



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 6 MAY 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: 6 May 2021

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

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

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 during business hours by 11.00am on the morning of the Council Meeting. A Council Officer will contact you to confirm attendance details.

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

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

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - ATTENDANCE AND APOLOGIES	1
2	MAYORAL ACKNOWLEDGEMENTS	1
3	DECLARATIONS OF INTEREST	1
4	CONFIRMATION OF MINUTES	1
5	DEPUTATIONS	1
	No Deputations have been identified as part of this Agenda	1
6	PETITIONS	1
	No Petitions have been identified as part of this Agenda	1
7	COMMUNITY REPORTS	2
7.1	Ms Lucy Byrne (Managing Director) - Healthy Tasmanian Pty Ltd	2
8	PUBLIC QUESTION TIME	2
8.1	Public Questions on Notice	2
	No Public Questions on Notice have been identified as part of this Agenda	2
8.2	Public Questions Without Notice	2
9	PLANNING AUTHORITY	3
9.1	7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool	3
9.2	2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter)	27

City of Launceston

COUNCIL AGENDA

Thursday 6 May 2021

Item No	Item	Page No
9.3	22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings	51
9.4	26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling	81
10	ANNOUNCEMENTS BY THE MAYOR	105
10.1	Mayor's Announcements	105
11	COUNCILLORS' REPORTS	107
12	QUESTIONS BY COUNCILLORS	107
12.1	Questions on Notice	107
12.1.1	Councillors' Questions on Notice - Councillor A G Harris - Council Meeting - 21 April 2021	108
12.2	Questions Without Notice	111
	No Councillor's Questions Without Notice have been identified as part of this Agenda	111
13	COMMITTEE REPORTS	111
	No Committee Reports have been identified as part of this Agenda	111
14	COUNCIL WORKSHOPS	112
14.1	Council Workshop Report	112
15	NOTICES OF MOTION	115
	No Notices of Motion have been identified as part of this Agenda	115
16	COMMUNITY AND PLACE NETWORK ITEMS	115
	No Items have been identified as part of this Agenda	115

City of Launceston

COUNCIL AGENDA

Thursday 6 May 2021

Item No	Item	Page No
17	CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS	115
	No Items have been identified as part of this Agenda	115
18	INFRASTRUCTURE AND ASSETS NETWORK ITEMS	115
	No Items have been identified as part of this Agenda	115
19	ORGANISATIONAL SERVICES NETWORK ITEMS	115
	No Items have been identified as part of this Agenda	115
20	CHIEF EXECUTIVE OFFICER NETWORK ITEMS	115
	No Items have been identified as part of this Agenda	115
21	CLOSED COUNCIL	115
	No Closed Items have been identified as part of this Agenda	115
22	MEETING CLOSURE	115

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 22 April 2021 be confirmed as a true and correct record.

5 DEPUTATIONS

No Deputations have been identified as part of this Agenda

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

7 COMMUNITY REPORTS

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

7.1 Ms Lucy Byrne (Managing Director) - Healthy Tasmanian Pty Ltd

Ms Byrne will provide information on a local company - Healthy Tasmania Pty Ltd - that works with its partners across the State to improve the individual, community, social and financial health of Tasmania and Tasmanians with the goal of assisting communities to thrive.

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.)

No Public Questions on Notice have been identified as part of this Agenda

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 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool

FILE NO: DA0110/2021

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:	Churchill Architects
Property:	7 Trotsford Crescent, Newstead
Zoning:	General Residential
Receipt Date:	4/03/2021
Validity Date:	5/03/2021
Further Information Request:	12/03/2021
Further Information Received:	23/03/2021
Deemed Approval:	6/05/2021
Representations:	12

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.2 Setbacks and building envelope for all dwellings (P1, P2 and P3)
10.4.6 Privacy for all dwellings (P1 and P2)
10.4.12 Earthworks and retaining walls

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 demolition of the existing dwelling and construction of a new dwelling and swimming pool at 7 Trotsford Crescent, Newstead subject to the following conditions:

