correctly installed;
 - b. during construction of the dwelling and all associated site works, not less than daily, cause all tree protection measures to be inspected and rectified as may be required;
-

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

- c. keep and maintain a written and photographic record of all inspections and any required maintenance or rectification. Such record shall be made available to the Manager City Development upon request.
- d. report all significant breaches of the tree protection measures to the Manager City Development on the day (or next working day) on which such breach is observed.

6. 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.

7. NON REFLECTIVE EXTERIOR FINISH

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

8. 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

9. SITE LANDSCAPING PLAN

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

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

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

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

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

10. FRONTAGE FENCE

Prior to the commencement of the dwelling construction, a brick fence shall be erected on the St Georges Square frontage and the Scott Street return, to the extent shown on the endorsed site plan. The fence shall be constructed to a design consistent with the scale, design detail and finish of the historic brick wall previously on this frontage. Such design shall be consistent with that required by DA0339/2019 and shall be to a plan approved by the Manager City Development.

All reasonable care shall be taken to protect the fence from damage during the construction of the approved dwelling. Any and all damage sustained during the construction process shall be repaired, prior to occupancy of the dwelling, to maintain a visually consistent fence.

11. 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.

12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

13. 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.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

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.

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. 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 DA0830/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

9.11 14 St Georges Square, East 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. Heat Pump Use

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

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

REPORT:**1. THE PROPOSAL**

It is proposed to construct a single storey, one bedroom dwelling on the 306m² lot known as 14 St Georges Square, East Launceston. The proposal includes the erection of a 2m high wrought iron fence on the St Georges Square frontage (conditions are recommended with regard to the size, design features and Scott Street return of the brick fence).

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject site, 14 St Georges Square is located on the south-western side of the St Georges Square and Scott Street junction.

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

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

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

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

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

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

11.0 Inner Residential Zone

11.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

The proposal to construct a single bedroom dwelling on the 306m² lot at 14 St Georges Square, East Launceston, is consistent with the purpose of the Inner Residential zone *to provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, setback and height.*

The subject site is an existing lot created in 2019. There is a significant variation in setbacks and heights of buildings within the surrounding area, with buildings of single and two storey being common. Similarly, there are buildings built to the frontage and others setback beyond the 4.5m prescribed by the acceptable solution.

The zone purpose also seeks building that has *a high standard of amenity and contributes to the streetscape.* Whilst amenity is a subjective concept, the proposed single bedroom dwelling could be considered to present a high standard of amenity to, perhaps, a single person seeking low maintenance, capacity for a garden and close proximity to services and facilities. Similarly, contribution to streetscape is also subjective. Nevertheless, this is a sensitive site, with strong public support, and previous permit conditions, for the construction of a brick wall compatible with the wall recently demolished - albeit not completely - due to safety concerns.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

11.4 Development Standards

11.4.1 Setback from a frontage for single dwellings

<p>Objective: To ensure that the setback from frontages:</p> <ul style="list-style-type: none"> (a) assist in the establishment of the streetscape character; (b) enhance residential amenity; (c) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and (d) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1 Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) no less than 4.5m from a primary frontage; and (b) no less than 3m to a frontage other than a primary frontage; or (c) a distance which is no more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or (d) no less than the existing dwelling setback if less than 4.5m.
<p>Relies on Performance Criteria The primary frontage of the site is that to St Georges Square and the proposed setback is some 12.39m. The secondary frontage is to Scott Street, where the setback is proposed to be between 2.5m and 2.9m and relies upon performance criteria.</p>
<p>P1 The setback from frontage must:</p> <ul style="list-style-type: none"> (a) provide transitional space between the road and private dwelling allowing mutual passive surveillance; (b) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; (c) provide measures to ensure that noise generated by traffic will not adversely impact on residential amenity and vehicular egress provides for the safe use of the road; and (d) have regard to streetscape qualities or assist the integration of new development into the streetscape.
<p>Complies The proposed dwelling is limited in its opportunities for setback from the frontage in that the site has a depth of only 10.8m from the Scott Street frontage.</p> <p>Whilst it provides a transitional space between the road and the private dwelling, mutual passive surveillance is limited to the proposed vehicular and pedestrian accesses as it is proposed to maintain the existing 1.8m colorbond fence and there is a requirement for the construction of a high brick fence on the eastern end of the Scott Street frontage and on the St Georges Square frontage.</p>

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

As noted earlier the proposed setback of the building is within the existing range of setbacks of various buildings within the surrounding area. By reinstating fencing broadly consistent with the adjoining neighbours, the dwelling will integrate into the streetscape.

Vehicular access to the site will be limited and consistent with other dwellings in the street.

11.4.2 Site coverage and rear setback for single dwellings

<p>Objective: To ensure that the location and extent of building site coverage:</p> <ul style="list-style-type: none"> (a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity; (b) assists with the management of stormwater; (c) provides for setback from the rear boundary; and (d) has regard to streetscape qualities.
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.</p>
<p>Complies The proposed 83.4m² dwelling represents a site coverage of around 27.1% of the 306m² lot.</p>
<p>A2 A rear setback of no less than 4m, unless the lot is an internal lot.</p>
<p>Relies on Performance Criteria The proposed rear setback is 2.463m and relies upon performance criteria.</p>
<p>P2 The location of buildings in relation to the rear boundary must:</p> <ul style="list-style-type: none"> (a) allow for adequate visual separation between neighbouring dwellings; (b) maximise solar access to habitable rooms; and (c) facilitate provision of private open space.
<p>Complies Given the existence or a substantial solid wall on the rear boundary with 5 Scott Street, the visual separation between neighbouring dwellings holds little relevance.</p> <p>Increasing the setback to the 4m envisaged by the acceptable solution may improve the solar access to the proposed study, with its large glass sliding doors facing the rear boundary to the west. With a proposed 12.7m setback from the primary frontage, there is ample space available for private open space. The reduction of this by some 1.6m will not adversely impact upon private open space and would have the potential benefit of improved parking options.</p> <p>It is proposed to include a condition seeking amended plans showing the rear setback increased to 4m.</p>

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

11.4.3 Building envelope for single dwellings

Objective:

To ensure that the siting and scale of single dwellings:

- (a) allows for flexibility in design to meet contemporary dwelling requirements;
- (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and
- (c) has regard to streetscape qualities.

Consistent

The proposal satisfies the applicable acceptable solutions or performance criteria.

A1 All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes:

- (a) determined by a setback of no less than 3m from side boundaries and no less than 4m from the rear boundary and a building height of no more than 5.5m; or
- (b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to a building height of no more than 8.5m above natural ground level (see Figures 11.4.3 A and 11.4.3 B); and walls are setback:
 - (i) no less than 1.5m from a side boundary; or
 - (ii) less than 1.5m, provided the wall is built against an existing boundary wall or the wall or walls have a total length of no greater than 9m or one third of the boundary with the adjacent property, whichever is the lesser.

Relies on Performance Criteria

The proposed dwelling, whilst small, does not fit within the prescribed building envelope and relies upon performance criteria.

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

- (a) ensure there is no unreasonable loss of amenity on adjoining lots by:
 - (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than three hours between 9am and 5pm on 21 June or by increasing existing overshadowing where greater than above;
 - (ii) overlooking and loss of privacy; and
 - (iii) visual impacts when viewed from adjoining lots: and
- (b) take into account steep slopes and other topographical constraints; and
- (c) have regard to streetscape qualities.

Complies

The site is level and the proposed dwelling does not include windows in its southern wall. There will be no overlooking impacts.

Relevantly, the dwelling on the lot to the south has been approved for demolition, subject to the construction of a brick wall on the St Georges Square frontage. A new two-storey dwelling has been approved for construction on 16 St Georges Square.

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The proposed dwelling on 14 St Georges Square will cast a shadow onto 16 St Georges Square, however, this will be little larger than the shadow of the future boundary fence and will not impact upon sunlight into the upper floor or the upper sections of northern windows. Any loss of amenity to the future dwelling on 16 St Georges Square will be minimal and not unreasonable.

The visual impact of the proposed dwelling, when viewed from 16 St Georges Square, the only adjoining lot currently able to see it, will be of a brick wall extending above the boundary fence. Whilst not an attractive view, it is not an uncommon view in such densely developed residential areas and is not considered unreasonable.

11.4.6 Frontage fences for single dwellings

Objective:
 To ensure that the height and design of frontage fences:

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

Consistent
 The proposal satisfies the applicable acceptable solutions or performance criteria.

The height and design of the St Georges Square frontage fence is the subject of conditions of previous permits, having regard to the historic nature of the previous brick fence and the intent to replace it with something of like design to address the intent of the Scenic Protection Code.

The proposal sought to complete the demolition of the existing brick fence along St Georges Square and the return around Scott Street. Whilst, previous permits require the construction of a replacement brick wall, they do not address the section of demolished brick fence that returned around Scott Street. This should also be replaced in brick and will be discussed further in the consideration of the Scenic Protection Code.

Given that, to the extent of any inconsistency between a zone provision and a code provision, the code prevails, further discussion of the St Georges Square frontage fence, in terms of this clause, is not warranted.

The proposal seeks to retain the existing 1.8m colorbond fence fronting Scott Street, which does not require further approval.

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.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

Consistent
 The proposed construction of a dwelling on 14 St Georges Square will inevitably increase the number of vehicle movements through the existing access, and the Road and Railway Assets Code applies.

Given that the proposal will result in the relatively low traffic volumes associated with a small residential use, accessing a local road, the proposal is consistent with the purpose of the Code to protect the safety and efficiency of the road network.

There are no major roads or rail network affected by this proposal.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

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

Consistent
 The proposal satisfies the applicable acceptable solutions or performance criteria.

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

Complies
 Industry practice suggests a range of 6 -10 vehicle movements per day are likely to be generated from a single dwelling. Given this is a small single bedroom dwelling, the number of vehicle movements is likely to be on the lower end of the scale.

E4.6 Development Standards

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 or performance criteria.

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.

Relies on Performance Criteria
 Table E4.6.4 seeks a sight distance of 80m for a road with a 50km/h speed limit. The existing access to the lot has a sight distance of some 25m to the east and 41m to the west and relies upon performance criteria.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the road or rail network; (c) any alternative access; (d) the need for the access, junction or level crossing; (e) any traffic impact assessment; (f) any measures to improve or maintain sight distance; and (g) any written advice received from the road or rail authority.
<p>Complies Given that the proposed single dwelling will generate only a small number of movements and that Scott Street itself is narrow, with a low number of traffic movements and that the speed of such movements is also relatively low the reduced sight distances are considered adequate for the safe movement of vehicles.</p> <p>It is also noted that the existing access was considered acceptable at the time of subdivision. The only alternative would be to provide vehicular access directly to St Georges Square, which is generally considered undesirable.</p>

E6.0 Parking and Sustainable Transport Code

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

E6.5 Use Standards

E6.5.1 Car parking numbers

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or (d) be in accordance with an acceptable solution contained within a parking precinct plan.
<p>Complies Table E6.1 prescribes the provision of one car parking space per bedroom for residential use in other than the General Residential zone. The site plan shows one car parking area in the driveway. No garage or carport is proposed.</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 The site is relatively level, with a gradient less than 10%. The site plan indicates that the driveway is to be concrete and drained to the public stormwater.</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 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;

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

- (c) have parking space dimensions in accordance with the requirements in Table E6.3;
 - (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and
 - (e) have a vertical clearance of not less than 2.1m above the parking surface level.
- A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.
- A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.
- A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.

Complies

The proposal includes generally level access to a single car park, compliant with the prescribed measures.

E7.0 Scenic Management Code

E7.1 The purpose of this provision is to:

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

Consistent

The proposed single dwelling will be unobtrusive, it will remain behind the reconstructed brick wall and the substantial colorbond fencing and compliment the visual amenity through maintaining the continuity of the fencing in the streetscape.

The landscape and its contribution to the street scape will be enhanced through the required provision of landscape and tree protection plans.

E7.6 Development Standards

E7.6.2 Scenic management areas

Objective:

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

Consistent

The proposal satisfies the applicable acceptable solutions or performance criteria.

A1 No acceptable solution.

Relies on Performance Criteria

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

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

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

Complies

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

The Management Objectives of this precinct are:

Maintain and enhance vegetation:

The site currently contains a number of trees and shrubs around its perimeter. It is not proposed to remove any of these trees and shrubs.

The permit, if granted, will include a condition requiring a vegetation management plan to ensure the protection of the existing trees, including the historic sequoia trees on the nearby land at 54 Ann Street. A condition will also be included requiring the provision of a landscape plan, to the approval of the Manager City Development, to confirm the retention of existing vegetation and additional plantings consistent with the vegetation management plan.

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

The proposed dwelling is small and will sit behind substantial fencing. A permit condition preventing reflective colours is also proposed.

Encourage driveways to be inevident:

The proposal will use the existing driveway to Scott Street, which is currently more noticeable as a result of its poor condition. The proposed driveway will be formed in concrete, consistent with many driveways in the surrounding area.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

- (b) The impact on skylines, ridgelines and prominent locations:
The brick wall was the dominant feature in the landscape and streetscape in this area and once replaced, in accordance with DA0339/2019, the eye will be drawn to the prominence of the wall and the sequoia trees in the background. The small dwelling behind the wall will not be noticed.
- (c) The nature and extent of existing development on site:-
The site is currently vacant.
- (d) The majority of the existing vegetation on site will be retained and appropriate protection measures are in proposed to ensure its protection through the construction process.
- (e) There is no need to clear further vegetation, other than the grass of the building footprint.
- (f) There are no relevant hazard management requirements.
- (g) The site is currently fully serviced.
- (h) The specific requirements of the development are limited to those associated with the construction of a small dwelling. Plus, the requirement to construct the brick fence on the St Georges Square frontage, in a style compatible with the previous wall, prior to the commencement of construction works for the dwelling.
- (j) The design treatment of the development including the bulk and form of buildings, including materials and finishes:
The proposed building is to be a small structure, in muted colours and located behind significant fencing

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

4. REFERRALS

REFERRAL	RESPONSES
	INTERNAL
Infrastructure and Assets	Conditional consent required.
Environmental Health	Conditional consent provided
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

REFERRAL	RESPONSES
	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

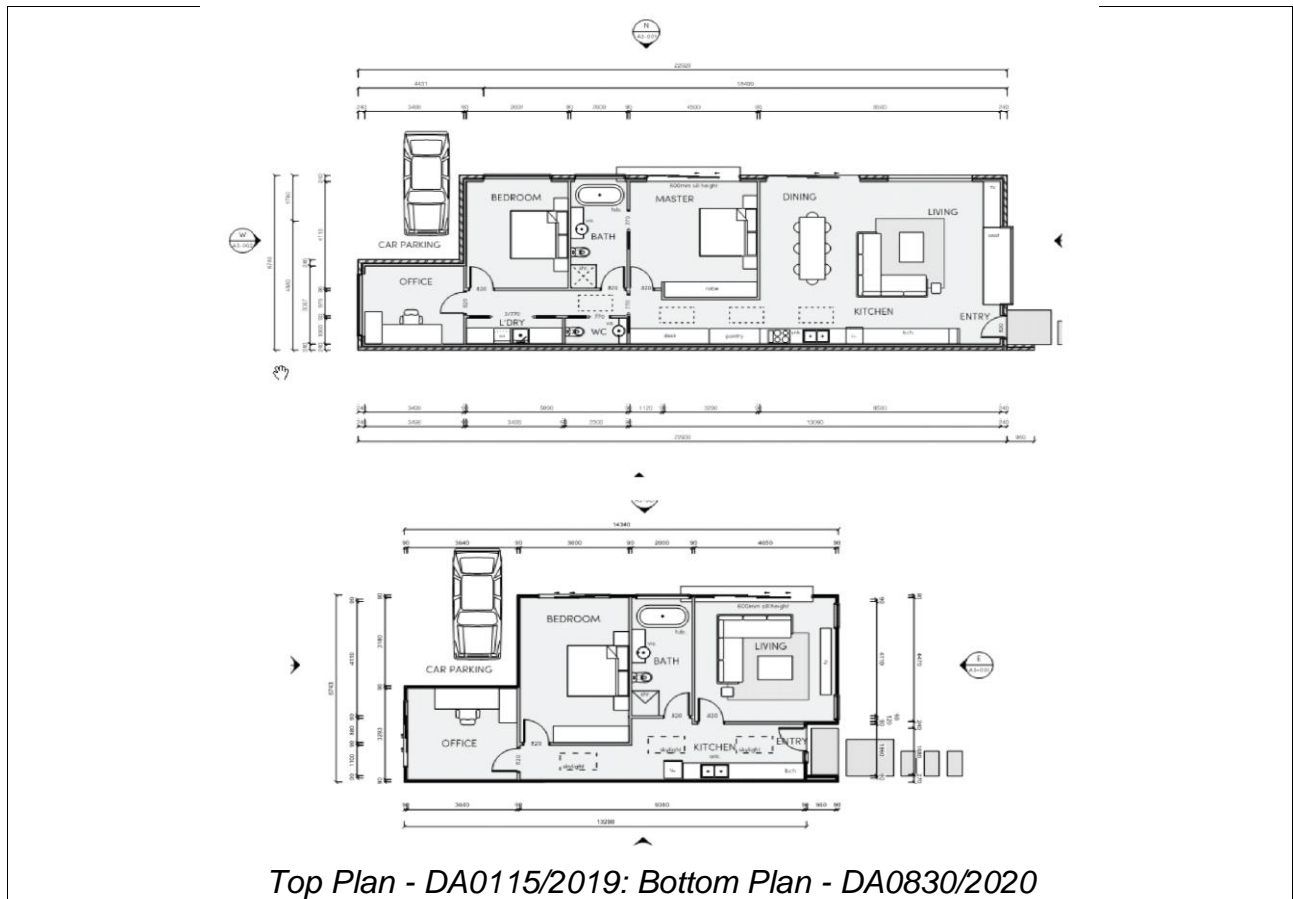
Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 12 December 2020 to 4 January 2021. Eight representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1 The plan incorrectly states that the 'existing brick fence is to be demolished and rebuilt with salvaged bricks'.</p>
<p><i>Response 1</i> <i>It is correct that the majority of the brick fence has been demolished and is yet to be replaced. Whilst it may have been more correct to state that the demolition of the fence will be completed and rebuilt with salvaged bricks, the intent remains clear.</i></p>
<p>Issue 2 Previous approvals for the demolition of the dwelling on 16 St Georges Square and the construction of a new dwelling on that site have included conditions requiring the construction of a new fence (wall) prior to the commencement of demolition. The intent of those conditions is that the fence should be constructed before any works on site start and should be carried over to this application.</p>
<p><i>Response 2</i> <i>The application is limited to 14 St Georges Square and conditions requiring works on an adjoining site cannot be imposed. It is, however, reasonable to require that the replacement fence at 14 St Georges Square be erected and made safe prior to the commencement of other works on-site. The applicant would be encouraged to erect the fence over both 14 and 16 St Georges Square in the same build.</i></p>

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

<p>Issue 3 The proposal plans have not included plans detailing the style of the new fence.</p>
<p><i>Response 3</i> It has been made clear, through conditions on previous permits, that the Planning Authority expects the fence to be replaced in a style and design substantially the same as the demolished fence. Design plans for the previous permits have been approved by the Manager City Development. It is reasonable that any condition of this permit requiring the erection of the fence - including the Scott Street return - require the submission of a fence plan to the approval of the Manager City Development and refer to that previously approved plan.</p>
<p>Issue 4 The proposal asserts significantly less security and protection for existing trees than required by previous permits and does not mention any specific protection measures for the historic sequoia trees on nearby Torkington.</p>
<p><i>Response 4</i> It is recommended that a condition requiring an amended landscape plan, including tree protection measures, relevant to this proposal be included and that it be based on the previously approved plans and with particular regard to the protection, in accordance with the relevant Australian Standard, of all significant trees.</p>
<p>Issue 5 The plan appears to be a truncated version of a previously withdrawn application - the key refers to features that are not present on the current plan. Is the building intended to be used as a real estate office, rather than a dwelling?</p>
<p><i>Response 5</i> Whilst the application is clearly a truncated version of that proposed in the withdrawn application, DA0115/2019, the current application is for the development of a dwelling. There is no scope in the planning scheme for speculation about what other uses may or may not be considered in the future. Notwithstanding this, a real estate agency is currently prohibited within the Inner Residential zone.</p>

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)



Issue 6

The rear setback is proposed to be only 2.52m, rather than the 4.0m required by the acceptable solution. No reason is offered to support this reduction and there is 13.19m of open space in the frontage. There seems no reason why the proposed dwelling could not be relocated 1.5m generally eastwards to provide the minimum 4m rear setback.

Response 6

Other than the existing 2m high boundary wall effectively negating any boundary setback expectation of affecting separation between dwellings, there does not appear to be any reason not to require such a move. This will also have the benefit of providing improved parking options. It is recommended that a condition be applied requiring appropriate amended plans showing a 4m rear setback.

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.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(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.

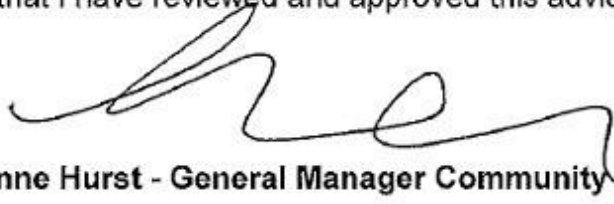
BUDGET & FINANCIAL ASPECTS:

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

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

ATTACHMENTS:

1. Locality Map - 14 St Georges Square, East Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 14 St Georges Square, East Launceston (*electronically distributed*)
 3. Representations - 14 St Georges Square, East Launceston (*electronically distributed*)
-

9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling**FILE NO:** DA0762/2020**AUTHOR:** Luke Rogers (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Prime Design
Property:	19A Canning Street, Launceston
Zoning:	Inner Residential
Receipt Date:	30/10/2020
Validity Date:	26/11/2020
Further Information Request:	11/11/2020
Further Information Received:	26/11/2020
Deemed Approval (extension of time granted):	28/01/2021
Representations:	Four

PREVIOUS COUNCIL CONSIDERATION:

DA0301/2019 - Residential - Subdivide and adhere land, demolition and construction of alterations to existing dwelling and new carport. Approved under delegation on 29 August 2019 and amended under DA0301/2019.A01

STANDARDS REQUIRING COUNCIL DISCRETION

11.4.3 Building envelope for single dwellings
11.4.5 Privacy for single dwellings

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 DA0762/2020 Residential - Construction of a dwelling at 19A Canning Street, Launceston subject to the following conditions:

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(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. Site Plan, Prepared by Prime Design, Project/Drawing No. PD20318 - 01, Revision 4, dated 14/01/2021, amended as per condition 2.
- b. Landscaping Plan, Prepared by Prime Design, Project/Drawing No. PD20318 - 03, Revision 4, dated 14/01/2021, amended as per condition 2.
- c. Ground Floor Plan, Prepared by Prime Design, Project/Drawing No. PD20318 - 04, Revision 4, dated 14/01/2021, amended as per condition 2.
- d. First Floor Plan, Prepared by Prime Design, Project/Drawing No. PD20318 - 05, Revision 4, dated 14/01/2021, amended as per condition 2.
- e. Elevations, Prepared by Prime Design, Project/Drawing No. PD20318 - 06, Revision 4, dated 14/01/2021, amended as per condition 2.
- f. Elevations, Prepared by Prime Design, Project/Drawing No. PD20318 - 07, Revision 4, Dated 14/01/2021, amended as per condition 2.
- g. Sun Shadow Diagrams, Prepared by Prime Design, Project/Drawing No. PD20318 - 15, Revision 4, dated 14/01/2021, amended as per condition 2.
- h. Sun Shadow Diagrams, Prepared by Prime Design, Project/Drawing No. PD20318 - 16, Revision 4, dated 14/01/2021, amended as per condition 2.
- i. Sun Shadow Diagrams, Prepared by Prime Design, Project/Drawing No. PD20318 - 17, Revision 4, dated 14/01/2021, amended as per condition 2.
- j. Privacy/Visual Impact from Adjoining Lots, Prepared by Prime Design, Project/Drawing No. PD20318 - 19, Revision 4, dated 14/01/2021, amended as per condition 2.
- k. Perspectives, Prepared by Prime Design, Project/Drawing No. PD20318 - 21, Revision 4, dated 14/01/2021, amended as per condition 2.
- l. Sun Shadow Diagrams- Additional Context, Prepared by Prime Design, Project/Drawing No. PD20318 ASD - 01, Revision 4, dated 14/01/2021, amended as per condition 2.
- m. Sun Shadow Diagrams- Additional Context, Prepared by Prime Design, Project/Drawing No. PD20318 ASD - 02, Revision 4, dated 14/01/2021, amended as per condition 2.
- n. Sun Shadow Diagrams- Additional Context, Prepared by Prime Design, Project/Drawing No. PD20318 ASD - 03, Revision 4, dated 14/01/2021, amended as per condition 2.
- o. Sun Shadow Diagrams- Additional Context, Prepared by Prime Design, Project/Drawing No. PD20318 ASD - 04, Revision 4, dated 14/01/2021, amended as per condition 2.

2. AMENDED PLANS REQUIRED

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

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

- a. re-location of the dwelling 1m further from the frontage to decrease impacts on adjoining dwellings;
- b. increase in the sill heights of W12 and W13 to be 1.7m above floor level;
- c. the inclusion of 1.3m of additional privacy screening from the western corner of the deck along the north-west facing edge; and,
- d. increase of vegetation between the proposed dwelling and the adjoining property at 19 Canning Street.

3. AMENDED PLANS

The plan required by Condition 2 are marked as Revision 4, are dated 14/01/2021 and form part of the endorsed plans of the Permit.

4. LEGAL TITLE

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

5. 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

6. SITE LANDSCAPING

The landscaping must be:

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

7. PRIVACY SCREENS

The privacy screening to the deck must be:

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

8. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

9. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

10. SINGLE STORMWATER CONNECTIONS

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

11. SOIL AND WATER MANAGEMENT PLAN

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

12. 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.

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...(Cont'd)**

13. 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 DA0762/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

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. 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 with the issue of this Planning Permit.

REPORT:**1. THE PROPOSAL**

The proposal is for the construction of a two-storey dwelling with associated driveway and landscaping on a currently vacant lot. The proposed dwelling will have a height of approximately 7.08m at the highest point and will have a roofed area footprint of approximately 127.3m². The ground floor of the dwelling will consist of two bedrooms, a powder room, a bathroom, a lift, a storage room, a single garage and an entrance hallway with staircase. The first floor will consist of a master bedroom with an ensuite, a toilet, a lift, a staircase, an open plan living room, dining room and kitchen with walk in pantry and a roofed deck with privacy screening. In addition to the dwelling, the proposal includes the construction of a driveway and tandem parking space and the planting of vegetation.

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...(Cont'd)**

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	19A Canning Street, Launceston
Zone	11.0 Inner Residential
Size	331m ²
Access	Existing, direct access from Canning Street
Shape	Irregular internal lot
Slope	Essentially level due to existing retaining walls, generally rising to the north west
Existing structures	None
Connection to services	All services are maintained on site
Surrounding land	11.0 Inner Residential surrounding the site 15.0 Urban Mixed Use further to the west 17.0 Community Purpose to the north
Overlays	N/A

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

11.0 Inner Residential Zone

<p>11.1.1 Zone Purpose Statements</p> <p>11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.</p> <p>11.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>11.1.1.3 To allow increased residential densities where it does not significantly affect the existing residential amenity, ensure appropriate location of parking, and maintain vehicle and pedestrian traffic safety.</p> <p>11.1.1.4 To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.</p> <p>11.1.1.5 To provide for development that provides a high standard of amenity and contributes to the streetscape.</p>
<p>Consistent</p> <p>The proposal is for a single dwelling, a no permit required use within the zone. As such, the use and development is considered to be consistent with the purpose of the zone.</p>

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...(Cont'd)**

11.4 Development Standards

11.4.1 Setback from a frontage for single dwellings

<p>Objective: To ensure that the setback from frontages:</p> <ul style="list-style-type: none"> (a) assist in the establishment of the streetscape character; (b) enhance residential amenity; (c) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and (d) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.
<p>Consistent The proposed development is sufficiently set back from the frontage to assist the streetscape character and to maintain and enhance residential amenity. The proposal provides a transition space that is ample and still allows for mutual passive surveillance between the road and the dwelling that enhances community safety. The proposed dwelling is set back sufficiently to assist in the attenuation of traffic noise.</p>
<p>A1 Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) no less than 4.5m from a primary frontage; and (b) no less than 3m to a frontage other than a primary frontage; or (c) a distance which is no more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or (d) no less than the existing dwelling setback if less than 4.5m.
<p>Complies The proposed dwelling will be set back from the frontage by approximately 20.6m. The proposal complies.</p>

11.4.2 Site coverage and rear setback for single dwellings

<p>Objective: To ensure that the location and extent of building site coverage:</p> <ul style="list-style-type: none"> (a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity; (b) assists with the management of stormwater; (c) provides for setback from the rear boundary; and (d) has regard to streetscape qualities.
<p>Consistent The location and extent of building coverage allows for the provision of open space; including gardens, entertaining areas, recreation areas and the like, that will contribute to residential amenity. The proposed development will allow for the management of stormwater on the site and in the surrounding area. The proposal is appropriately sited to provide a rear setback and contribute to streetscape qualities.</p>
<p>A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.</p>

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<p>Complies The proposed dwelling has a roofed area of approximately 127.3m², including the deck and not including eaves. The site has an area of approximately 267.2m² not including the access strip, which extends for the first 14.1m of the site from the frontage. The proposed site coverage is approximately 47.6%. The proposal complies.</p>
<p>A2 A rear setback of no less than 4m, unless the lot is an internal lot.</p>
<p>Not Applicable The site of the proposed development has an access strip and is predominantly behind 19 Canning Street, as such, it is an internal lot.</p>

11.4.3 Building envelope for single dwellings

<p>Objective: To ensure that the siting and scale of single dwellings: (a) allows for flexibility in design to meet contemporary dwelling requirements; (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and (c) has regard to streetscape qualities.</p>
<p>Consistent The siting and scale of the proposed dwelling meets contemporary dwelling requirements while protecting the amenity of neighbouring properties. The visual bulk and overshadowing impact of the dwelling is reasonable on other dwellings and in the context of the area. The proposed dwelling will not detract from the streetscape character of Canning Street.</p>
<p>A2 For internal lots, all single dwellings must be contained within a building envelope (excluding minor protrusions extending less than 1.5m) determined by a setback of no less than 3m from all boundaries, excluding the access strip and a building height no greater than 5.5m.</p>
<p>Relies on Performance Criteria The proposed dwelling is located on an internal lot. To minimise the impact of the development on the adjoining properties, amended plans were required by condition and supplied by the applicant as a response to concerns raised by representors. This included increasing the front setback and decreasing the rear setback. With these amended plans, the dwelling is set back from the front boundary, excluding the access strip, by 6.51m, the north-eastern side boundary by 2.28m, the rear boundary by 3m and is built along the south western side boundary at the closest point. In addition, the height of the building is 7.08m at the highest point. The dwelling extends beyond the building envelope due to setbacks on both sides and the height of the building. As such, the proposal relies on performance criteria.</p>

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

P2 The siting and scale of single dwellings on internal lots must be designed to:

- (a) ensure there is no unreasonable loss of amenity on adjoining lots by:
 - (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than three hours between 9am and 5pm on 21 June or by increasing existing overshadowing where greater than above;
 - (ii) overlooking and loss of privacy; and
 - (iii) visual impacts when viewed from adjoining lots; and
- (b) take into account steep slopes and other topographical constraints.

Complies

The siting and scale of the proposed single dwelling will not cause unreasonable loss of amenity to adjoining lots.

The proposed dwelling will impact the solar access of 179 St John Street more than any other adjoining property, as this property is located to the south-west of the site. The plans provided in support of the proposal include shadow diagrams which demonstrate the overshadowing of 179 St John Street. These diagrams show that the habitable room windows of 179 St John Street will receive sunlight for the vast majority of the day, with the only potential impact being at 9am. There are overshadowing impacts of the proposed dwelling that will impact the private open space of 179 St John Street. The shadow diagrams provided, particularly those labelled additional context, show the full extent of the private open space of 179 St John Street. The proposed development will cause overshadowing of the majority of the rear private open space of the adjoining dwelling at both 9am and 10am. However, by 11am, approximately 38% of this rear area of private open space is overshadowed. The degree of overshadowing decreases at 12pm and 1pm, before increasing to approximately 35% by 2pm, predominantly due to overshadowing from the existing dwelling at 21 Canning Street. As an area is not considered to be unreasonably overshadowed where more than 50% of the area is free from shadow. The shadow diagrams provided demonstrate that the private open space of 179 St John Street is not overshadowed to less than three hours between 9am and 5pm on 21 June, as this area is not overshadowed from 11am to 2pm. The degree of overshadowing is deemed to be reasonable.

The proposed dwelling will have some impact on the privacy of adjoining properties, which will be assessed fully against clause 11.4.5. However, the privacy impact on the adjoining dwellings is not unreasonable. The impact on 179 St John Street is minimised due to the proposed screening of the deck and obscure glazing of windows facing the property, which were required by condition. The dwellings at 19 and 21 Canning Street will have the largest privacy impact as a result of the proposal due to the edge of the deck facing the frontage that allows some view into those properties.

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...(Cont'd)**

However, screening is provided along sections of the deck facing the frontage that will obscure these views when the main areas of the deck are in use. These screens were required by the amended plan condition and have been shown on amended plans. In addition, the amended plans altered the siting of the dwelling, moving it 1m back from the dwellings at 19 and 21 Canning Street and allowing the planting of additional screening vegetation. The windows facing 17 Canning Street also have some potential privacy impacts, however, they will be screened by vegetation that is to be planted along the shared boundary and by existing vegetation along this boundary at 17 Canning Street. There is limited privacy impact to the rear, with the property to the rear being a multiple dwellings apartment complex that is located higher than the proposed development and does not have any private open space in the vicinity of the development. The windows of the proposed dwelling are also offset from those of the apartment building.

The proposal will not have an unreasonable visual impact when viewed from adjoining lots. The variation in setbacks, surrounding vegetation and the design of the building ensure that there are no large, unbroken walls in close proximity to other dwellings that would be imposing and unreasonably impact on the visual amenity of any of the surrounding properties. The wall facing the property at 179 St John Street is relatively large and imposing, however, this dwelling is set back from the shared boundary by approximately 16m and is separated by large deciduous trees along the boundary. Even in winter, these trees will provide a visual break to the south-eastern facing wall of the dwelling. It should also be noted that whilst the garage is built to the shared boundary with 179 St John Street, the remainder of the dwelling, including the second storey wall is set back by approximately 900mm. There will also be some visual impacts on 19 and 21 Canning Street. However, the design of the building does not include single solid walls that face these dwellings, with the deck coming out closest, the roofline set behind that and the lower floor façade set back further still. In addition, amended plans have been required and provided that increased the setback from the front by 1m and allowed for the planting of additional screening vegetation. This lessens the visual impact on 19 Canning Street, which was closest to the proposed development. The visual impacts on 17 Canning Street are minimised by setbacks and vegetation screening that will exist on both side of the shared boundary.

The proposal is primarily constrained by the size of the lot, being 331m². Approximately 64m² of the lot is also occupied by the access strip to Canning Street and cannot practically be constructed on. This limits the ability for the building to remain within the building envelope allowed for internal lots while meeting modern dwelling requirements. The site has been essentially levelled, with a retaining wall along the north-western and rear boundaries that has cut the site into the hill and a retaining wall along the south-eastern side boundary that has raised the building area.

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

The siting and scale of the proposed dwelling will not have an unreasonable impact on the streetscape. Whilst the dwelling is larger than the houses on immediately adjoining lots that front Canning Street, it is set back further from the street and is not unreasonable in the context of the wider streetscape. To the rear of the proposed dwelling is 179A St John Street, which is an apartment building that is considerably larger than the proposed dwelling and is visible behind the dwelling when viewed from Canning Street. In the area surrounding the proposal and contributing to the streetscape, there are examples of two-storey dwellings, including those at 21 Canning Street and 177 and 179 St John Street. There are also large buildings opposite the site that also make up the streetscape, including Calvary Health Care Centre and associated buildings that are at 16 Canning Street and continue behind at 1-5 Frederick Street.

The proposal is deemed to comply.

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

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

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

Consistent
The proposed garage will not dominate the facade of the dwelling or dominate the streetscape. The ability for mutual passive surveillance of the road and dwelling is not unreasonably restricted by the proposal. The proposed use and development allows for safe vehicular access to, and egress from, the site.

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

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

Complies
The proposed garage is not within 12m of the frontage. The proposal complies.