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(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. Cover Page, Prepared by Churchill Architects, Drawing No. 2012-DA01, Revision DA02, Dated 15/3/21.
- b. Site Plan, Prepared by Churchill Architects, Drawing No. 2012-DA02, Revision DA02, Dated 15/3/21.
- c. Demolition Plan, Prepared by Churchill Architects, Drawing No. 2012-DA03, Revision DA02, Dated 15/3/21.
- d. Ground Floor, Prepared by Churchill Architects, Drawing No. 2012-DA04, Revision DA02, Dated 15/3/21.
- e. First Floor Plan, Prepared by Churchill Architects, Drawing No. 2012-DA05, Revision DA02, Dated 15/3/21.
- f. Elevations, Prepared by Churchill Architects, Drawing No. 2012-DA06, Revision DA02, Dated 15/3/21.
- g. Elevations, Prepared by Churchill Architects, Drawing No. 2012-DA07, Revision DA02, Dated 15/3/21.
- h. Elevations, Prepared by Churchill Architects, Drawing No. 2012-DA08, Revision DA02, Dated 15/3/21.
- i. Elevation, Prepared by Churchill Architects, Drawing No. 2012-DA09, Revision DA02, Dated 15/3/21.
- j. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA10, Revision DA02, Dated 15/3/21.
- k. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA11, Revision DA02, Dated 15/3/21.
- l. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA12, Revision DA02, Dated 15/3/21.
- m. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA13, Revision DA02, Dated 15/3/21.
- n. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA14, Revision DA02, Dated 15/3/21.
- o. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA15, Revision DA02, Dated 15/3/21.

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

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

4. SCREEN PLANTING

Within three months of the completion of the development, a dense screen of trees or shrubs must be planted along the eastern boundary of the site in accordance with the details shown in Drawing No. 2012-DA06 to ensure reasonable privacy for the adjoining property. The plant screen must be adequately maintained and must not be removed without the approval of the Manager City Development.

5. FENCING

Fences within 4.5m of a frontage must have a maximum height of 1.8m above existing ground level and have openings above the height of 1.2m which provide a uniform transparency of at least 30% (excluding any posts or uprights).

6. PRIVACY REQUIREMENTS

Prior to the commencement of works details must be submitted for approval by the Manager City Development of how the windows of bedrooms 01, 02 and 03 will be treated to prevent overlooking and provide privacy to adjoining properties in accordance with Clause 10.4.6 (P2). Once approved, those details will form part of this permit and must be installed as part of the development.

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.
-

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(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.

9. 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 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.

10. SOIL AND WATER MANAGEMENT PLAN

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

11. CONSTRUCTION OF RETAINING WALLS

All retaining walls located within 1.5m of the property boundaries are to be designed and certified by a suitably qualified person. The design must have regard to the installation of fencing atop the retaining wall and other imposed loading in addition to site conditions on adjoining properties.

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.

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(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.

14. DEMOLITION

The Developer must:

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0110/2021. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

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. Fireplace/Woodheater Use

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

REPORT:**1. THE PROPOSAL**

The proposal is for the demolition of the existing two-storey dwelling and for the construction of a two-storey dwelling and swimming pool. At the ground level the proposed dwelling will have kitchen and living areas, including a rumpus room, office, laundry and toilet. An attached garage is also proposed at the ground level with space for three cars with access via Tulloch Street. At the first level the dwelling will have four bedrooms, a gym and sauna and three bathrooms. The proposal also includes the construction of swimming pool and deck to the north. Incidental development includes the construction of a driveway and parking areas, landscaping works and retaining walls.

Fences to a maximum height of 1.8m and a minimum transparency of 30% are proposed to both frontages, Trotsford Crescent and Tulloch Street. As such, the construction of the fences is exempt from planning approval pursuant to Clause 5.6.3.

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Subject site

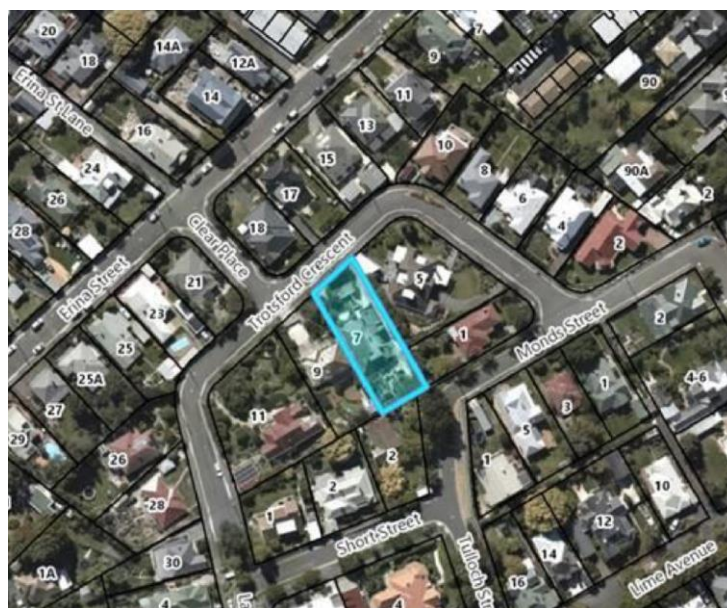
The subject site has frontages and vehicle access to Trotsford Crescent and to Tulloch Street. It is semi-rectangular in shape and currently developed with a double-storey dwelling, swimming pool and outbuildings. Various small and medium-sized trees and shrubs are found within the site boundaries. Vehicle access to the site is both via Trotsford Crescent and Tulloch Street.

The land falls generally to the north. The fall is approximately 8m for a length of approximately 48m which results in a maximum gradient of 16%.

Site surroundings

The site is within an established residential area. To the east the site adjoins 5 Trotsford Crescent, a corner site developed with a two-storey dwelling and private open space areas located to the south and south-west. This dwelling has a minimum side setback of approximately 5m to the subject site boundaries. Further south, the site adjoins 1 Trotsford Crescent, also developed with a two-storey dwelling. The private open space of No. 1 adjoins the eastern boundary of the subject site.

To the west the site adjoins 9 Trotsford Crescent, developed with a double-storey dwelling. To the south, the site partially adjoins 2 Tulloch Street, a corner site developed with a single-storey dwelling which is setback approximately 1.5m from the subject site boundaries.



*Figure 1
Subject site and adjoining lots*

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

The proposal is for a single dwelling which is a *no permit required* use class under the General Residential Zone.

10.4 Development Standards for Dwellings

10.4.2 Setbacks and building envelope for all dwellings

Objective:

The siting and scale of dwellings:

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

Consistent

The proposed dwelling allows reasonable opportunities for daylight and sunlight access to enter habitable rooms and private open space of adjoining properties. It also provides separation from adjoining dwellings which is consistent with the separation provided in the street.

A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

- (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;
- (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;
- (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;
- (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or
- (e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.

Relies on Performance Criteria

The subject site has two frontages. The frontage to Tulloch Street is the primary frontage as it has the shortest dimension (3.6m). Primary frontage is defined in the Scheme as *the frontage with the shortest dimensions measured parallel to the road irrespective of minor deviations and corner truncations*. The boundary of the site that abuts Tulloch Street is limited to the section of the boundary that faces Tulloch Street and Monds Street but excludes the common boundary to 2 Tulloch Street which is considered a side boundary. The primary frontage is highlighted in green in Figure 2.

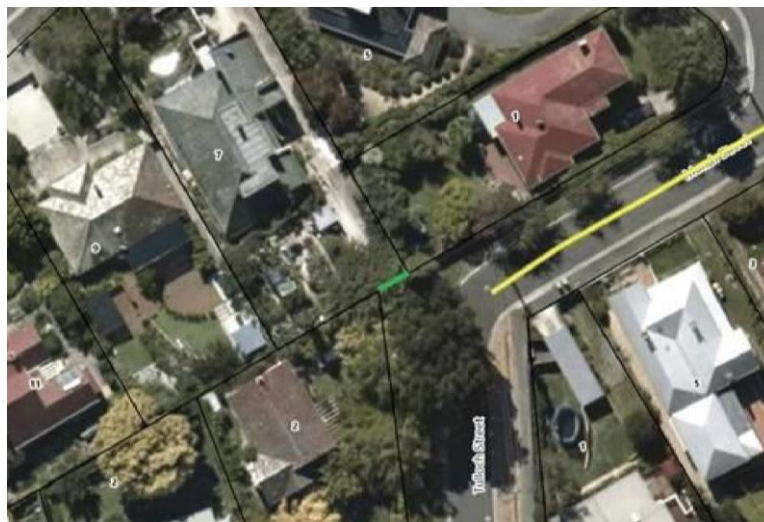


Figure 2
Primary frontage in green

A setback of 4.5m is required to the primary frontage. Due to the location of the lot at the corner of two streets, the required setback could be measured as a line parallel to Monds Street, Tulloch Street or both streets. For the purposes of this assessment, it will be measured parallel to both streets.