11.4.5 Privacy for single dwellings

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

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

<p>Consistent The location and design of the windows, decks, roof gardens and the like will maintain the residential amenity of the adjoining properties by minimising the potential of overlooking from these areas.</p>
<p>A1 Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level greater than 1m above natural ground level must have a side setback of no less than 3m and a rear setback of no less than 4m.</p>
<p>Relies on Performance Criteria The proposal includes a deck that has a finished floor level more than 1m above natural ground level. The deck does not face the rear boundary and is not within 4m of the rear boundary. However, the proposed deck is set back from the north-eastern side boundary by 2.28m and from the south-western side boundary by 921mm. As such, the proposal relies on performance criteria.</p>
<p>P1 The potential for direct overlooking from balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) with a finished surface or floor level more than 1m above natural ground level on one lot to the habitable rooms and balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation or offset or by use of solid or translucent screening.</p>
<p>Complies The direct overlooking from the proposed deck is minimised by the screening provided around this deck in the context of its design and location. The proposed deck is sited in a manner that would allow view to the private open space of 17, 19 and 21 Canning Street and to 179 St John Street. There is also some potential for views into the habitable rooms of the adjoining dwellings, particularly 19 and 21 Canning Street. To minimise the impact of this overlooking, however, the proposal provides significant privacy screening on a number of outer edges of the deck. Amended plans have been required by condition, and have been provided by the applicant that show the extent of screening provided. The screening is all to a height of 1.7m above the floor level of the deck, with a minimum uniform transparency of 25%. Privacy screening of this height and transparency is generally considered to be sufficient to minimise the impacts of overlooking.</p> <p>The screening provided in the amended plans extends for the length of deck facing the north eastern and south-western side boundaries. In addition, the section of deck adjoining W15 of the proposed living room, which faces 19 Canning Street, is also provided with screening for its 1.92m length. A section of deck facing the frontage at the western end has also been provided with a privacy screen for a length of 1.3m. The siting of the deck has also been altered through an amended plan condition, moving the entire dwelling 1m towards the rear, increasing the distance from the private open space and habitable room windows of 19 Canning Street and 21 Canning Street.</p>

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

<p>The privacy screening provided minimises views to the adjoining dwelling to a degree that is considered reasonable. The potential overlooking of 179 St John Street from the deck is essentially entirely screened by the timber screening running parallel to the south-western side boundary. Similarly, the views to 17 Canning Street from the deck are essentially entirely screened by the timber screening along the north-eastern side of the deck. Views from the deck to 19 Canning Street are minimised by timber screening of a deck edge facing the rear of that property. There is also vegetation that is proposed to be provided in the proposal that will add additional screening at the rear of 17 Canning Street. The amended plans provided also include screening designed to minimise overlooking of 21 Canning Street. While there will still be some ability for overlooking of the rear open space of this property, this will not be overlooking that would be passively achieved while using the proposed deck. Views from the deck will be towards the frontage, along the access strip. A section of north-eastern facing deck is provided with timber screening for a length of 1.3m from the corner nearest 21 Canning Street. This ensures that views are directed away from the private open space of the dwelling and away from habitable rooms such as the kitchen and second storey bedroom.</p> <p>Due to the additional screening provided through amended plan conditions, the proposal is deemed to comply.</p>
<p>A2 Windows of habitable rooms which have a floor level greater than 1m above natural ground level must:</p> <ul style="list-style-type: none"> (a) have a side setback of no less than 3m; or (b) be offset no less than 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or (c) have a window sill height of no less than 1.7m.
<p>Relies on Performance Criteria</p> <p>The proposed dwelling has a number of windows to habitable rooms that have floor levels greater than 1m above natural ground level. The windows facing the south-western side are all required by amended plans, which have been provided, to have sill heights that are 1.7m above natural ground level. These windows comply. However, the habitable room windows facing the north-eastern side boundary are within 3m and are not provided with offsets or sill heights of 1.7m or more. As such, the proposal relies on performance criteria.</p>
<p>P2 The potential for direct overlooking from windows of habitable rooms with a finished surface or floor level more than 1m above natural ground level on one lot to the windows of habitable rooms, balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation and offset or by use of solid or translucent screening.</p>

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

Complies

The proposed habitable room windows with floor levels of more than 1m above ground level that are within 3m of the boundary, and do not have sill heights of 1.7m above floor level, are appropriately screened to minimise direct overlooking. The windows facing the north-eastern boundary are windows W8 and W16 to the living and dining room that look towards 17 Canning Street. However, the proposal includes the provision of screening vegetation to a height of 4m above ground level, which will screen views to the private open space of 17 Canning Street. This is in addition to the significant vegetation that already exists along the shared boundary within the lot of 17 Canning Street. There will also be no overlooking of the habitable rooms of this property due to the vegetation screening and the setbacks between the dwellings. The proposal is deemed to comply.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The proposal includes sufficient car parking and associated facilities to meet the needs of the use. The proposed parking facilities will allow for the safe delivery of goods and people, not adversely on impact the amenity of the locality and will meet appropriate standards.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

The proposal provides an appropriate level of car parking to meet the needs of the residential use.

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

- 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

The proposal provides two car parking spaces in association with the three bedroom dwelling. One within the garage and a tandem space within the driveway. This is 100% of the requirements of Table E6.1. The proposal complies.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

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

Consistent

The parking areas proposed are to 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 parking areas provided are internal garage parking space, the driveway including tandem parking space and associated access way. These areas all have gradients of less than 10% and will be formed, paved, drained and sealed. The proposal complies.

E6.6.2 Design and layout of parking areas

Objective:

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

Consistent

The parking areas provided are designed and laid out to provide convenient, safe and efficient parking.

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

<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</p> <p>The proposed parking spaces and associated manoeuvring areas are designed with dimensions in accordance with Tables E6.2 and E6.3. There is a vertical clearance of 2.2m for the proposed garage. The site provides for two car parking spaces, as such, there is no requirement for vehicles to enter and exit the site in a forward direction. The proposal complies.</p>

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
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

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 5 December to 21 December 2020. 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.

<p>Issue 1 The second storey habitable room windows cause an unreasonable privacy impact on the adjoining dwelling at 179 St John Street.</p>
<p><i>Response 1</i> An amended plan condition has been required that alters the windows facing 179 St John Street to have sill heights of 1.7m above floor levels. The impact of overlooking is, therefore, reasonably reduced from these windows. The privacy impact of habitable room windows of the proposed development on adjoining lots was assessed against Clause 11.4.5 A2 and P2 of the Scheme and was deemed to comply.</p>
<p>Issue 2 The dwelling is outside the building envelope and in close proximity to adjoining properties, which causes issues of unreasonable visual impact and potential for water runoff from the roof. The proposal is too large for the site and will visually loom over the adjoining dwelling at 19 Canning Street.</p>
<p><i>Response 2</i> The impact of the siting and scale of the proposed dwelling was assessed against Clause 11.4.2 A2 and P2 of the Scheme and was deemed to comply. While the dwelling will have some visual impact, this is broken by the design of the dwelling and the vegetation surrounding. Water runoff from the roof will be required to be captured and drained to the public stormwater system through the building permit process. The amended plans required by condition also require the dwelling to be moved 1m further from 19 Canning Street and to provide vegetation to screen the dwelling for privacy and visual impact purposes.</p>
<p>Issue 3 The proposal provides too little open space and gardens to be in keeping with residential amenity, privacy and the streetscape.</p>
<p><i>Response 3</i> The site coverage of the proposed dwelling was assessed against Clause 11.4.1 A1 of the Scheme and meets the acceptable solution. As such, the proposal provides sufficient open space. The proposal also includes vegetation for amenity, privacy and contribution to the streetscape.</p>

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

<p>Issue 4 The proposed deck causes unreasonable overlooking and privacy impacts to the rear private open space of 21 Canning and the windows of that property including bedroom, kitchen and bathroom. There will also be unreasonable noise impacts from the deck.</p>
<p><i>Response 4</i> <i>An amended plan condition has been required that provides additional setback and privacy screening to minimise the overlooking of 21 Canning Street. The privacy impact of the deck on adjoining lots was assessed against Clause P1 of the Scheme and was deemed to comply. The proposal is for a residential single dwelling, a no-permit required use in the zone. The noise generated will be residential in nature and noise standards of the Scheme do not apply.</i></p>
<p>Issue 5 The proposal requires cars to reverse on to Canning Street, which has the potential to cause traffic safety hazards.</p>
<p><i>Response 5</i> <i>The manoeuvring requirements of Code E6.0 do not require vehicles to enter and exit a site in a forward direction unless there are more than four spaces provided. The proposal complies with acceptable solution E6.6.2 A1.1.</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.

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

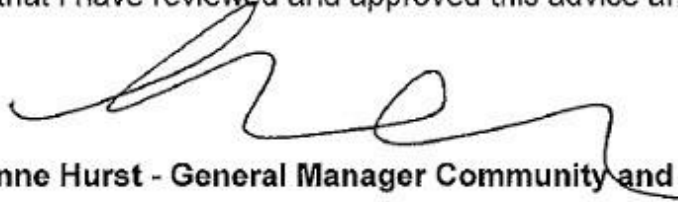
BUDGET & FINANCIAL ASPECTS:

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 - 19A Canning Street, Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 19A Canning Street, Launceston (*electronically distributed*)
 3. Representations - 19A Canning Street, Launceston (*electronically distributed*)
-

10 ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Friday 11 December 2020

- Attended the *40th Anniversary Program 2021* for TasDance

Sunday 13 December 2020

- Attended the *Launceston Running Festival*
- Officiated at *Settling in Tasmania* Northern suburbs new resident information day

Monday 14 December 2020

- Attended the *10th Annual Menorah* Lighting

Tuesday 15 December 2020

- Attended the Denise Delphine (Northern Suburbs Community Centre) celebration and farewell
- Attended the Big Bas League - Hurricanes versus Strikers

Wednesday 16 December 2020

- Attended the Tourism End of Year Send Off

Thursday 17 December 2020

- Attended the *45th Anniversary Program* launch at Design Centre

Friday 18 December 2020

- Attended Josef Chromy's 90th Birthday Celebrations

Saturday 19 December 2020

- Attended the *Launceston Musical Society* Concert
- Attended the *Tasmanian Solo Series* TasDance Event

Friday 25 December 2020

- Officiated at the Launceston Community Christmas
-

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

Sunday 27 December 2020

- Attended the Official Start of the *Launceston to Hobart Yacht Race*

Thursday 31 December 2020

- Attended *NYE @ Royal Park*

Friday 15 January 2021

- Attended the *All Expenses Paid - Stompin' Production*

Saturday 16 January 2021

- Attended the *Congregational Session MOFO*

Friday 22 January 2021

- Attended the *Wrapped in Culture* opening

Monday 25 January 2021

- Officiated at Community Recognition Awards

Tuesday 26 January 2021

- Officiated at the Public Citizenship Ceremony
-

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 D H McKenzie - Additional Funding - kanamaluka/Tamar Estuary - 19 January 2021**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted in writing on 19 January 2021 by Councillor D H McKenzie, has been answered by Michael Stretton (Chief Executive Officer).

Question:

1. Given we know that raking provides short term benefits to the above mentioned users [see Attachment 1 - Preamble], can we seek funding to continue that process until we are in a position to implement long term solution? In making this request, I note there were some concerns in relation to the ecological impacts of raking but are these manageable in the context of a short term program? (I note that TEMT advise that a sediment management report is due later this year (*The Examiner* - 19 January 2021) which may provide us with a longer term direction).

Response:

This matter was considered at a Council Meeting held on 17 October 2019. A Grant of Authority to undertake sediment raking would be required from the Tasmanian Parks and Wildlife Service (PWS), in consultation with the Environmental Protection Authority, if further raking is to be considered.

As the sediment raking zone in the upper estuary is located within the kanamaluka/Tamar River Conservation Area, a Reserve Activity Assessment (RAA) would be required. An RAA is an environmental impact assessment system used by PWS to assess whether activities proposed are environmentally, socially and economically acceptable.

The current opinion is that it is doubtful that the RAA would enable the recommencement of sediment raking, when the results of the 2019 review are considered.

12.1.1 Councillors' Questions On Notice - Councillor D H McKenzie - Additional Funding - kanamaluka/Tamar Estuary - 19 January 2021 ...(Cont'd)

The review of the bathymetry data that found raking was less effective than predicted and that most of the sediment mobilised through raking has not been removed but resettled in the estuary's deeper channels. The program resulted in loss of navigational access, with flow-on impacts to commercial and recreational activities within the waterway. Recent bathymetric surveys indicate that estuary processes are restoring depth in the navigation channels. Further, the data demonstrates that the mobilisation of sediments in the water column had a long-lasting negative impact on water quality along the length of the estuary.

In order to allow an informed decision about sediment management into the future, the Tamar Estuary Management Taskforce is currently undertaking a scientifically robust, evidence-based evaluation of the wide range of sedimentation management options that have been proposed for the estuary. The review will also assess the relative costs of those options.

It is, therefore, suggested that before further considering sediment raking options, there is a need to await the release of this report.

ATTACHMENTS:

1. Councillor's Questions on Notice - Councillor D H McKenzie - 19 January 2021
-

Attachment 1 - Councillor's Questions on Notice - Councillor D H McKenzie - 19 January 2021

Question with Notice
Council Meeting 28 January 2021

Tamar/kanamaluka River

Preamble

Over the past few weeks there have been a number of articles and comments on the health of the Tamar/kanamaluka River. Most commentary providing their solution to the issues. My sense is the problems of the river have been with us since settlement (and maybe before), therefore if there was a simple solution it would have been fixed by now. There is no doubt in my mind, decisions made by our forebears have impacted the river health and flows. Also, most funding that has been provided in the past has been short term and focussed on election cycles.

That has now changed with the funding that has flowed from the Better Cities Deal where we now have access to funding in excess of \$120million to provide a long term solution. There are two key elements to the river water quality and sediment management. Through TEMT (Tamar Estuary Management Taskforce) these are all being addressed in a strategic manner seeking a long term solution on both of these elements. Clearly, while this is being worked on, the siltation issue is creating stress and difficulty for the many users of the river; in particular those users of the waterways, rowing, sailing, marina, pleasure and commercial boat activities and those that rely on the amenity the river provides such as restaurants.

Whilst I am a great advocate for longer term solutions and fully support the actions being taken by TEMT, my question relates to balancing the long term outcomes with the short term needs:

- Given we know that raking provides short term benefits to the above mentioned users can we seek funding to continue that process until we are in a position to implement long term solution? In making this request, I note there was some concerns in relation to the ecological impacts of raking but are these manageable in the context of a short term program? (I note that TEMT advise that a sediment management report is due later this year (*The Examiner* - 19 January 2021) which may provide us with a longer term direction).

Cr Hugh McKenzie

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 - 15 December 2020****FILE NO:** SF0839**AUTHOR:** Anthea Rooney (Council and Committees Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Cataract Gorge Reserve Advisory Committee Meeting held on 15 December 2020.

RECOMMENDATION:

That Council receives a report from the Cataract Gorge Reserve Advisory Committee Meeting held on 15 December 2020.

REPORT:

The Cataract Gorge Reserve Advisory Committee Meeting held on 15 December 2020 discussed the following items:

- a. Update on the Cataract Gorge Pump Station
 - *Committee Members visited the site of, and received an update on, progress of works for, the Cataract Gorge Pump Station.*
- b. Trail Network
 - *Members discussed the expansion of or formalisation of the existing trail network through the possibility of formalising informal trails.*
- c. Operational Issues/Reimagining the Gorge Matters
 - *Note was made of operational issues being constrained by the Council's operational budgets and associated levels of service as opposed to budget allocations constrained within the Reimagining the Gorge scope.*
- d. Weed Management Within the Cataract Gorge Reserve
 - *This issue will be included on the next Agenda for discussion.*

ECONOMIC IMPACT:

Not considered relevant to this report.

**13.1 Cataract Gorge Reserve Advisory Committee Meeting - 15 December 2020
...(Cont'd)**

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 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 Areas:

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

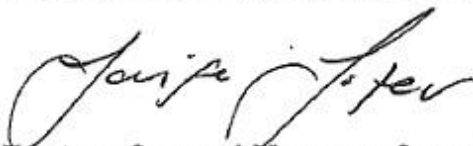
BUDGET & FINANCIAL ASPECTS:

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 Tender Review Committee Meeting - 10 and 17 December 2020

FILE NO: SF0100/CD.059/2020/CD.062/2020/CD.040/2020/CD.063/2020/CD.057/2020/CD.033/2020/CD.031/2020/CD.066/2020

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Tender Review Committee (a delegated Authority Committee).

RECOMMENDATION:

That Council notes the decision of the Tender Review Committee to accept the tenders submitted by:

1. Crossroads Civil Contracting Pty Ltd for the Forest Road Rehabilitation Works, Contract Number CD.059/202 for \$215,518.00 (exclusive of GST).
 2. Crossroads Civil Contracting Pty Ltd for the Poplar Parade Rehabilitation Works, Contract Number CD.062/2020 for \$329,850.00 (exclusive of GST).
 3. TCM Pty Ltd for the Launceston Aquatic Centre - Design and Construction of Heat Pumps, Contract Number CD.040/2020 for \$1,444,190.00 (exclusive of GST).
 4. Tas City Building for the QVMAG - Re-Roof Project (Collections Storage), Contract Number CD.033/2020 for \$253,451.00 (exclusive of GST).
 5. Crossroads Civil Contracting Pty Ltd for the Invermay Road (Forster Street to Vermont Road) Road Asset Upgrade, Contract Number CD.063/2020 for \$1,320,080.29 (exclusive of GST).
 6. Batchelor Construction Group Pty Ltd for the Launceston Waste Centre Cell R3 and R6 Landfill Development, Contract Number CD.057/2020 for \$8,148,642.30 (exclusive of GST).
 7. Baker Group Pty Ltd for the Churchill Park Sports Ground Development - Construction, Contract No CD.066/2020 for \$1,193,565.90 (exclusive of GST).
 8. Tasmanian Welding Supplies for the City of Launceston PPE Clothing and Safety Footwear, Contract CD.031/2020 be accepted as per the pricing and details of PPE Clothing - \$1,860.85 and Safety Footwear - \$1,446.00.
-
-

13.2 Tender Review Committee Meeting - 10 And 17 December 2020 ...(Cont'd)

REPORT:

The Tender Review Committee Meeting, held on 10 December 2020, determined the following:

That the sums submitted by:

1. Crossroads Civil Contracting Pty Ltd for the Forest Road Rehabilitation Works, Contract Number CD.059/202 for \$215,518.00 (exclusive of GST).
2. Crossroads Civil Contracting Pty Ltd for the Poplar Parade Rehabilitation Works, Contract Number CD.062/2020 for \$329,850.00 (exclusive of GST).
3. TCM Pty Ltd for the Launceston Aquatic Centre - Design and Construction of Heat Pumps, Contract Number CD.040/2020 for \$1,444,190.00 (exclusive of GST).
4. Tas City Building for the QVMAG - Re-Roof Project (Collections Storage), Contract Number CD.033/2020 for \$253,451.00 (exclusive of GST).
5. Crossroads Civil Contracting Pty Ltd for the Invermay Road (Forster Street to Vermont Road) Road Asset Upgrade, Contract Number CD.063/2020 for \$1,320,080.29 (exclusive of GST).
6. Batchelor Construction Group Pty Ltd for the Launceston Waste Centre Cell R3 and R6 Landfill Development, Contract Number CD.057/2020 for \$8,148,642.30 (exclusive of GST).