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

<p>Therefore, the garage is considered to have a setback of 4m to the primary frontage, which requires assessment against the performance criteria.</p> <p>The frontage to Trotsford Crescent is the secondary frontage. A setback of at least 3m to the secondary frontage is required, a setback of 9m is proposed.</p>
<p>P1 A dwelling must:</p> <ul style="list-style-type: none"> (a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.
<p>Complies</p> <p>The proposed setback is considered compatible with the streetscape. There are some examples of properties with structures within 4.5m of the primary frontage including No. 2 Rupert Street, 1 Tulloch Street and 11 Trotsford Crescent. Due to the topography of the area carports and garages are often located within close proximity to side and front boundaries. The primary frontage has a maximum dimension of 3.6m which results in minimal visibility of the site when viewed from Monds Street and Tulloch Street, particularly given its location at the intersection of both streets.</p>
<p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.
<p>Relies on Performance Criteria</p> <p>The garage is to have a setback of 4m to the primary frontage.</p>
<p>P2 A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p>Complies</p> <p>As mentioned previously, garages and carports are often found within close proximity to the front boundary due to the topography of the lots in the surrounding area. The proposed garage is considered to have minimal impacts on the streetscape. It will have a maximum height of approximately 3.5m but due to the cut proposed, when measured from the existing natural ground level, the height of the garage will be approximately 1.8m.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:

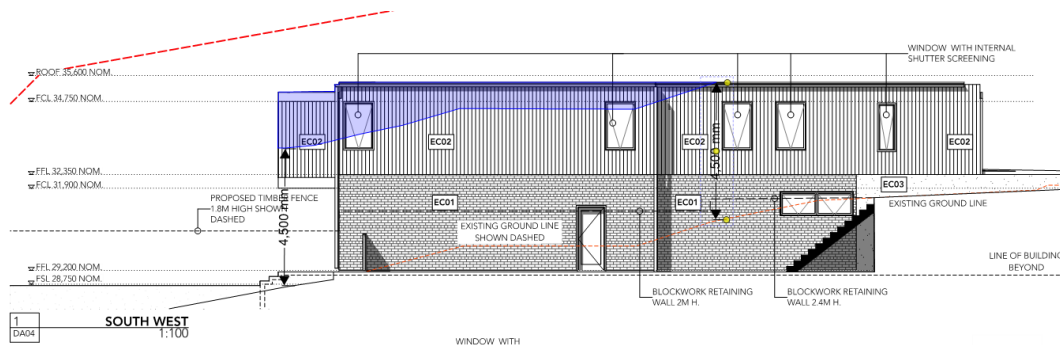
9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

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

Relies on Performance Criteria

The proposed dwelling sits outside the building envelope set out in item (a)(ii) and item (b)(ii).

(a) (ii) The western side of the dwelling has a maximum building height of approximately 6.5m which requires a side setback of 3.5m to No. 9 Trotsford Crescent. A setback of 1.5m is proposed. The figure below shows in blue the areas of the proposed building that are setback 1.5m and should be setback 3.5m to meet the acceptable solution.



*Figure 3
Sections highlighted in blue outside building envelope -
estimated by the planning officer*

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

The eastern side of the dwelling has a building height of approximately 5.2m which requires a side setback of 2.2m to No. 5 Trotsford Crescent. A setback of 1.3-1.4m is proposed.

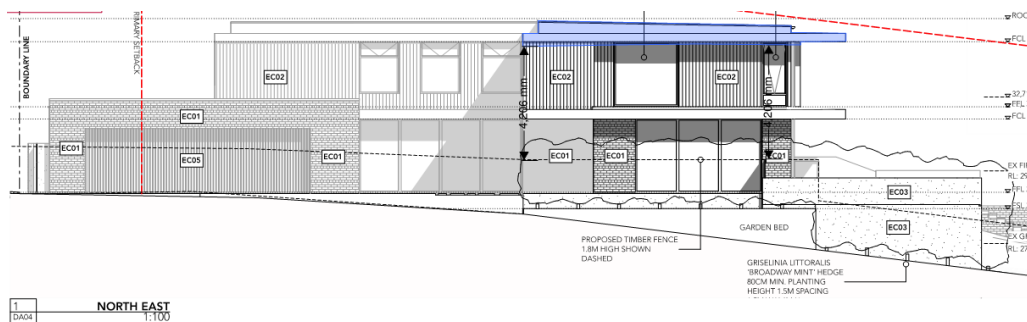


Figure 4
Sections highlighted in blue outside building envelope - estimated by the planning officer

(b)(ii) A minimum 1.4m setback is proposed along the north-eastern side boundary for a length of over 11m.

Reliance on the performance criteria is required.

P3 The siting and scale of a dwelling must:

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

Complies (a) (i) (ii) The proposed dwelling is not considered to result in a loss of amenity to occupants of adjoining properties by way of overshadowing or loss of sunlight based on the reasons mentioned below:

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

No. 9 Trotsford Crescent

The lot directly to the west is developed with a two-storey dwelling with private open space (POS) areas at the rear. The shadow diagrams provided by the applicant show the proposed dwelling casting shadows over the majority of the POS at 9am on 21 June but gradually decreasing at 10am and 11am. From 12pm to 3pm the proposed dwelling will cast minor shadows (if any) into the POS with no overshadowing at 2pm and 3pm. Taking into account the existing shadows cast by the property at No. 9, at least 50% of POS continues to receive a minimum of three hours of sunlight, particularly between 10am and 2pm.

The kitchen and living areas at the upper level of No. 9 have four windows, two oriented to the north and two to the east. This room will continue to receive adequate sunlight mostly via the northern windows.

No. 2 Tulloch Street

To the south, the subject site partially adjoins No. 2 Tulloch Street. The shadow diagrams and particularly the sun diagrams at Drawing No. DA12 to DA15 demonstrate that the proposed dwelling will result in minimal overshadowing of the private open space of the property at No. 2 and will not reduce sunlight access to any of the existing windows.

(a) (iv) The dwelling proposed is not considered to result in detrimental visual impacts to adjoining properties. It will be setback over 10m from the dwelling at No. 5 Trotsford Crescent. It will be setback approximately 2.3m from the dwelling at No. 9 and as the land slopes up to east, the proposed dwelling will almost match the roof level of the existing property to the west (No. 9). Best shown in the north-west elevation below:

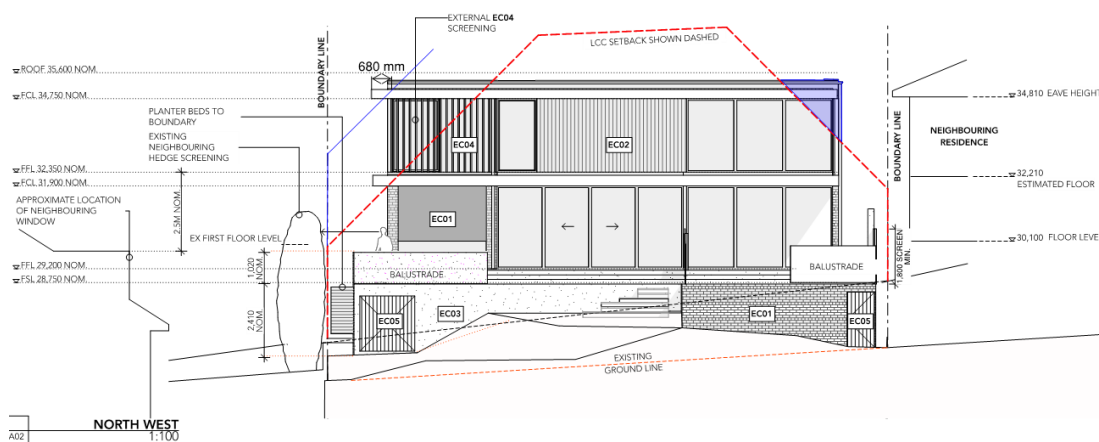


Figure 5
Sections highlighted in blue outside building envelope - estimated by the planning officer

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

- (b) The setbacks proposed to adjoining properties are considered consistent with the existing setbacks provided in the street. Proposed side setbacks vary between 1.3m to 1.5m. There are various examples of side setbacks within this range including No. 9 Tulloch Street with a side setback to the subject site of 1.5m; No. 2 Tulloch Street with a side setback of approximately 1.5m and No. 1 Trotsford Crescent (1m to 1.3m approximately).
- (c) There are no existing solar panels in dwellings adjoining the subject site to the west and south.

10.4.3 Site coverage and private open space for all dwellings

<p>Objective: That dwellings are compatible with the amenity and character of the area and provide:</p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.
<p>Consistent The acceptable solutions are met.</p>
<p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).
<p>Complies A site coverage of 28% is proposed.</p>
<p>A2 A dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is not less than: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.
<p>Complies The proposed dwelling will have an area of private open space of at least 24m², in one location, accessible from living areas, oriented to the north, with a minimum horizontal dimension of 4m and mostly flat. The acceptable solution is met.</p>

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

10.4.6 Privacy for all dwellings

<p>Objective: To provide reasonable opportunity for privacy for dwellings.</p>
<p>Consistent Screening solutions have been proposed for the deck that are considered adequate to minimise direct views into the private open space of the adjoining property. A condition has been included to ensure the windows of bedrooms 1, 2 and 3 are screened to minimise views into adjoining properties.</p>
<p>A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <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>Relies on Performance Criteria The proposed deck to the north, named in plans as <i>entertainment area</i>, will have a finished floor level more than 1m over natural ground level. Alternative screening solutions are proposed, as such, the proposal relies on the performance criteria.</p>
<p>P1 A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <ul style="list-style-type: none"> (a) a dwelling on an adjoining property or its private open space; or (b) another dwelling on the same site or its private open space.
<p>Complies The applicant is proposing vegetation along the eastern boundary to minimise overlooking opportunities into No. 5 Trotsford Crescent. A <i>griselinia littoralis</i>, commonly known as a Broadway mint hedge is proposed to provide screening between the deck and the eastern boundary of the site as seen in the north east elevation (Drawing DA06). This hedge can reach a maximum height of 4m and is to have a minimum planting height of 80cm. A condition has been included to ensure the hedge is adequately maintained and not removed.</p>