The Tender Review Committee Meeting, held on 17 December 2020, determined the following:

That the sums submitted by:

1. Baker Group Pty Ltd for the Churchill Park Sports Ground Development - Construction, Contract No CD.066/2020 for \$1,193,565.90 (exclusive of GST).
2. Tasmanian Welding Supplies for the City of Launceston PPE Clothing and Safety Footwear, Contract CD.031/2020 be accepted as per the pricing and details of PPE Clothing - \$1,860.85 and Safety Footwear - \$1,446.00.

be adopted.

13.2 Tender Review Committee Meeting - 10 And 17 December 2020 ...(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:

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

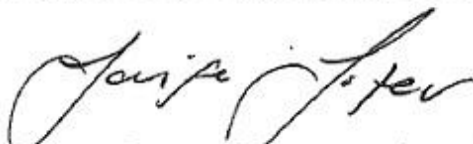
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

14 COUNCIL WORKSHOPS

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

No Council Workshops have been identified as part of this Agenda

15 NOTICES OF MOTION

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

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

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items have been identified as part of this Agenda

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

No Items have been identified as part of this Agenda

19 ORGANISATIONAL SERVICES NETWORK ITEMS**19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020)****FILE NO:** SF7114**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider changes to the Council's 2020/2021 Statutory Estimates.

A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

PREVIOUS COUNCIL CONSIDERATION:

Council - 2 April 2020 - Agenda Item 7.1 - Community Care and Recovery Package - COVID-19

Workshop - 7 May 2020 - Care and Recovery Package - Proposed Accelerated Capital Works Program

Council - 28 May 2020 - Agenda Item 20.2 - Accelerated Capital Works Program Policy (30-Pix-007)

Council - 1 October 2020 - Agenda Item 19.1 - 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program

Council - 26 November 2020 - Agenda Item 19.3 - 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020)

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993* (Tas), and by an absolute majority, approves the following changes to the 2020/2021 Statutory Estimates:
 - (a) Expenses
 - i. the net increase/decrease in operations expenditure of \$0.
 - (b) Capital Works Expenditure
 - i. the increase/decrease in the Council's funded expenditure of \$0.
 - (c) New Projects for 2020/2021
-

19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020) ...(Cont'd)

Project Number	Project Description
24188	Welman Street Rehabilitation
24206	Dandenong Road Reseal
24207	Delamere Crescent Reseal
24228	Bain Terrace Rehabilitation
24242	Royal Park Hazardous Chemical Storage

(d) Projects with amended budget amounts for 2020/2021

Project Number	Project Description
23881	Paterson Street Exeloo
24156	Quarantine Road Rehabilitation
24081	Golconda Road Safety Improvements
24000	Gorge Cliffgrounds SPS Renewal
24194	Boiton Hill Road Charlton to Norwood
24190	George Town Road/University Way Reseal
24152	Hillside Crescent Pavement Rehabilitation
24188	Welman Street Rehabilitation
24089	Launceston Waste Centre Landfill Cell Liner (R3/R6)
24137	Footpath Reseal Program 2020/2021

(e) Projects that reduce the overall budget of the Accelerated Capital Works Program for 2020/2021

Project Number	Project Description
24241	Northern Car Park - Management System
24240	QVMAG Stone Building HVAC Replacement

2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus remaining at \$6,822,769 (including capital grants of \$18,213,576) for 2020/2021.
 - (b) the capital budget remaining at \$50,570,457 for 2020/2021.

19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020) ...(Cont'd)

REPORT:

The budget amendments are changes to the Statutory Estimates which require a Council decision. The changes relate to projects identified to be delivered as part of the Council's Accelerated Capital Works Program (ACWP).

Council approved a nation leading Community Care and Recovery Package, during April 2020, in response to the COVID-19 pandemic. The package included a \$40m ACWP which was designed to stimulate the local economy, with an emphasis on renewal projects that are deliverable within the next four years (2021-2025).

The ACWP supports financially sustainable investment that is consistent with the City of Launceston's Strategic Asset Management Plan and Long Term Financial Plan.

The ACWP Policy (30-Plx-007) adopted the following criteria to be applied to the selection of projects forming part of the ACWP:

- Expenditure must be 80% asset renewal*.
- Expenditure by program should be in line with the Long Term Financial Plan of approximately:
 - 60% to 70% transportation
 - 4% to 10% drainage
 - 5 to 10% recreation
 - 3% to 8% buildings
 - 12% to 20% waste management
 - 0% to 5% other
- Projects are required to be delivered in the next four years (2021-2025) due to capacity, condition and/or compliance.
- Can be delivered to market by 30 April 2021.
- *Roads to Recovery* minimum expenditure is to be met.

** Rehabilitation and liner development expenditure at the Launceston Waste Centre and expansion of the ash placement area are considered renewal from an asset management perspective and in application of this criteria because they are a continuation of an existing service.*

Council approved an additional ACWP Budget of \$10m for 2020/2021, as part of the Community Care and Recovery Package in response to the COVID-19 pandemic.

It was necessary to review the overall Capital Works Program for 2020/2021 and all projects with a carried forward budget from previous years. In consultation with each General Manager, the ACWP team and relevant Project Managers, a number of budget amendments were identified as being required to facilitate the ACWP.

19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020) ...(Cont'd)

The centralised ACWP project which contains the \$10m of funding will be drawn down as new ACWP projects are identified, these will be provided to Council for approval in a timely manner. Projects that have had their scope reduced or have been cancelled, will have their funding assigned to the centralised project. Members of both the ACWP team and Finance team will meet regularly to ensure expenditure remains on track.

The table summarises all other Budget Agenda Items and includes reconciliations of the budgeted operating result and capital expenditure. Details of the amendments are as follows:

The following items need to be reallocated between Capital projects but do not alter the operating surplus:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24175	Accelerated Capital Works Program (COVID-19)	\$3,708,512	\$370,000	\$0	\$3,338,512
23881	Paterson Street Exeloo	\$700,000	\$0	\$70,000	\$770,000
24188	Welman Street Rehabilitation	\$0	\$0	\$300,000	\$300,000
	TOTAL	\$4,408,512	\$370,000	\$370,000	\$4,408,512

The project scope of works:

These projects are all part of the confirmed Accelerated Capital Works Program (COVID-19 pandemic) to date.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24175	Accelerated Capital Works Program (COVID-19)	\$3,338,512	\$300,000	\$0	\$3,038,512
24241	Northern Car Park Management System	\$0	\$0	\$300,000	\$300,000
	TOTAL	\$3,338,512	\$300,000	\$300,000	\$3,338,512

The project scope of works:

The City of Launceston is responsible for the installation of a Car Park Management System at the University of Tasmania's Northern Car Park, these works have been identified as being a high priority, given the indicated opening of the Car Park is within the first few months of 2021.

19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020) ...(Cont'd)

A funding approach identified between the Executive and the Accelerated Capital Works Program Team was that \$300,000 could be transferred from the Program to fund the Car Park Management System.

As the Northern Car Park Management System will not be delivered under the Accelerated Program, this amendment will reduce the program Budget by \$300,000.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24156	Quarantine Road Rehabilitation	\$1,500,000	\$500,000	\$0	\$1,000,000
24081	Golconda Road Safety Improvements	\$1,550,000	\$0	\$500,000	\$2,050,000
	TOTAL	\$3,050,000	\$500,000	\$500,000	\$3,050,000

The project scope of works:

These projects are all part of the confirmed Accelerated Capital Works Program (COVID-19 pandemic) to date.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24175	Accelerated Capital Works Program (COVID-19)	\$3,038,512	\$2,194,053	\$0	\$844,459
24137	Footpath Reseal Program 2020/2021	\$1,200,000	\$400,000	\$0	\$800,000
24000	Gorge Cliffgrounds SPS Renewal	\$1,050,000	\$350,000	\$0	\$700,000
24152	Hillside Crescent Pavement Rehabilitation	\$450,000	\$350,000	\$0	\$100,000
24190	George Town Road/University Way Reseal	\$550,000	\$150,000	\$0	\$400,000
24194	Boiton Hill Road Charlton to Norwood	\$280,000	\$105,000	\$0	\$175,000
24188	Welman Street Rehabilitation	\$300,000	\$50,000	\$0	\$250,000
24207	Delamere Crescent Reseal	\$0	\$0	\$130,000	\$130,000

19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020) ...(Cont'd)

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24228	Bain Terrace Rehabilitation	\$0	\$0	\$150,000	\$150,000
24242	Royal Park Hazardous Chemical Storage	\$0	\$0	\$160,000	\$160,000
24206	Dandenong Road Reseal	\$0	\$0	\$200,000	\$200,000
24089	Launceston Waste Centre Landfill Cell Liner (R3/R6)	\$6,040,947	\$0	\$2,959,053	\$9,000,000
	TOTAL	\$12,909,459	\$3,599,053	\$3,599,053	\$12,909,459

The project scope of works:

These projects are all part of the confirmed Accelerated Capital Works Program (COVID-19 pandemic) to date.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24175	Accelerated Capital Works Program (COVID-19)	\$844,459	\$55,000	\$0	\$789,459
24240	QVMAG Stone Building HVAC Replacement	\$0	\$0	\$55,000	\$55,000
	TOTAL	\$844,459	\$55,000	\$55,000	\$844,459

The project scope of works:

The heating pumps in the HVAC System in the Stone Building of the Inveresk QVMAG Inveresk site failed in early 2020/2021 and an interim repair job was completed to keep the HVAC System functional allowing control over temperature, but not control over humidity.

It has been identified that these are not acceptable environmental controls for the Museum Collections and that the system should be replaced.

The Accelerated Capital Works Program Team, in consultation with Building Assets Management, has identified that funding of \$55,000 can be transferred from the Accelerated Program to fund this project.

As the QVMAG Stone Building HVAC Replacement project will not be delivered under the Accelerated Program, this amendment will reduce the program Budget by \$55,000.

19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020) ...(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.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

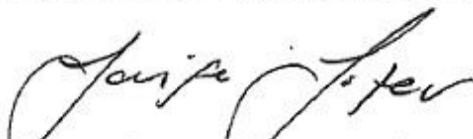
BUDGET & FINANCIAL ASPECTS:

As per the report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

19.2 2020/2021 Budget - Budget Amendments

FILE NO: SF6816

AUTHOR: Nathan Williams (Manager Finance)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider changes to the Council's 2020/2021 Statutory Estimates.

A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993* (Tas) and by an absolute majority, approves the following changes to the 2020/2021 Statutory Estimates:
 - (a) Revenue
 - i. the net increase in revenue from external grants and contributions of \$182,000.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$114,575.
 - (c) Capital Works Expenditure
 - i. the net increase in expenditure from external funds of \$182,000.
 - ii. the decrease in the Council's funded expenditure of \$54,369.
2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$6,822,769 (including capital grants of \$18,213,576) for 2020/2021.
 - (b) the capital budget being increased to \$50,570,457 for 2020/2021.

REPORT:

The budget amendments are changes to the Statutory Estimates which require a Council decision. The changes relate to external grant revenue and transfers between Operations and Capital projects.

	Operations \$'000	Capital \$'000
Statutory Budget as at 01/07/2020	359	43,929
Adjustments approved by Council to 31/10/2020	6,396	6,514
Balance Previously Advised as at 31/10/2020	6,755	50,443

19.2 2020/2021 Budget - Budget Amendments ...(Cont'd)

Amendments

Additional Council Funds	(60)	0
Capital to Operations	(54)	(54)
Operations to Capital	0	0
External Funds	182	182
Statutory Budget as at 31/12/2020	6,823	50,571

Deduct Capital Grants and Contributions	(18,214)
Underlying Operating Budget Deficit	(11,391)

The table summarises all other Budget Agenda Items and includes reconciliations of the budgeted operating result and capital expenditure.

Details of the amendments are as follows:

1(a) The following item needs to be allocated additional Council funding:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP22663	Parks and Sustainability Eastern Parks Maintenance	\$71,791	\$0	\$60,206	\$131,997
	TOTALS	\$71,791	\$0	\$60,206	\$131,997

The project scope of works:

On 12 November 2020 as per Agenda 18.2 - Myrtle Park Recreation Ground Re-Opening, Council approved the increase of Council funded expenditure of \$60,206 to facilitate the re-opening of the Myrtle Park Recreation ground for the four-month period December 2020 - March 2021.

These are additional Council funds and have not been reallocated from another budget item.

Additional Council Funding	Operations	Capital
Parks and Sustainability Eastern Parks Maintenance	\$60,206	-
TOTAL	\$60,206	-

19.2 2020/2021 Budget - Budget Amendments ...(Cont'd)

1(b) The following items need to be reallocated from Capital to Operations:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24079	Macquarie House Redevelopment 2019/2020	\$67,877	\$24,619	\$0	\$43,258
OPM22972	Macquarie House Enterprize Fitout	\$0	\$0	\$24,619	\$24,619
	TOTALS	\$67,877	\$24,619	\$24,619	\$67,877

The project scope of works:

Some of the work undertaken on the Macquarie House Redevelopment 2019/2020 project does not meet the requirements under the Council's Capitalisation Framework. As these costs cannot be capitalised, expenditure has been moved to the operations area and requires the matching budget amount to be transferred.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24011	St Catherine's Hall Roof Replacement	\$20,000	\$20,000	\$0	\$0
OP22518	Parks and Sustainability Halls Management	\$130,000	\$0	\$20,000	\$150,000
	TOTALS	\$150,000	\$20,000	\$20,000	\$150,000

The project scope of works:

Work undertaken on the St Catherine's Hall Roof Replacement project does not meet the requirements under the Council's Capitalisation Framework. As these costs cannot be capitalised, expenditure has been moved to the operations area and requires the matching budget amount to also be transferred.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24022	Carr Villa Refurbish Cremator - Capital	\$40,000	\$9,750	\$0	\$30,250
OPM22974	Carr Villa Refurbish Cremator - Major Operations	\$0	\$0	\$9,750	\$9,750
	TOTALS	\$40,000	\$9,750	\$9,750	\$40,000

19.2 2020/2021 Budget - Budget Amendments ...(Cont'd)

The project scope of works:

Extent of refurbishment work on the cremator came in under what had originally been scoped. The only works that were required to be carried out were the re-tiling of the inside of the Cremator. Surplus budget is to be re-allocated against the Carr Villa Ash Placement Project. As these costs do not meet the Council's Capitalisation Framework, these costs cannot be capitalised. Therefore, the expenditure and matching budget must be transferred from Capital to Operations.

Capital to Operations	Operations	Capital
Macquarie House Redevelopment 2019/2020	\$24,619	(\$24,619)
St Catherine's Hall Roof Replacement	\$20,000	(\$20,000)
Carr Villa Refurbish Cremator	\$9,750	(\$9,750)
TOTAL	\$54,369	(\$54,369)

1(c) The following items have been affected by external funding changes and affect both the Capital and Operations budgets:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10075.12160	Roads Capital Grants	(\$2,410,000)	\$157,000	\$0	(\$2,567,000)
CP24237	Conway Street/Derby Street Roundabout	\$0	\$0	\$107,000	\$107,000
CP24238	Wellington/Norwich/Rose Intersection	\$0	\$0	\$50,000	\$50,000
	TOTALS	(\$2,410,000)	\$157,000	\$157,000	(\$2,410,000)

The project scope of works:

External grant funding has been allocated to the Council under the Department of State Growth Black Spot Program and Vulnerable Road Users Program. The Black Spot Program Funding will be used to install a roundabout at the Conway/Derby Street Intersection. The Vulnerable Road Users Program Funding will be used to address the crash record of the Wellington Street, Norwich Street and Rose Lane intersection by upgrading it as part of a Pedestrian Safety Initiative.

19.2 2020/2021 Budget - Budget Amendments ...(Cont'd)

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10059.12517	Museum - Capital Grants and Contributions	(\$17,614)	\$25,000	\$0	(\$42,614)
CP24066	Collection Purchases 2020/2021	\$42,614	\$0	\$25,000	\$67,614
	TOTALS	\$25,000	\$25,000	\$25,000	\$25,000

The project scope of works:

Recognition of a \$25,000 capital contribution received from the Queen Victoria Museum and Art Gallery Arts Foundation towards a *Mandy Quadrio* Museum acquisition.

External Funding	Operations	Capital
Conway Street/Derby Street Roundabout	(\$107,000)	\$107,000
Wellington/Norwich/Rose Intersection	(\$50,000)	\$50,000
Collection Purchases 2020/2021	(\$25,000)	\$25,000
TOTAL	(\$182,000)	\$182,000

1(d) The following items need to be reallocated between Capital project but do not alter the operating surplus:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23570	Launceston Waste Centre Western Extension Temporary Capping	\$1,505,303	\$1,023,000	\$0	\$482,303
CP24089	Launceston Waste Centre Landfill Cell Liner (R3/R6)	\$9,000,000	\$0	\$1,023,000	\$10,023,000
	TOTAL	\$10,505,303	\$1,023,000	\$1,023,000	\$10,505,303

The project scope of works:

A transfer of budget from the Launceston Waste Centre Western Extension Temporary Capping project of \$1.023M to the Launceston Waste Centre Landfill Cell Liner (R3/R6) project is required. These funds will ensure the completion of the new liner in alignment with the tender report.

19.2 2020/2021 Budget - Budget Amendments ...(Cont'd)

The remaining funds on the Launceston Waste Centre Western Extension Capping project will allow for the completion of the designs of the Western interim capping as well as the eastern capping. The western interim capping works are still required, however, the urgency of these works are outweighed by the requirement of the new landfill cell liner and the rising main upgrade works. Funds for the western extension temporary cap will be included in a future Capital works program.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET & FINANCIAL ASPECTS:

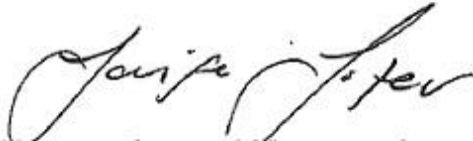
As per the report.

19.2 2020/2021 Budget - Budget Amendments ...(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

**19.3 2020/2021 Budget - Chief Executive Officer's Report on Adjustments - 1
November 2020 to 31 December 2020**

FILE NO: SF7144

AUTHOR: Nathan Williams (Manager Finance)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider adjustments made during 1 November to 31 December 2020 by the Chief Executive Officer to the 2020/2021 Budget.

RECOMMENDATION:

That Council, pursuant to section 82(7) of the *Local Government Act 1993* (Tas), receives the Chief Executive Officer's report on adjustments to the 2020/2021 budget for the period 1 November to 31 December 2020.