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

<p>A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.
<p>Relies on Performance Criteria</p> <p>The upper level of the proposed dwelling will have windows to habitable rooms within 3m of the site boundaries. These are the windows of bedroom 2 and bedroom 3 to the western side boundary and the window to bedroom 1 to the eastern side boundary. Alternative privacy screening is proposed and therefore, reliance on the performance criteria is required.</p>
<p>P2 A window or glazed door, to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> (a) a window or glazed door, to a habitable room of another dwelling; and (b) the private open space of another dwelling.
<p>Complies</p> <p>The applicant is proposing internal shutter screening for all windows at the upper level. The reference for the proposed shutters is <i>Polysatin Plantation Shutters</i> which is not considered sufficient to address the privacy requirements above. A condition has been included to ensure the windows to bedrooms 1, 2 and 3 are screened to minimise views into adjoining properties in accordance with the requirements of Clause 10.4.6 (P2).</p>

10.4.11 Outbuildings, swimming pools and fences

<p>Objective:</p> <p>To ensure that:</p> <ul style="list-style-type: none"> (a) outbuildings, swimming pools and fences: <ul style="list-style-type: none"> (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.
--

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

<p>Consistent All relevant acceptable solutions are met.</p>
<p>A2 A swimming pool must be located: (a) no closer to the primary frontage than the main building; or (b) in the rear yard.</p>
<p>Complies The proposed swimming pool is to be located in the rear yard and no closer to the primary frontage than the main dwelling.</p>
<p>A3 Fences must be no higher than 2.1m on a side or rear boundary adjoining a public reserve.</p>
<p>Not Applicable</p>

10.4.12 Earthworks and retaining walls

<p>Objective: To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p>Consistent The proposed earthworks are required due to the topography of the site and are not considered to result in detrimental amenity impacts to adjoining properties.</p>
<p>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.</p>
<p>Relies on Performance Criteria Cut of approximately 1.2m is required for the construction of the pool. A retaining wall of approximately 2.8m and associated cut is proposed along the south western and south eastern boundaries of the site. Reliance on the performance criteria is required.</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: (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>

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

Complies

The proposed earthworks are required to level the site and minimise the height of the proposed dwelling. The cut and retaining walls are required to level the proposed garage and parking areas and to minimise visual impacts to adjoining properties by reducing the height of the garage to the properties to the south. The earthworks are not considered to result in unreasonable amenity impacts to adjoining lots as they minimise overlooking opportunities, visual bulk and overshadowing. Given the extent of the cut proposed, conditions have been included by the Council's Infrastructure Department to ensure the works are undertaken under the supervision of a suitable professional.

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 relevant acceptable solution is met.

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

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

Complies

Car parking is not proposed within the primary front setback of the dwelling.

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 areas comply with all the relevant acceptable solutions under this Code.

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

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 relevant acceptable solution is met.</p>
<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or (d) be in accordance with an acceptable solution contained within a parking precinct plan.
<p>Complies Dwellings in the General Residential Zone need to provide at least two car parking spaces to meet the requirements of Table E6.1. Three car parking spaces are proposed to be located in the attached garage and the existing car space facing Trotsford Crescent is to be retained. The acceptable solution is met.</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 acceptable solution is met.</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 proposed parking areas will be formed and paved, capable of being drained to the public stormwater system and will have a maximum gradient of a 1:15 (6%).</p>

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

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 acceptable solution is met.</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m above the parking surface level. <p>A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.</p> <p>A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.</p> <p>A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p>
<p>Complies</p> <ul style="list-style-type: none"> (a) Not applicable. (b) The vehicle access over Tulloch Street has a minimum width of 3.6m. The access over Trotsford Crescent is not proposed to be altered. (c) The car parking spaces proposed will have a minimum length of 6.7m and a minimum width of 2.7m in accordance with Table E6.2. The car space facing Trotsford Crescent is existing and does not need to be assessed in this application. (d) The parking areas have ample manoeuvring areas with a minimum width of 8m in accordance with Table E6.3. (e) The garage will have a minimum vertical clearance of approximately 2.3m.