REPORT:

Pursuant to section 82(6) of the *Local Government Act 1993* (Tas), Council has authorised the General Manager (Chief Executive Officer) to adjust budgets up to \$500,000 so long as the adjustments do not alter revenue, expenditure, borrowings or capital works estimates in total. The Budget Management Policy (12-PI-001), adopted by Council on 13 October 2014, refers to section 82(7) of the *Local Government Act 1993* (Tas) which requires the Chief Executive Officer to report any adjustment and an explanation of the adjustment at the first Ordinary Meeting of the Council following the adjustment.

The following capital project adjustments have occurred in the period 1 November to 31 December 2020:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24022	Carr Villa Refurbish Cremator	\$30,250	\$30,250	\$0	\$0
21587	Carr Villa Ash Placement Area	\$800,000	\$0	\$30,250	\$830,250
	TOTAL	\$830,250	\$30,250	\$30,250	\$830,250

**19.3 2020/2021 Budget - Chief Executive Officer's Report On Adjustments - 1
November 2020 To 31 December 2020 ...(Cont'd)**

The project scope of works:

Extent of refurbishment work on the cremator came in under what had originally been scoped.

The only works that were required to be carried out were the re-tiling of the inside of the cremator. Surplus budget is to be re-allocated against the Carr Villa Ash Placement Project.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET & FINANCIAL ASPECTS:

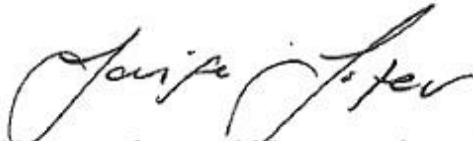
As per the report.

**19.3 2020/2021 Budget - Chief Executive Officer's Report On Adjustments - 1
November 2020 To 31 December 2020 ...(Cont'd)**

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

19.4 Disposal of Interest in Land - 135-159 St Leonards Road, St Leonards

FILE NO: SF2012

AUTHOR: Robert Bujnowski (Properties and Legal Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider disposal of the Council's interest in an easement at 135-159 St Leonards Road, St Leonards.

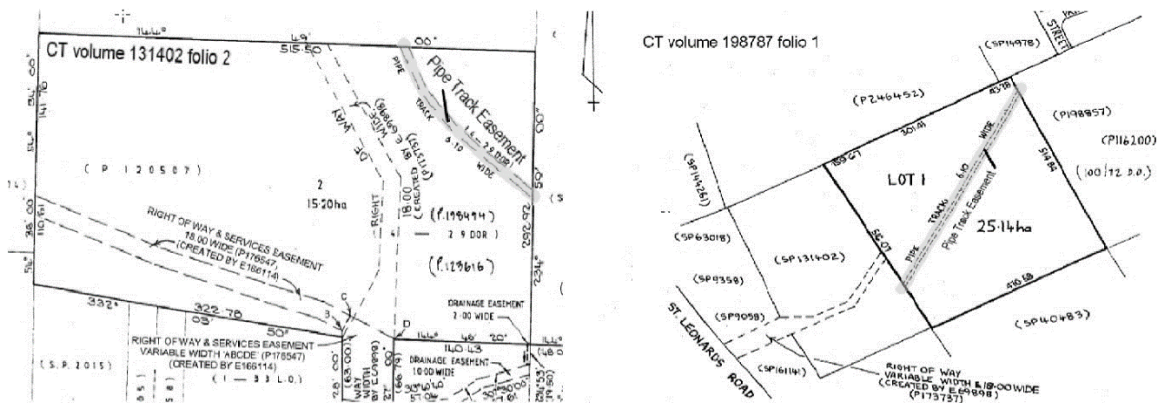
This decision is required to be made by absolute majority according to section 177 of the Local Government Act 1993 (Tas).

RECOMMENDATION:

That Council:

1. notes the valuation advice of LG Valuation Services Pty Ltd relating to the relevant easements (ECM Doc Set ID No 4478620, Attachment 1).
2. decides, pursuant to section 177 of the *Local Government Act 1993* (Tas), by absolute majority, to dispose of an interest in the relevant easements, namely:
 - (a) 1,220m² pipe track easement in CT volume 131402 folio 2; and
 - (b) 3,538m² pipe track easement in CT volume 198787 folio 1;
 for up to \$1, plus all relevant costs.
3. notes that the consequent amendment to Sealed Plan SP131402 and Plan 198787 will be caused to be made by the Council's officers under delegated authority, or otherwise by Council or a Council Committee if any person asks to be heard.

The following is a representation of the relevant easements.



19.4 Disposal of Interest in Land - 135-159 St Leonards Road, St Leonards ...(Cont'd)

REPORT:

The developer of 135-159 St Leonards Road, St Leonards (Tribex Developments Pty Ltd) seeks to remove a Pipe Track easement that exists in favour of the City of Launceston in order to facilitate the subdivision known as the *Cedar Grove Estate* in St Leonards, Launceston.

By disposing of an interest in an easement, Council is disposing of an interest in land.

The following diagram in Figure 1 provides an aerial view of the relevant land.



Figure 1

The following diagram in Figure 2 provides an aerial view of the land's location in St Leonards.



Figure 2

19.4 Disposal of Interest in Land - 135-159 St Leonards Road, St Leonards
 ...(Cont'd)

The following diagram in Figure 3 provides an extract of the plan showing the 6.10m wide pipe track easement in CT volume 131402 folio 2.

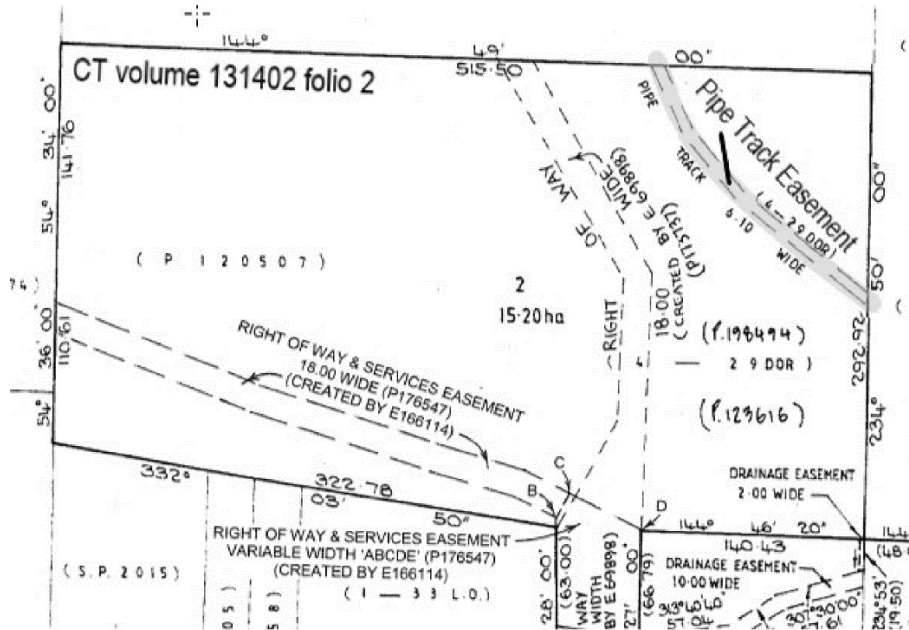


Figure 3

The following diagram in Figure 4 provides an extract of the plan showing the 6.10m wide pipe track easement in CT volume 198787 folio 1.

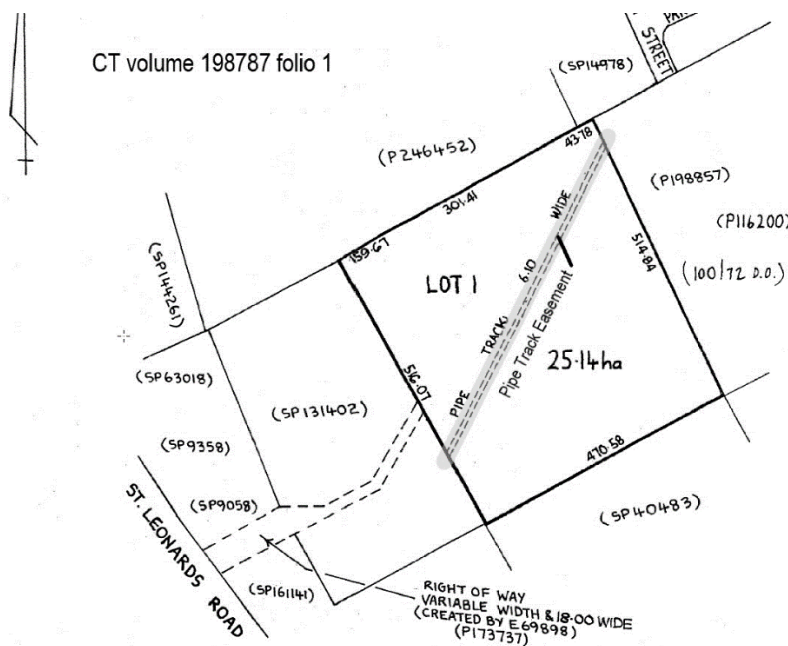


Figure 4

**19.4 Disposal of Interest in Land - 135-159 St Leonards Road, St Leonards
...(Cont'd)**

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

- there is no infrastructure within the easements and the Council has no intention for using the easements for the purpose they have been designated for.
- engineering advice from the Infrastructure and Assets Network is that the Council's drainage needs are otherwise met with the remaining easements in the area.
- the easements in question are redundant, and accordingly the Council loses no practical benefit in disposing of its relevant interests.
- it is not justifiable to charge for disposal in the circumstances, given that the easements are not being used and have no identified future use.

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:

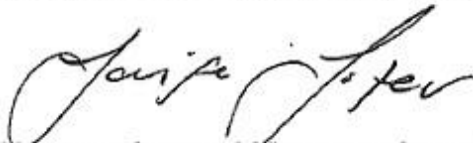
Not considered relevant to this report.

**19.4 Disposal of Interest in Land - 135-159 St Leonards Road, St Leonards
...(Cont'd)**

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

ATTACHMENTS:

1. Valuation Report - LG Valuation Services Pty Ltd
-

Attachment 1 - Valuation Report - LG Valuation Services Pty Ltd



VALUATION REPORT

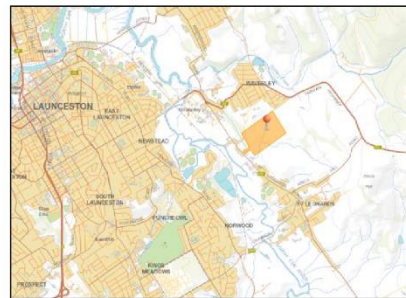
Property Address: Land at 135-139 St Leonards Road & Regent Street, St Leonards TAS 7250

Our Reference: LG20/1466

Date of Valuation: 2nd December 2020



Aerial Photograph



Location Map

Title:

The land which forms the subject of this valuation advice is contained within the following contiguous Certificates of Title:

- Volume 198787, Folio 1
- Volume 131402, Folio 2

Ownership:

St Leonards Road Pty Ltd

Purpose of Valuation:

To assess the value of the interest held by City of Launceston in the Pipe Track easements appurtenant to the land comprised in the above certificates of title for potential disposal/extinguishment purposes, as indicated on the copy of the title plan appended to this report.

Subject Land Area:

The overall land parcel of which the subject easements form a part has a total area of 40.34 Hectares, contained within the respective certificates of title as follows –

- CT 198787 / 1: 25.14 Ha
- CT 131402 / 2: 15.20 Ha

City of Launceston Council Land at 135-139 St Leonards Road & Regent Street	LG Valuation Services Pty Ltd LG20/1466
--	--

The position of the Pipe Track easement is delineated on the extracts from the title plans below.

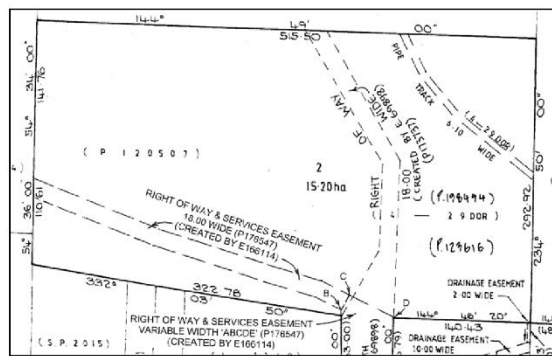
We have not been provided with detailed measurements or a formal survey of the land area affected by the pipe track easement, notwithstanding the width of the easement is annotated on the plans as being 6.10 metres.

Accordingly, our assessment of the value of the Council's interest in the affected land is based on our estimate of the linear length of the easement derived from spatial mapping (LIST), title plans provided, and our own on-site observations.

CT 198787 / 1:



CT 131402 / 2:



Adopted areas for the easement as contained within the respective titles are as follows –

- CT 198787 / 1: 3,538 m²
- CT 131402 / 2: 1,220 m²

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

City of Launceston Council Land at 135-139 St Leonards Road & Regent Street	LG Valuation Services Pty Ltd LG20/1466
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Location:

The subject land is situated in a developing outer suburban locality between the residential areas of Waverley and St Leonards, approximately 5 kilometres to the east of Launceston’s Central Business District (CBD).

The subject parcel of land comprises an internal allotment, which extends in a north easterly direction from a dedicated laneway off St Leonards Road towards Regent Street in Waverley to the north east of the property’s boundary.

Surrounding development includes a mixture of freestanding residential dwellings to the north of the subject land, and predominantly commercial and light industrial properties to the south and west of the property along St Leonards Road. Land to the east is predominantly vacant pasture.

Land Description:

The subject titles together comprise a broadly regular shaped parcel of land which has a gentle fall in contour from the northern eastern boundary towards the south western laneway entrance off St Leonards Road.

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

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

The subject land adjoins the site of a former timber milling facility operated by Gunns Limited, which has now been demolished and removed from its previous site. It is assumed that there is no residual contamination arising from the former use of the adjoining property that may impact upon the subject land, and that the site has been fully remediated.

Photographs:



Overview of land affected by easement



Overview of easement – view SW to NE

Planning:

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

City of Launceston Council Land at 135-139 St Leonards Road & Regent Street	LG Valuation Services Pty Ltd LG20/1466
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Market Sales:

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

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

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

Address	Sale Date	Sale Price	Land Area (m2)	Rate \$/m2
2-6 Deek Street, Kings Meadows	8/03/2018	\$420,000	20,980	\$20.02
204 Vermont Road, Mowbray	7/09/2018	\$260,000	27,400	\$9.49
4 Australis Drive, Rocherlea	5/04/2019	\$770,000	65,125	\$11.82
9 Rose Lane, South Launceston	23/11/2018	\$150,000	13,375	\$11.21
Audrey Avenue, St Leonards	15/06/2020	\$325,000	18,390	\$17.67

Valuation Considerations:

Having regard to the available sales evidence, prevailing market conditions, and the particular attributes and characteristics of the subject land, we consider an appropriate range of value for the subject land would be between \$8 and \$12 per square metre.

Whilst these parameters are towards the lower end of the range outlined in the table above, this is considered to be reflective of the large size of the subject land areas and corresponding large size of the parent title areas, and the positioning of the land on an internal allotment in proximity to the former Gunns industrial facility.

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

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

Land Description	Land Area	Value Range	\$/sqm Land	Total Value
CT 198787 / 1				
Subject Land (area of easement only)	3,538.00 m2	Low	8.00	\$28,304
	3,538.00 m2	High	12.00	\$42,456
Core Land Value			10.00	\$35,380
Adjust for:				
Proportional Interest - Council		35%		\$12,383
Value of Council Interest				\$12,383
Rounded for Valuation Purposes				\$12,400

City of Launceston Council Land at 135-139 St Leonards Road & Regent Street	LG Valuation Services Pty Ltd LG20/1466
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Land Description	Land Area	Value Range	\$/sqm Land	Total Value
CT 131402 / 2				
Subject Land (area of easement only)	1,220.00 m2	Low	10.00	\$12,200
	1,220.00 m2	High	14.00	\$17,080
Core Land Value			12.00	\$14,640
Adjust for:				
Proportional Interest - Council		35%		\$5,124
Value of Council Interest				\$5,124
Rounded for Valuation Purposes				\$5,100

Valuation Conclusion:

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

\$17,500

(SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS)

Apportioned between the respective Title areas as follows –

- CT 198787 / 1: \$12,400
- CT 131402 / 2: \$5,100

This valuation is exclusive of GST if applicable.

Date of Valuation: 2nd December 2020

Signed:



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

11th December 2020

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

City of Launceston Council Land at 135-139 St Leonards Road & Regent Street	LG Valuation Services Pty Ltd LG20/1466
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Definitions

Compliance:

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

Market Change:

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

Coronavirus Disease 2020 (COVID-19):

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

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

Currency of Valuation:

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

Reliance on Valuation:

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

Period of Valuation Reliance:

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

City of Launceston Council Land at 135-139 St Leonards Road & Regent Street	LG Valuation Services Pty Ltd LG20/1466
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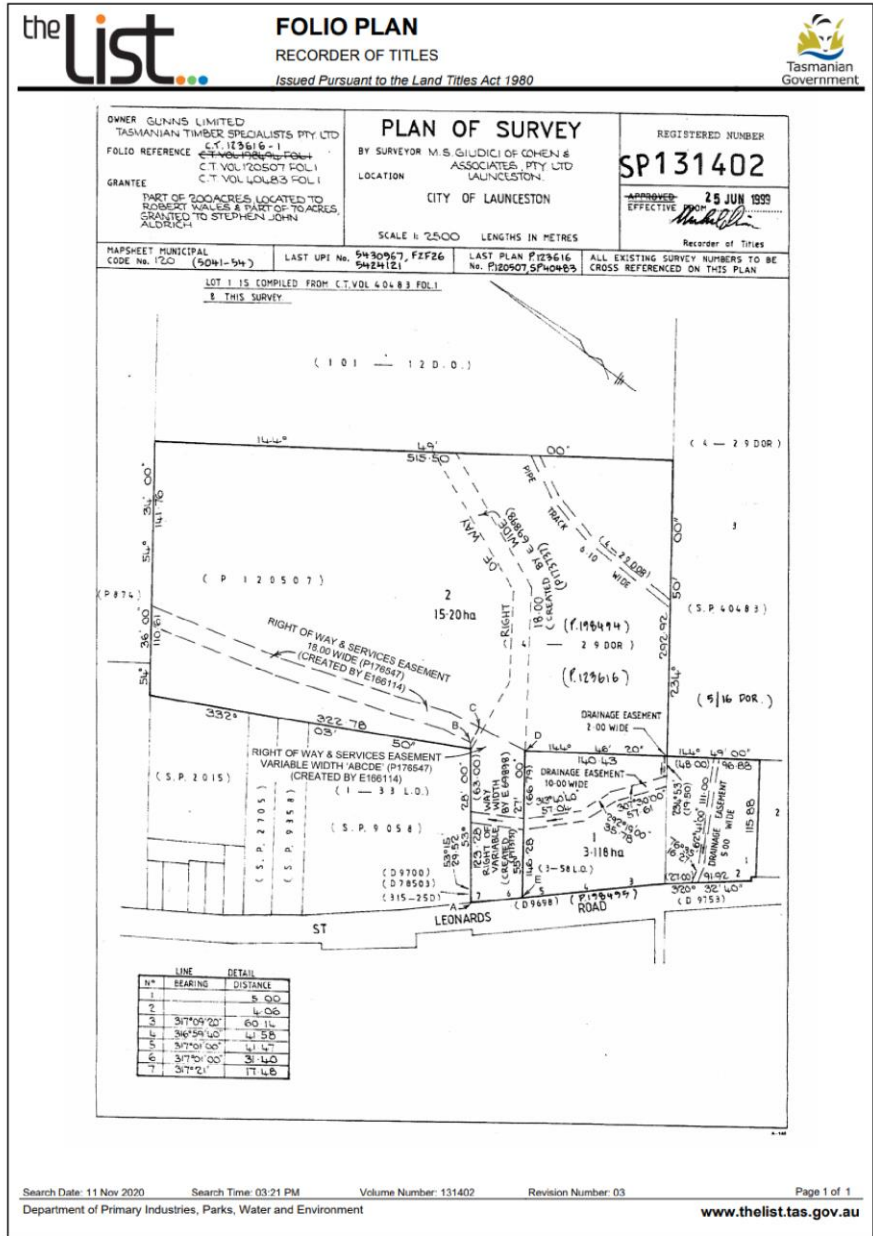
Environmental Issues:

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


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

City of Launceston Council Land at 135-139 St Leonards Road & Regent Street	LG Valuation Services Pty Ltd LG20/1466
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Appendix 1:

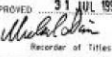


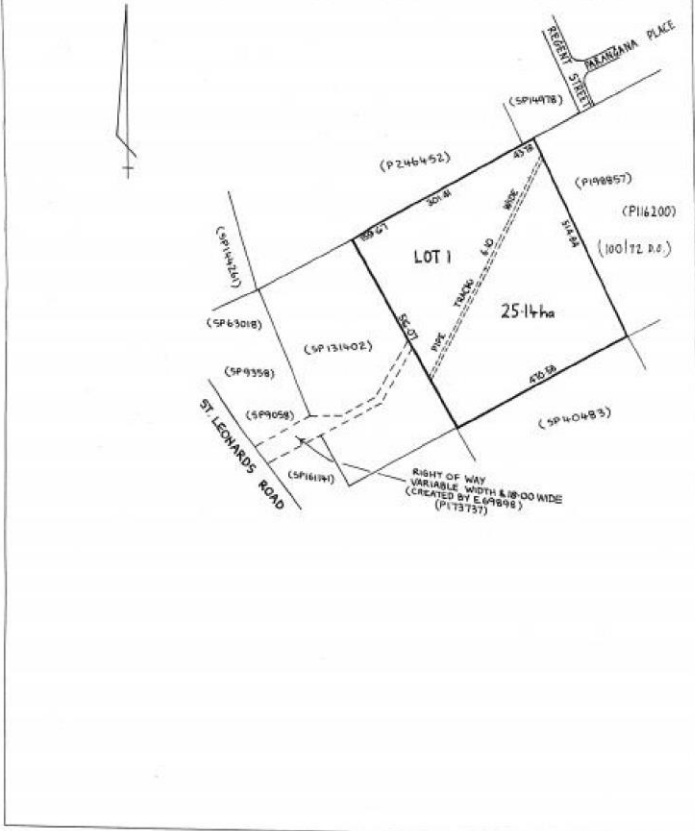
City of Launceston Council Land at 135-139 St Leonards Road & Regent Street	LG Valuation Services Pty Ltd LG20/1466
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FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



OWNER FILED REFERENCE CT 3799-86 GRANTEE	PLAN OF TITLE LOCATION CITY OF LAUNCESTON FIRST SURVEY PLAN No. (22/810) COMPILED BY L.T.O. SCALE 1: 6000 LENGTHS IN METRES	Registered Number P198787 APPROVED 31 JUL 2021  Recorder of Titles
MAP SHEET MUNICIPAL CODE No. (20/504-44,45,53)	LAST UPT No. 540977	LAST PLAN No. (10-17 Do)
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		



Search Date: 11 Nov 2020
Search Time: 03:18 PM
Volume Number: 198787
Revision Number: 04
Page 1 of 1

Department of Primary Industries, Parks, Water and Environment
www.thelist.tas.gov.au

19.5 Lease of Cataract Gorge Restaurant and First Basin Cafe**FILE NO:** SF0840/SF2229**AUTHOR:** Duncan Campbell (Team Leader Legal Services)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the leasing of the Cataract Gorge Restaurant and First Basin Café

This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 19 November 2007 - Agenda Item 12.5 - Gorge Restaurant and Basin Cafe

Workshop - 20 August 2018 - Cataract Gorge Restaurant and Basin Café

Workshop - 28 March 2019 - Lease of First Basin Café and Cataract Gorge Restaurant

Council Closed - 2 May 2019 - Agenda Item 22.2 - Lease of First Basin Café and Cataract Gorge Restaurant

Council Closed - 16 May 2019 - Agenda Item 22.2 - Lease of First Basin Café and Cataract Gorge Restaurant

RECOMMENDATION:

That Council:

1. pursuant to section 178 of the *Local Government Act 1993* (Tas), and by absolute majority, resolves to extend the current lease of the Gorge Restaurant and First Basin Café to Rathmell Hankinson Holdings on the following terms and conditions:
 - a. the current lease of the premises, due to expire on 30 June 2021, is extended for up to seven years to 30 June 2028.
 - b. the rent payable will be in accordance with the rent payable under the current lease plus CPI with appropriate variations if required by the *COVID-19 Disease Emergency (Commercial Leases) Act 2020* (Tas) or otherwise determined appropriate.
-

19.5 Lease of Cataract Gorge Restaurant and First Basin Cafe ...(Cont'd)

2. notes that an independent professional valuation of the premises will be obtained to ensure that the rent can be varied if required.
 3. requests the Chief Executive Officer to determine the precise dimensions of the land to be leased, together with all other terms and conditions, including maintenance and other responsibilities.
 4. notes, for the avoidance of doubt, that the term 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).
-

REPORT:

On 19 November 2007 Council resolved to enter into a lease of the Gorge Restaurant and Basin Café with the current operator for a ten year period.

The Gorge Restaurant and Basin Café are two facilities located within the First Basin Reserve in West Launceston and are located on public land within the meaning of section 177A of the *Local Government Act 1993* (Tas) (the Act). The public land status affects the way in which the facilities can be leased.

Following public advertising processes, the relevant lease commenced on 1 December 2008. The lease has been extended a number of times and is now due to expire on 30 June 2021. The current operator has requested an extension of term to their current lease.

The Recommendations under consideration would see an extension of the term of the current lease to 30 June 2028, taking the overall term of the lease to approximately twenty years from commencement to expiry. Such a term is consistent with the draft Lease and Licence Policy (19-Plx-002) which has been presented to Workshop and is intended to be presented to Council for formal consideration in early 2021.

If Council chooses to lease the land as recommended, it must comply with section 178 of the Act, which requires, relevantly, that Council's intention to lease the land be advertised twice in *The Examiner* newspaper, that copies of such published notices are placed on any boundary of the public land abutting a highway and that the public be invited to provide objections to the proposed lease extension within 21 days of the date of first publication.

If objections are received, the matter will return to Council for further consideration. If no objections are received, a lease extension will be granted in accordance with the Recommendations under consideration.

19.5 Lease of Cataract Gorge Restaurant and First Basin Cafe ...(Cont'd)

A professional valuation of the facilities has been ordered which will allow the lease to be managed in accordance with the requirements of the *COVID-19 Disease Emergency (Commercial Leases) Act 2020* (Tas). The valuation will also provide a reference point if other variations to the rent payable are required in the circumstances.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Priority Area 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 Area -

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

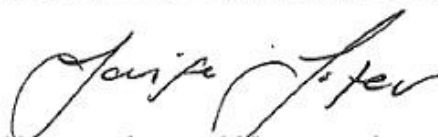
BUDGET & FINANCIAL ASPECTS:

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

19.6 Highway Dedication - Boland Street to Inveresk Pedestrian Bridge

FILE NO: SF6952

AUTHOR: Duncan Campbell (Team Leader Legal Services)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

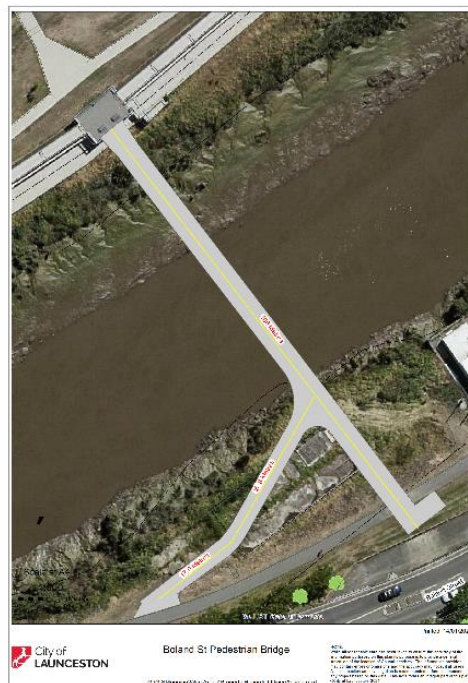
DECISION STATEMENT:

To consider the taking over of the Boland Street to Inveresk Pedestrian Bridge as a highway maintainable by the Council.

RECOMMENDATION:

That Council:

1. by resolution, pursuant to section 12 of the *Local Government (Highways) Act 1982* (Tas), declares that the pedestrian cycle bridge connecting Boland Street, Launceston to Inveresk, as generally shown shaded in grey in the map below, is to become a highway maintainable by the Council on the date of publication of this resolution in *The Gazette*:



2. requests the Chief Executive Officer to cause a copy of the highway declaration at Recommendation 1. to be published in *The Gazette* but only once satisfied that all relevant requirements have been met, including, but not limited to, the issuance of a certificate of practical completion by the relevant supervising engineers.
-

19.6 Highway Dedication - Boland Street to Inveresk Pedestrian Bridge ...(Cont'd)

3. requests the Chief Executive Officer to determine any other detail and enter into any agreement necessary to transfer ownership of the pedestrian cycle bridge structure to Council and to allow the highway to be created.
 4. notes, for the avoidance of doubt, that the term 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).
-

REPORT:

Council has previously issued a planning permit (DA0312/2019) for the construction of a pedestrian cycle bridge linking Boland Street with the University of Tasmania (UTAS) campus in Inveresk. The pedestrian cycle bridge is intended to be open to the public and accordingly it is appropriate that the bridge is declared a public highway to ensure that public access is maintained into the future.

The data informing the aerial representation appearing at Recommendation 1. has been extracted from the relevant planning and building drawings submitted on behalf of UTAS. A higher quality version of the map appears at Attachment 1. It is intended that the grey shaded area in that map will become a highway.

Construction of the bridge is expected to be completed in early 2021.

Once the bridge has been completed to the satisfaction of the responsible entity, a certificate of practical completion will be sought from the relevant supervising engineers. Once issued, such certificate will inform the decision whether to cause a copy of the highway declaration at Recommendation 1. to be published in *The Gazette*. Once the declaration is published in *The Gazette*, the bridge will become a highway maintainable by the Council and accordingly accessible and usable by the public. Ownership of the bridge structure will be transferred to the Council as part of this process by separate agreement.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

19.6 Highway Dedication - Boland Street to Inveresk Pedestrian Bridge ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Priority Area 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 Area -

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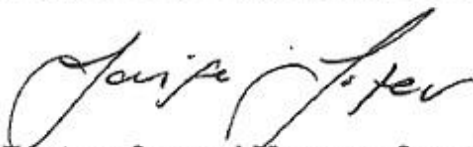
BUDGET & FINANCIAL ASPECTS:

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.

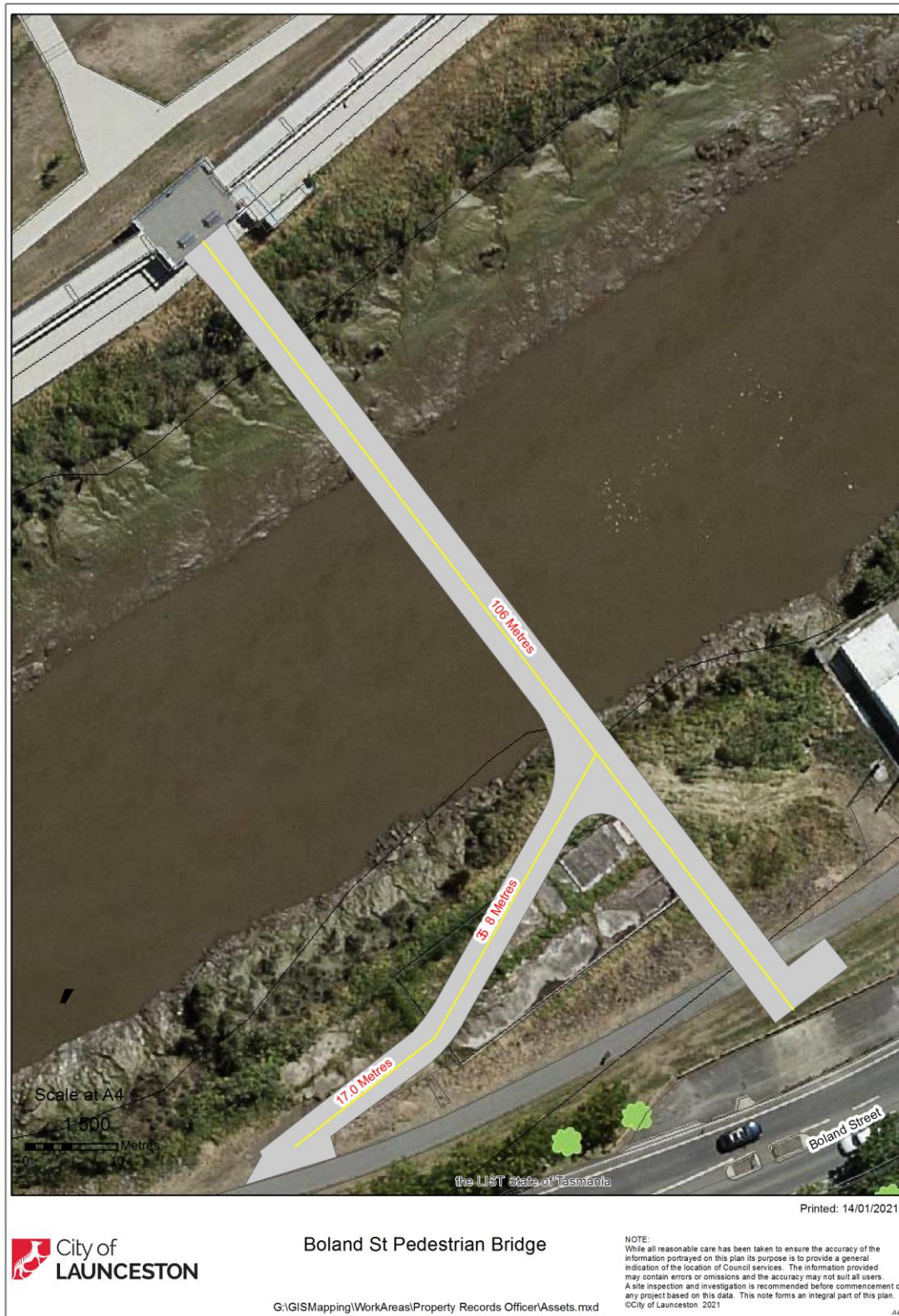


Louise Foster - General Manager Organisational Services Network

ATTACHMENTS:

1. Larger Version of Map Appearing at Recommendation 1.

Attachment 1 - Larger Version of Map Appearing at Recommendation 1.



19.7 Key to the City - Mr Richie Porte**FILE NO:** SF0202**AUTHOR:** Elizabeth Clark (Civic Affairs Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To approve the honour of presenting the *Key to the City* to Mr Richie Porte.

PREVIOUS COUNCIL CONSIDERATION:

Council - 1 October 2020 - Agenda Item 15.1 - Notice of Motion - Councillor D H McKenzie
- City of Launceston Recognition - Richie Porte

RECOMMENDATION:

That Council approves the symbolic presentation of the *Key to the City* to Mr Richie Porte in honour of his significant cycling achievements.

REPORT:

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

The granting of the *Key to the City* is a symbolic presentation with no privileges. Richie Porte would be the fifth Launceston-born person to be given this honour.

Richie Porte has been a leading world cyclist for many years and this year, to finish on the podium in the Tour de France, is without doubt his crowning glory (to date) in his chosen sport. A position attained by only one other Australian cyclist in the Tour de France history, the great Cadel Evans who won the event in 2011.

Richie has had a long and painful history with this race which has been dogged by bad luck and career threatening accidents and this year he entered the event as his swansong as a team leader in a Grand Tour and what a swansong it was. Riding in excess of 3,000km over three weeks in some of the most mountainous terrain in the world he more than held his own with the new order in world cycling.

19.7 Key to the City - Mr Richie Porte ...(Cont'd)

His performance in the stage 19 time trial will be spoken of for many years as he managed to claw the required 99 seconds back from the rider in third place to leap on to the podium, possibly only surpassed by the eventual winner of the race, Tadej Pogacar who also rode the time trial of his life to secure the yellow jersey (first place) from Primoz Roglic.

Whilst the Tour de France is the most important road race in the world, Richie's honour roll goes far beyond that and in recognising him today some of his many other achievements should be noted, including:

- best young rider and 7th place in his first Grand Tour Giro d'Italia in 2010, including three days in the *Maglia Rosa* the coveted race leader's jersey; the winner of:
 - Paris - Nice (2013 and 2015);
 - Volta a Catalunya (2015);
 - Tour de Romandie (2017);
 - Tour de Suisse (2018);
 - Tour Down Under (2017 and 2020);
 - Giro del Trentino (2015);
 - Volta ao Algarve (2012); and
- together with many other stage wins in big races.

It is important to note that Richie's career is not yet over and it is hoped there will be further additions to his resume, but with his placing at this year's Tour de France it is both opportune and appropriate that we mark his significance in Tasmanian, Australian and world cycling by honouring him in the way proposed.