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditions recommended.
Environmental Health	Conditions recommended.
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 27 March to 13 April 2021. Twelve 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 proposed building is at odds with the character of the streetscape and surrounding area.</p>
<p><i>Response 1</i> <i>The Interim Launceston Planning Scheme does not have local area objectives or desired future character statements, accordingly, development is only assessed against the character of the surrounding area when the performance criteria of a relevant standard requires regard to be had to the character of the area and only as long as it relates to the discretion triggered by the proposal. The proposal relies on the performance criteria at Clause 10.4.2 P3 where it is considered, as previously stated in this report, that the proposed setbacks result in separation between dwellings consistent with that existing on established properties in the area.</i></p>
<p>Issue 2 The proposed dwelling will ruin views of houses that overlook the property.</p>
<p><i>Response 2</i> <i>Views from adjoining properties or outlook from a property is not a consideration required by the planning scheme.</i></p>

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

<p>Issue 3 The application does not contain sufficient information (modelling, views from the street) to make an informed decision. Colours and materials have not been provided.</p>
<p><i>Response 3</i> <i>The information provided by the applicant is considered sufficient to make a decision. Elevations of the proposed dwelling have been provided.</i></p>
<p>Issue 4 Traffic and noise concerns during construction, car parking during building stage.</p>
<p><i>Response 4</i> <i>Standard construction conditions have been included setting out hours of construction and amenity of the site and the locality (Condition No.3 and No. 12).</i></p>
<p>Issue 5 Stability of the ground as result of the works, the site is within an area of landslip.</p>
<p><i>Response 5</i> <i>The site is not within a landslide hazard area identified on the planning scheme overlay maps.</i></p>
<p>Issue 6 The owners have not consulted with residents in the street about their intension to demolish the existing dwelling.</p>
<p><i>Response 6</i> <i>The owners are not required to consult with the residents prior to lodging a development application.</i></p>
<p>Issue 7 Removal of trees.</p>
<p><i>Response 7</i> <i>The removal of vegetation is a planning consideration when the site is located within the Scenic Management Area or within the Cataract Gorge Management Area or when the vegetation to be removed is within a priority habitat overlay or part of the heritage significance of a place or precinct. The above are not applicable to the subject site.</i></p>
<p>Issue 8 The footprint proposed is not consistent with the existing footprint of dwellings in the street.</p>
<p><i>Response 8</i> <i>The footprint of the proposed dwelling is relevant for the purposes of assessing site coverage and site permeability against Clause 10.4.3. The proposal results in a site coverage under 50% in accordance with the acceptable solution.</i></p>
<p>Issue 9 Elevations of the existing dwelling have not been provided.</p>
<p><i>Response 9</i> <i>Elevations of the existing dwelling are not considered necessary as it is proposed to be demolished.</i></p>

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(Cont'd)

<p>Issue 10 The applicant has not provided justification as to why the fences are to be removed.</p>
<p><i>Response 10</i> <i>As the site is not heritage listed the applicant is not required to provide justification for the demolition aspect of the development application.</i></p>
<p>Issue 11 Heritage values of the property have not been considered. The proposed dwelling is at odds with the heritage places in the street. The existing 1931 dwelling was designed by Colin Philip, regarded as one of the most significant Tasmanian architects. Under Schedule 1, Part 2, Objective (g) of the <i>Land Use Planning and Approvals Act 1995</i>, a planning authority must: '<i>conserve those buildings, areas or other places which are of scientific aesthetic, architectural or historical interest, or otherwise of special cultural value.</i>'</p>
<p><i>Response 11</i> <i>The property is not listed on the Tasmanian Heritage Register or as a Local Heritage Place in Table E13.2 of the Planning Scheme. It has not been proposed for listing as part of the Launceston Heritage Study either individually or as part of a heritage precinct.</i></p> <p><i>It was not identified as being of interest as part of the 'Twentieth Century Architecture in Launceston' publication and is not known to have been nominated for any level of protection with any regulating body. For this reason, the heritage provisions of the Scheme do not apply.</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 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ...(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 proposal

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 - 7 Trotsford Crescent, Newstead (*electronically distributed*)
 2. Plans to be Endorsed - 7 Trotsford Crescent, Newstead (*electronically distributed*)
 3. Representations - 7 Trotsford Crescent, Newstead (*electronically distributed*)
-

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter)**FILE NO:** DA0054/2021**AUTHOR:** Doug Fotheringham - Consultant 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:	Ireneinc Planning on behalf of the University of Tasmania
Property:	2 Invermay Road, Invermay
Zoning:	Particular Purpose 4 - Inveresk Site
Receipt Date:	9/02/2021
Validity Date:	16/02/2021
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	Extension to 06/05/2021
Representations:	Five