Due to Richie's schedule and limited availability, it has been necessary to progress with preparations for the ceremony in advance of this Council decision. The fact that the Notice of Motion considered by the Council at its Meeting on 1 October 2020 was unanimously passed, provided a positive indication of the Council's position and staff have acted accordingly.

The presentation by the Mayor is proposed to occur on Saturday, 30 January 2021.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

19.7 Key to the City - Mr Richie Porte ...(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 Areas:

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

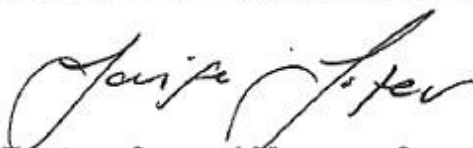
BUDGET & FINANCIAL ASPECTS:

The presentation ceremony will be funded from the Civic Affairs 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**20.1 Notices of Motion - Annual General Meeting - 3 December 2020****FILE NO:** SF0098**AUTHOR:** Kelsey Hartland (Team Leader Governance)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To provide an update on the progress of the investigation into the Notices of Motion raised at the City of Launceston's Annual General Meeting held on 3 December 2020, being:

That Council:

- (i) substantially modifies the CityHeart built multi-tiered hexagon public seating structure at the West end of the Brisbane St Mall with the aim being to design-out-crime and anti-social behaviour.*
- (ii)(a) provides more vehicle loading zones as defined in the Road Rules 2009, available on Sundays in the Launceston CBD.*
- (b) reviews the demand and opportunities of Sunday and public holiday on-street parking controls in the Launceston CBD.*

PREVIOUS COUNCIL CONSIDERATION:

Council - 10 December 2020 - Agenda Item 20.1 - Report on Council's 2020 Annual General Meeting

RECOMMENDATION:

That Council, in respect of the two Notices of Motion carried at the Annual General Meeting held on 3 December 2020, notes that:

1. investigations of these matters are ongoing; and
 2. reports on these matters will be submitted to Council for consideration at a Council Meeting on or before 25 March 2021.
-

REPORT:

At the City of Launceston Annual General Meeting held on 3 December 2020, the following Notices of Motion, submitted by Mr Robin Smith, were passed:

20.1 Notices of Motion - Annual General Meeting - 3 December 2020 ...(Cont'd)

1. that Council substantially modifies the CityHeart built multi-tiered hexagon public seating structure at the West end of the Brisbane St Mall with the aim being to design-out-crime and anti-social behaviour.
2. that Council:
 - (a) provides more vehicle loading zones as defined in the Road Rules 2009, available on Sundays in the Launceston CBD.
 - (b) reviews the demand and opportunities of Sunday and public holiday on-street parking controls in the Launceston CBD.

Section 72B(6) of the *Local Government Act 1993* (Tas) requires that a motion passed at the Annual General Meeting is to be considered at the next meeting of Council (being 10 December 2020). However, at the Council Meeting on 10 December 2020 Council voted to defer consideration of these matters until 28 January 2021.

Both are substantial proposals and the investigation and responses have been delayed due to the holiday period. In order to present recommendations to Council based on a thorough investigation, additional time is sought prepare the reports.

Agenda Items for the reports will be published in an Agenda for a Council Meeting scheduled on or before 25 March 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:

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

20.1 Notices of Motion - Annual General Meeting - 3 December 2020 ...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Michael Stretton - Chief Executive Officer

20.2 Northern Tasmania Regional Collaboration Framework**FILE NO:** SF0793/SF3532**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To consider the endorsement of the draft Northern Tasmania Regional Collaboration Framework.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 5 November 2020 - Northern Tasmanian Regional Collaboration Framework

RECOMMENDATION:

That Council endorses the Northern Tasmania Regional Collaboration Framework (ECM Document Set ID No 4482163) and agrees to participate in its implementation.

REPORT:

The concept of a Northern Tasmania Regional Collaboration Framework (the framework) began to be discussed after the 2018 State election and started to solidify after the 2019 Federal election.

The need for the framework was based on feedback from political parties noting that Northern Tasmania needs clearer understanding of the region's priorities, particularly when heading into election periods.

The framework concept was initially suggested by the Launceston Chamber of Commerce and was worked into a draft form by Regional Development Australia - Tasmania before being passed to Northern Tasmania Development Corporation for further development and refinement.

A working group of representatives from local government Mayors and management, Northern Tasmania Development Corporation, Regional Development Australia - Tasmania, Launceston Chamber of Commerce and the not-for-profit sector have been developing the collaboration framework for the past few months.

Councils and other stakeholders have known for a long time that economic development is only achievable through alliance and collaboration.

20.2 Northern Tasmania Regional Collaboration Framework ...(Cont'd)

At its heart, the framework aims for Northern Tasmanian stakeholders and civic leaders to work together and with one voice for the greater good of the region put forward projects and policy suggestions it sees as integral for its future. Northern Tasmania has a cohesive civic leadership, but the need to leverage that goodwill and good leadership into long-term, sustainable economic development energy is vital. This alignment is only achievable through organised collaboration.

The framework will provide the mechanism for Northern Tasmanian stakeholders and the community to bring ideas forward and to provide an understanding of regional priorities ahead of crucial junctures such as state and federal elections.

The window of opportunity is wide open before us with both a Federal and State election due in 2022, with a possibility of either (or both) occurring later this year. As it currently stands, the elections due in the near future are as follows:

- State election about March 2022 (can go anytime or as late as May)
- Federal election about May 2022 (can go anytime or as late as September)
- Senator from each party up - Wendy Askew (Lib) Peter Whish-Wilson (Green), Helen Polley (ALP), Eric Abetz (Lib), Anne Urquhart (ALP) and Jonothan Duniam (Lib)
- Three of those six in the current government in Eric Abetz, Wendy Askew and Jonothan Duniam
- Three out of six senators from our region in Wendy Askew, Peter Whish-Wilson and Helen Polley
- Upper House elections in Windermere in 2021, McIntyre in 2022 and Launceston in 2023.

That is an immense opportunity and make no mistake, both levels of government are already well into their planning and asking interest groups what the region needs and wants.

The deep and wide-ranging impacts of COVID-19 pandemic have given accelerated impetus to a Regional Collaboration Framework - if it is not possible to come together now, in the midst of the biggest economic disaster of our time, when will it ever happen? The framework will be both a roadmap and beacon for the region's future prosperity.

20.2 Northern Tasmania Regional Collaboration Framework ...(Cont'd)

ECONOMIC IMPACT:

The Framework provides the following overview of its economic impact:

...Northern Tasmania is blessed with many things: relative affordability, world-class food and beverages, a stable climate, clean environment, lifestyle opportunities, quick commutes and a business ethos that is Entrepreneurial, innovative and supportive.

It is a beautiful place to live, work and grow.

While we might like to think of ourselves as unique, every regional area has the same thoughts and similar value propositions.

Our competitive advantage is the above blessings, but fundamentally it must be our people: a vibrant, connected and committed community.

But how do we leverage goodwill and good leadership into long-term, sustainable economic development? Before we start to answer that question, we need to start with understanding what economic development is.

Economic development is not just about growth, though that's clearly a component, it encompasses both growth and welfare values.

Whereas economic growth deals with an increase in the level of output, economic development is related to an increase in output coupled with improvement in the social and political welfare of people within an area.

Put simply: economic development is the process by which communities become wealthier and healthier and have higher standards of living and educational attainment.

It is at the regional level where we can truly maximise this economic development so it is important the region understands not only its importance to the economy, but also the diversity that it brings to the national picture and the scope of its opportunity to drive prosperity for the nation as a whole...

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

20.2 Northern Tasmania Regional Collaboration Framework ...(Cont'd)

SOCIAL IMPACT:

The framework will bring together the various stakeholders from across our region to collaborate in a more considered and structured manner. It will improve communication and understanding between the organisations and groups and therefore, will have positive social impacts within the region.

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 Areas:

1. To develop and consistently utilise contemporary and effective community engagement processes.
2. To lead the implementation of the Greater Launceston Plan via collaborative and constructive relationships with our regional partners.
3. To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities.

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

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

Focus Areas:

1. To promote and enhance Launceston's rich heritage, culture and natural environment.
2. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.
3. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar.
4. To support the central business district (CBD) and commercial areas as activity places during day and night.

BUDGET & FINANCIAL ASPECTS:

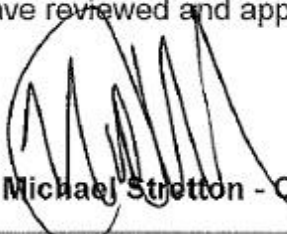
Participation in the framework will not result in additional cost to the Council other than officer time.

20.2 Northern Tasmania Regional Collaboration Framework ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Michael Stretton - Chief Executive Officer

ATTACHMENTS:

1. Northern Tasmania Regional Collaboration Framework (ECM Document Set ID No 4482163)
-

Attachment 1 - Northern Tasmania Regional Collaboration Framework



NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

With thanks

The Regional Collaboration Framework has been made possible through the dedication and support of the Steering Group.

- Tim Holder
- Sue Kilpatrick
- Michael Stretton
- Greg Kieser
- Craig Perkins
- Stephen Brown

Special acknowledgement should be given to the Launceston Chamber of Commerce for proposing the concept of a Regional Collaboration Framework and championing its momentum.



MT STRZELECKI | PHOTO: DIETMAR KAHLES

NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

Foreword

Regions that have some shared understanding of ‘where they are going’ do better.

They are regions that are well positioned to plan and advocate for the social, economic and environmental projects the region needs to position itself for the future.

Regional collaboration is key to achieving some level of agreement about future direction and the regional priority actions and projects to get there. Post COVID-19 recovery makes a shared understanding of what the region needs fundamental.

We have made a start on regional collaboration in Northern Tasmania.

We have a Regional Economic Development Strategy that sets out our strengths and areas for improvement. Albeit developed in a pre-COVID-19 world, the fundamentals will be the same.

NTDC and other regional stakeholders have come together to discuss and ultimately agree on the need for a Regional Collaboration Framework.

This document sets out a road map for Northern Tasmania to understand its future options, craft a shared sense of direction and agree on regional priority projects.

This will not be easy. But achieving worthwhile and long-term objectives rarely is.

It will take courage to share ideas, break down barriers and genuinely collaborate.

It will take maturity to see the value in other perspectives and improvements in your own.

It will take political tact to tread the line between challenging institutions and bringing them along for the journey.

This will not be easy. But that is why it is necessary.

Professor Sue Kilpatrick
NTDC Interim Chair

DRAFT



JANSZ TASMANIA
PHOTO: TOURISM AUSTRALIA & GRAHAM FREEMAN

NORTHERN TASMANIA REGIONAL
COLLABORATION FRAMEWORK

Case for Regional Collaboration Framework (RCF)

Every great advancement of a people or a region starts with an idea - a spark that captures the imagination.

However, it is the story that drives that idea. That takes it from something nebulous and shapes it with a narrative.

A Regional Collaboration Framework is an idea. At its heart; the desire for stakeholders and civic leaders to work together for the greater good of the region: simple in its utility.

A story can be complex or simple, but invariably contains the prerequisite “who, what, when, where and why”.

And it is the “why” that is most important if you want to advance that idea and have people subscribe to it.

A Regional Collaboration Framework is an idea; the who, what, when and where are elements of the story, but it is the *why* that will galvanise a great advancement in Northern Tasmania.

DRAFT



LIFFEY RIVER | PHOTO: SAMUEL SHELLEY

NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

Why?

Northern Tasmania is blessed with many things: relative affordability, world-class food and beverages, a stable climate, clean environment, lifestyle opportunities, quick commutes and a business ethos that is entrepreneurial, innovative and supportive.

It is a beautiful place to live, work and grow.

While we might like to think of ourselves as unique, every regional area has the same thoughts and similar value propositions.

Our competitive advantage is the above blessings, but fundamentally it must be our people: a vibrant, connected and committed community.

But how do we leverage goodwill and good leadership into long-term, sustainable economic development? Before we start to answer that question, we need to start with understanding what economic development is.

Economic development is not just about growth, though that's clearly a component, it encompasses both growth and welfare values.

Whereas economic growth deals with an increase in the level of output, economic development is related to an increase in output coupled with improvement in the social and political welfare of people within an area.

Put simply: economic development is the process by which communities become wealthier and healthier and have higher standards of living and educational attainment.

It is at the regional level where we can truly maximise this economic development so it is important the region understands not only its importance to the economy, but also the diversity that it brings to the national picture and the scope of its opportunity to drive prosperity for the nation as a whole.

Councils and other stakeholders have known for a long time that this is only achievable through alliance and collaboration.

A Regional Collaboration Framework will provide the mechanism for Northern Tasmanian stakeholders to bring ideas forward for debate and decide on regional priorities ahead of crucial junctures.

The deep and wide ranging impacts of COVID-19 have given accelerated impetus to a Regional Collaboration Framework.

It will be both a roadmap and beacon for our future prosperity.

DRAFT



RED BRIDGE, CAMPBELL TOWN PHOTO: TOURISM TASMANIA & ROB BURNETT

NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

What?

A Regional Collaboration Framework need not be complicated, in fact, it cannot be complicated. It needs to be a simple method for gathering ideas, challenging those respectfully, agreeing (or at least accepting a priority) and speaking to them with a united voice at the most influential time.

The reality is the political cycle underpins and overarches the region’s need to act collaboratively.

The window of opportunity is wide open before us with both a federal and state election due in 2022.

- State election about March 2022 (can go anytime or as late as May and there are suggestions it may go late 2021)
- Federal election about May 2022 (can go anytime or as late as September)
- Senator from each party up for election - Wendy Askew (Lib) Peter Whish-Wilson (Green), Helen Polley (ALP), Eric Abetz (Lib), Anne Urquhart (ALP) and Jonothan Duniam (Lib)
- 3 of those 6 in current government in Eric Abetz, Wendy Askew and Jonothan Duniam
- Three out of 6 senators from our region in Wendy Askew, Peter Whish-Wilson and Helen Polley

But we should not confine collaboration to this election cycle and instead look ahead to the next federal and state elections due in 2025 and 2026 respectfully.

Similarly, Tasmanian Legislative Council elections and local government elections must be captured in any opportunities to inform and influence regional collaboration.

- Upper House elections in Rosevears in 2020, Windermere in 2021, McIntyre in 2022 and Launceston in 2023.
- Local government elections in 2022 and 2026.

That is an immense opportunity and make no mistake, both levels of government are already well into their planning and asking interest groups what the region needs and wants.

DRAFT



BEACONSFIELD MINE & HERITAGE CENTRE
PHOTO: TOURISM TASMANIA & TIM HUGHES

NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

When?

For a Regional Collaboration Framework to be effective it must focus on the election cycles but extend itself beyond them.

At any time we need to be ready to be able to explain the region’s priorities, for example federal COVID-19 stimulus opportunities.

If not, the risk is we get caught in the day to day politics and running of the region and fail to plan for the long-term growth of Northern Tasmania.

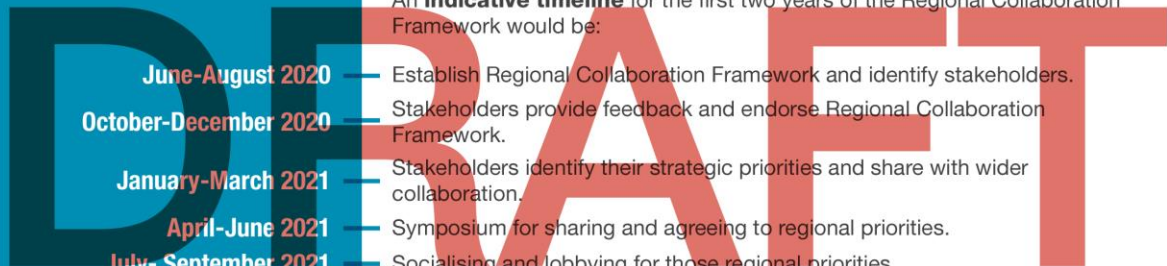
The next six years are crucial in the recovery and rebuilding of the regional economy after COVID-19.

Best estimates are that pre COVID-19 levels of gross domestic product will not be achieved for two or three years, while the unemployment rate has the same timeline.

Six years might sound like we have a long time, but the reality is we need to start now with the broader socialisation of this Regional Collaboration Framework concept and move quickly to endorsing its objectives and setting timelines for key implementation and goal achievements.

An **indicative timeline** for the first two years of the Regional Collaboration Framework would be:

- June-August 2020 — Establish Regional Collaboration Framework and identify stakeholders.
- October-December 2020 — Stakeholders provide feedback and endorse Regional Collaboration Framework.
- January-March 2021 — Stakeholders identify their strategic priorities and share with wider collaboration.
- April-June 2021 — Symposium for sharing and agreeing to regional priorities.
- July- September 2021 — Socialising and lobbying for those regional priorities.
- October-December 2021 — Review progress and traction of Regional Collaboration Framework.
- January-March 2022 — Regional Collaboration forum with Premier candidates ahead of state election.
- April-June 2022 — Regional Collaboration forum with major party Bass and Lyons candidates ahead of federal election.
- January-March 2022 — Community forum with Premier candidates ahead of state election.
- April-June 2022 — Community forum with major party Bass and Lyons candidates ahead of federal election.
- October-December 2022 — Review progress and celebrate wins.



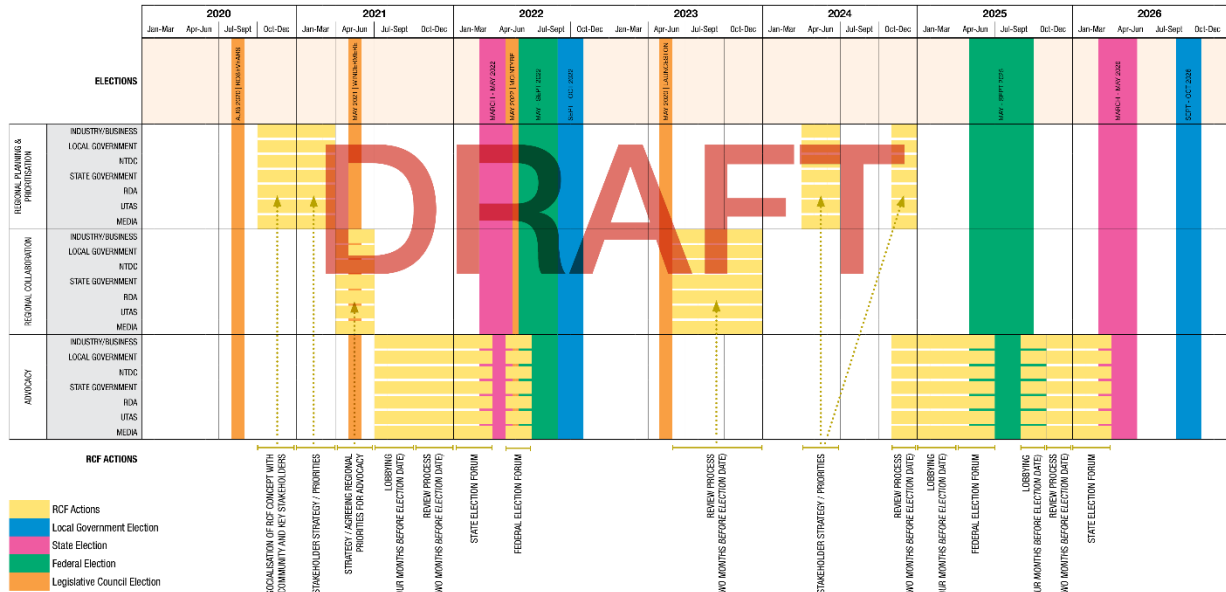
NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

How?

TIMELINE 2020-2026

The Regional Collaboration Framework assists to deliver Northern Tasmania prosperity, equity, sustainability and competitive advantage through an effective, focused and aligned approach to working together.

Mission Statement



NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

How?

RCF ACTIONS

Strategic Planning Sharing and Regional Agreement

Organisations spend a lot of time creating strategic plans that inform annual operating plans. Most are solid strategic documents that help that organisation map out their long-term vision with clear stepping stones. Many marry up with other regional goals of making Northern Tasmania a better place to live, work, do business and contribute to a vibrant community. Very few are widely shared and some sit in a bottom drawer only to be dusted off and rewritten upon their expiry.

And therein lies the disconnect that a RCF seeks to overcome.

Unless we share and speak to our strategic goals, they remain goals at risk of inaction.

The Stakeholder Strategy/Priorities stage of the RCF would bring stakeholders together to share their strategic goals, discuss how it fits with broader regional objectives and commit to a regional approach to agreed priorities.

Lobbying

Any political lobbying must be timed for key moments of the election cycle. The region must act as a united bloc, if not, voices are dislocated and diluted and the message becomes unclear. Signatories to the RCF would give their imprimatur for NTDC to speak 1:1 with candidates/parties to present the RCF priorities during the lobbying phase. NTDC would also seek support from signatories in this lobbying to add weight to the message. The RCF would secure meetings with party leaders and key advisors to articulate the region's agreed priorities and seek commitments for funding, advocacy or policy changes necessary to achieving those priorities.

A key part of this lobbying process would be speaking an effective and clear message to the community.

Review/Update

Days, weeks and months soon get away from us as we focus on the day to day running of the region. It will be important to set aside time to review and update RCF signatories on how lobbying is going and what the response has been. This will allow the RCF to assess if its priorities are likely to be agreed to politically and how we might need to ramp up lobbying - more 1:1 discussion, bringing other RCF stakeholders in to reiterate the message, seeking to influence higher up the party chain, media pressure - with enough runway to get our desired outcome.



NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

RCF Forum

A bipartisan and collegial approach is at the heart of the RCF. We are not picking winners but trying to secure the best outcome for our region. In that spirit, it is suggested RCF signatories arrange an informal and off-the-record conversation with both major party candidates for Bass and Lyons ahead of the federal election and with the would-be Premiers ahead of a state election. A long table lunch where the RCF priorities are reiterated, perhaps with an opportunity for candidates to speak and an informal Q&A session with attendees.

Public/Community Forum

Strong community engagement and local media voice is necessary for the RCF to gain support and not be seen as elitist. NTDC would seek to arrange a public forum with the major parties Bass and Lyons candidates ahead of the federal election and with the would-be Premier ahead of the state election. We'd suggest it be moderated by local media professionals but be informed by clear goals of the RCF so our projects and priorities get a clear focus and public commitment from the candidates.

Review Process

After elections the RCF would come back together to review the outcomes, identify areas of improvement and refocus key timelines for the next election cycle. It should also seek clear timelines from the successful party on how they plan to roll out their commitment to RCF initiatives and hold those timelines to account. Finally, the RCF should celebrate its successes and commit to redoubling efforts at regional collaboration.

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NORTHERN TASMANIA REGIONAL
COLLABORATION FRAMEWORK

Who?

The Regional Collaboration Framework is open to all stakeholders who subscribe to the belief that regions prosper when they work together and that success has many parents.

Stakeholders do not have to commit any funding or resource to the Regional Collaboration Framework, rather they need to subscribe, almost philosophically, to its aims and be willing to share their plans, ideas, successes and failures in a format that encourages learning and supporting each other for the greater good.

Stakeholders will be encouraged to endorse and sign onto the Regional Collaboration Framework and participate actively and fully with the key events and timelines.

This might involve a formal Memorandum of Understanding and media/public launch of the RCF.

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NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

Where?

NTDC encompasses seven municipal areas: Break O’Day, Flinders Island, George Town, City of Launceston, Meander Valley, Northern Midlands and West Tamar Council.

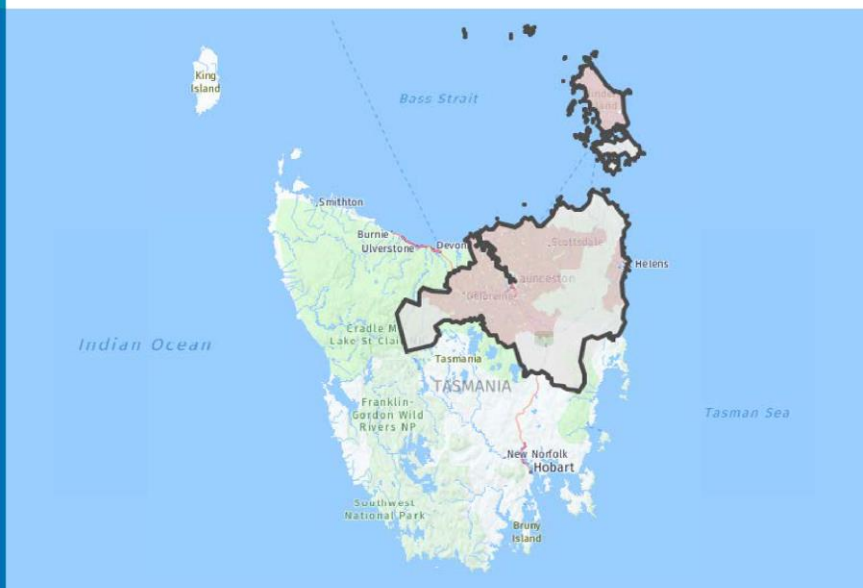
About 147,000 people live in the region, which spans 20,000 square kilometres.

The original inhabitants of Northern Tasmania were the Kunnarra Kuna, Leenererter, Leterremairrener, Palawa, Pallitorre, Pangerninghe, Panninher, Pinterrairer, Pyemmairrenerpairrener, Trawlwoolway and Tyerrernotepanner Aboriginal people.

European settlement dates from 1798 when sealing was established at Cape Barren Island, operating until 1828. In 1804 a small party from HMS Buffalo ran aground at the mouth of the Tamar River. A camp was established at George Town, although this was relocated to the western side of the river soon after. In 1806 a military town was set up at Launceston. The township of George Town was established in the 1810s by Governor Macquarie, initially as the major settlement for the colony’s north, although this decision was reversed in 1825, with Launceston becoming the major town.

Launceston developed as a commercial, industrial and service hub for Tasmania, becoming an export centre for the mainly pastoral industry. The first land grants were made in the 1830s, with land used mainly for farming and timber-getting. Population was minimal until the 1850s when gold mining commenced, followed by tin mining in the 1870s. Rapid growth took place during the late 1800s, largely due to the mining boom during the 1870s and 1880s. The main industries in the early 1900s were agriculture, mining and forestry. Expansion took place during the post-war years, with growth spreading outwards from the central city.¹

DRAFT



¹ <https://profile.id.com.au/northern-tasmania/about?WebID=10>

NORTHERN TASMANIA REGIONAL
COLLABORATION FRAMEWORK

Draft Regional Collaboration Framework

Vision

The Regional Collaboration Framework delivers Northern Tasmania prosperity, equity and sustainability through an effective, focused and aligned approach to working together.

Objective

- Understands the region’s opportunities and challenges in a global context
- For regional stakeholders to understand and respect each other’s roles, priorities and expectations of each other

Rationale

- Regions that work together do better
- Acknowledge that collective influence is greater than that of the sum of individual influences
- Shared understanding of opportunities and problems
- Curate an environment of shared leadership

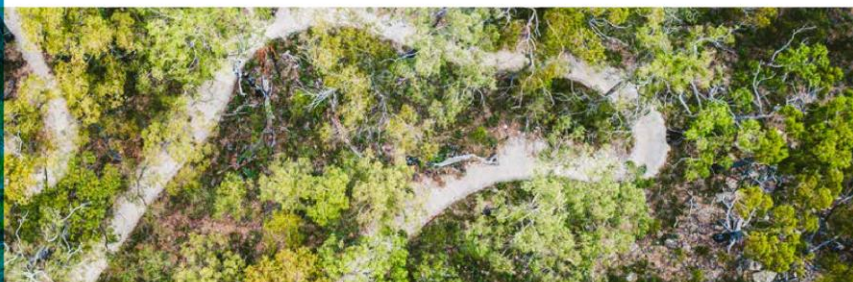
The WHY

- To understand opportunities and bring people together around opportunities
- Enable all sectors in the community to work together
- Understanding each other’s roles
- Speaking together in harmony
- Signaling regional strengths
- Encourages community aspiration
- Creates a collaborative culture
- Ability to influence policy and funding programs
- Important in good and bad times

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ST HELENS MOUNTAIN BIKE TRAILS
PHOTO: J. DA SEYMOUR PHOTOMEDIA



NORTHERN TASMANIA REGIONAL
COLLABORATION FRAMEWORK

When it works it...

- Helps people understand their place in the region
- Signals the strengths and opportunities to utilise our resources effectively
- Creates a stronger regional voice
- Encourages community aspirations
- Leads a collaborative regional culture
- Uses evidence to support outcomes

When it doesn't work it...

- Becomes bureaucratic
- Prevents individuals and organisations from prosecuting their own priorities
- Key stakeholders undermine and don't share critical information

The WHAT and WHEN

- Participation from private, public and NfP sectors
- Evidenced based thinking
- Actions and outcome focused
- Standing together
- Shared values and joint interests in priorities
- Collective leadership
- Funding focused
- Tells a compelling story
- Practical format for working together
- Not a burden, it adds value to existing work and is advantageous to be part of

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NORTHERN TASMANIA REGIONAL COLLABORATION FRAMEWORK

Draft Regional Collaboration Framework

"How does a Regional Collaboration Framework operate"

Actions	Outcomes	Possible Lead	Timing	Description
Regional Stakeholders' Priorities Forum	Create awareness amongst stakeholders of what is important within the region. It is the forum that socialises ideas.	NTDC	-	An annual forum is held where all signatories to the RCF must attend and hear other RCF partners present their priority projects of regional significance, and if they have their own, they present them. Projects presented can be the same year on year and don't need to change, just need to remain relevant. Projects are presented in a way that allows assessment against criteria that links to the agreed targets in NTDC's Regional Economic Development Strategy. Opportunity for discussion. NTDC collates regional priorities under themes.
Business focused forum	Clarity about what is important for businesses, and what, from a business perspective, will help make Launceston, 'one of the great regional cities of the world'.	Launceston Chamber of Commerce	-	An annual forum is held which provides the opportunity for the business community to share their priorities that will act to create a stronger regional economy. The event is designed and run for the business community and by the business community. NTDC attends and distills projects of regional significance to be added to projects from the Regional Stakeholders Priority Forum.
Reaffirmation Symposium of key regional priorities	One voice communicate signaling our region's priorities	NTDC	-	Draws on NTDC collation of regional priority projects from Regional Stakeholders Priority Forum and Business focused forum. Further discussion to confirm agreed projects to be included in Communicate.
Open forum for asking support for evidenced based emerging projects that have some element of proof of concept. The forum is designed around themes that support innovation, entrepreneurship, start-ups and a think tank.	<ul style="list-style-type: none"> Linking groups up Gathering resources on shared opportunities Innovation for: <ul style="list-style-type: none"> Industry 4.0 LIASD White Space 	Maybe Utas?	-	This is an opportunity for private sector, NGOs and government sector organisations to test support for new initiatives and projects.

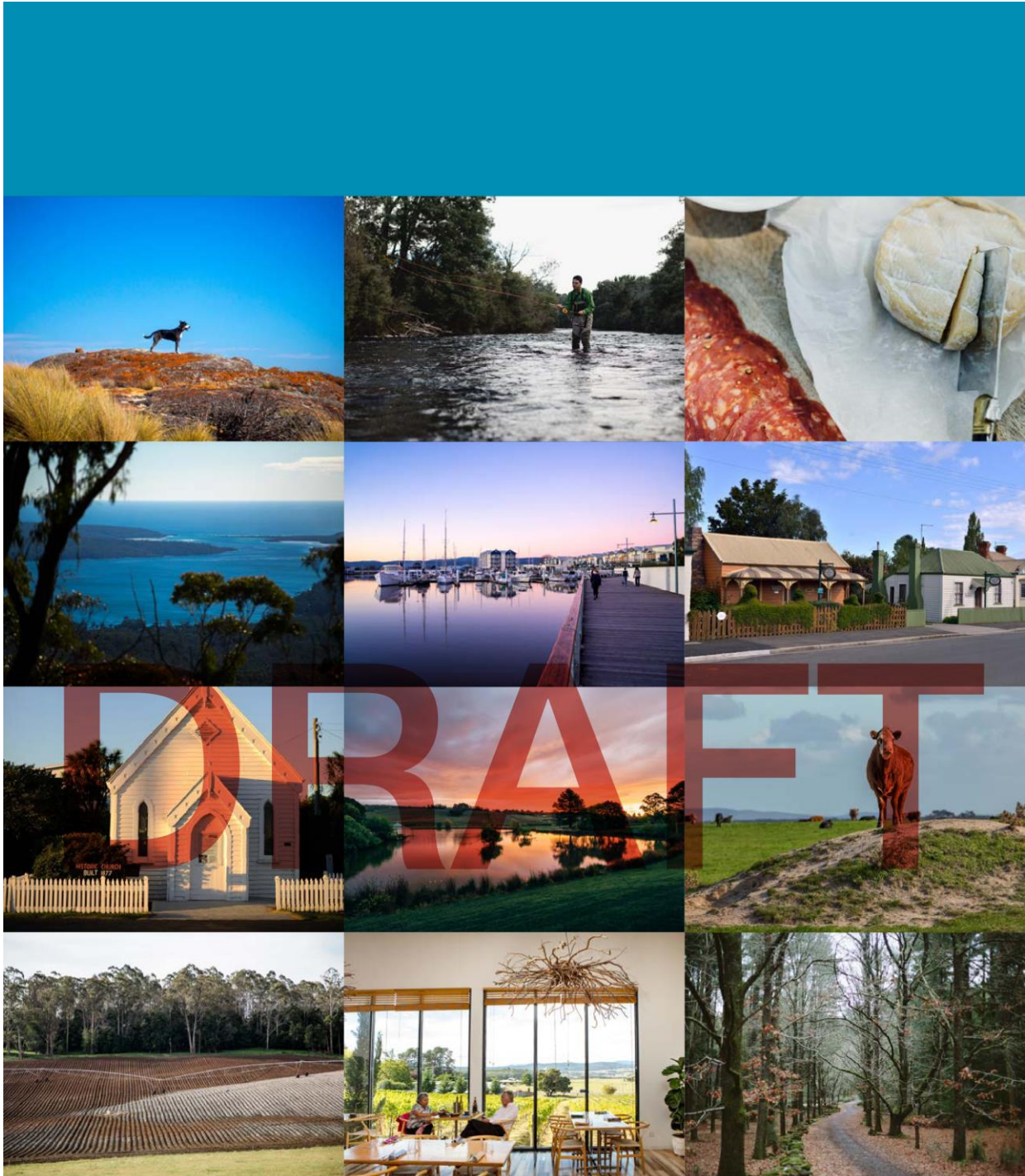
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LAUNCESTON CBD AT SUNSET
PHOTO: TOURISM TASMANIA & BRAN COLLABORATION



FESTIVAL | PHOTO: ROB BURSETT



COVER PAGE PHOTOS (LEFT TO RIGHT)

NATIONAL PENNY FARTHING CHAMPIONSHIPS | PHOTO: ROB BURNETT
 ST HELENS | PHOTO: FLOW MOUNTAIN BIKE
 LOW HEAD LIGHTHOUSE | PHOTO: CHRIS CRERAR
 TAMAR RIVER | PHOTO: TOURISM TASMANIA AND ROB BURNETT
 CATARACT GORGE | PHOTO: JARRAD SENG
 AERIAL NORTH EAST RIVER, FLINDERS ISLAND | PHOTO: LUKE TSCHARKE
 TROUSERS POINT WALK | PHOTO: DIETMAR KAHLES
 HOLM OAK VINEYARDS | PHOTO: TOURISM TASMANIA & KATHRYN LEAHY
 PRINCES SQUARE, LAUNCESTON | PHOTO: CHRIS CRERAR
 BEN LOMOND | PHOTO: SIMON STURZAKER
 EVERCREECH FOREST RESERVE | PHOTO: JASON CHARLES HILL
 THE BIG WICKETS, WESTBURY | PHOTO: CHRIS CRERAR

END PAGE PHOTOS (LEFT TO RIGHT)

FLINDERS ISLAND | PHOTO: TOURISM AUSTRALIA & GRAHAM FREEMAN
 FLY FISHING ON THE MEANDER RIVER | PHOTO: SAMUEL SHELLEY
 DELAMERE VINEYARDS | PHOTO: ADAM GIBSON
 VIEW OF GEORGES BAY, ST HELENS | PHOTO: J. DA SEYMOUR PHOTOMEDIA
 LAUNCESTON SEAPORT | PHOTO: TOURISM TASMANIA & ROB BURNETT
 WESTBURY GINGERBREAD COTTAGES | PHOTO: CHRIS CRERAR
 LOW HEAD CHURCH | PHOTO: CHRIS CRERAR
 JOSEF CHROMY TASMANIA | PHOTO: JEWELS LYNCH
 FLINDERS ISLAND | PHOTO: DIETMAR KAHLES
 PHOTO OF AGRICULTURE
 TIMBRE KITCHEN | PHOTO: KELLY SLATER
 HOLLYBANK FOREST RESERVE | PHOTO: CULTIVATE PRODUCTIONS

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 Extension of Lease - 2 Invermay Road, Invermay

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:

- (f) proposals for the council to acquire land or an interest in land or for the disposal of land.

21.3 Lease - Tramshed Function Centre

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:

- (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