PREVIOUS COUNCIL CONSIDERATION:

Council - 17 October 2019 - Agenda Item 9.1 - 2-4 Invermay Road, Invermay - Educational and Occasional Care - Construction of a New Building Including Demolition

Council - 3 September 2020 - Agenda Item 9.1 - 2-4 Invermay Road, Invermay - Vehicle Parking -- Extension of Existing Car Park

Council - 12 November 2020 - Agenda Item 9.1 - 2 and 7 Willis Street, 78 and 80 Cimitiere Street, Launceston - Educational and Occasional Care, Vehicle Parking, Passive recreation. Demolition and Subdivision - Construction of Tertiary Education Facility, Associated Works and Consolidation of Three Lots

Council - 12 November 2020 - Agenda Item 9.2 - 2-4 Invermay Road, Invermay - Launceston - Educational and Occasional Care and Demolition - Construction of Tertiary Education Facility, Associated Works Including Infrastructure and Landscaping, Demolition of Building, Removal of Vegetation and Removal of Car Park

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

Council - 28 January 2021 - 9.1 - Agenda Item 2-4 Invermay Road, Invermay - Education and Occasional Care, Alterations and Additions to a Building

DA0883/2020 - Alterations and Extensions to the School of Architecture and Design Building (to facilitate the relocation of the Creative Arts and Media School from the nearby Stone building), approved under delegated powers March 2021

Council - 25 March 2021 - Agenda Item 9.1 - 2 Invermay Road and 6 Barnards Way, Invermay - Education and Occasional Care - Landscaping Works. Associated Infrastructure Including Two Outbuildings, a Steel Structure, Water Tanks; Recreational Area - Playing Courts; Removal of Parking Spaces and Trees

Council - 25 March 2021 - Agenda Item 9.2 - Invermay Road, Invermay - Residential - Student Accommodation and Associated Landscaping Works

Council - 25 March 2021 - Agenda Item 2 9.3 - 2 Invermay Road, Invermay - Educational and Occasional Care - Internal Refurbishment and Alterations to the Existing Stone Building

Council - 8 April 2021 - Agenda Item 9.1 - 2 Invermay Road, Invermay - Education and Occasional Care - Tree Removal, Landscaping and Development of Service Vehicle Access, Cycling and Pedestrian Infrastructure

STANDARDS REQUIRING COUNCIL DISCRETION

Standard	Reason
35.3.2 Noise levels P1	Application does not demonstrate compliance with A1
35.4.1 Building height	No Acceptable Solution
E2.5.1 Suitability for intended use P1	Preliminary Site Investigation report demonstrates compliance with P1(c)
E2.6.2 Excavation P1	Preliminary Site Investigation report demonstrates compliance with P1(c)
E6.5.1 Car parking numbers P1.1	No additional spaces are proposed
E6.5.2 Bicycle parking numbers P1	No additional spaces are proposed
E6.5.3 Taxi spaces P1	No additional spaces are proposed
E6.5.4 Motorcycle parking P1	No additional spaces are proposed
E6.5.5 Loading bays P1	A1 is not applicable
E13.6.4 Site coverage	No Acceptable Solution
E13.6.5 Height and bulk of buildings	No Acceptable Solution
E13.6.6 Site of buildings and structure	No Acceptable Solution

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

E13.6.8 Roof form and materials	No Acceptable Solution
E13.6.9 Wall materials	No Acceptable Solution
E13.6.10 Outbuildings and structures	Application does not demonstrate compliance with A1
E13.6.12 Tree and vegetation removal P1	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 Passive Recreation - Construction of a minor structure (retrospective shelter), 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/Manager City Development unless modified by a condition of the Permit:

- a. Site Plan, prepared by pulpstudio, Drawing No. A102, UTAS Shelter Pavilion, Project Number 2101, 06/03/2021.
- b. Floor + Framing Plan, prepared by pulpstudio, Drawing No. A103, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- c. Footing Plan, prepared by pulpstudio, Drawing No. A104, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- d. Roof + Framing Plan, prepared by pulpstudio, Drawing No. A105, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- e. South and West Elevation, prepared by pulpstudio, Drawing No. A201, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- f. North and East Elevation, prepared by pulpstudio, Drawing No. A202, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- g. Section A-A, prepared by pulpstudio, Drawing No. A102, UTAS Shelter Pavilion, Project Number A301, 06/03/2021.
- h. Roof and Footing Detail, prepared by pulpstudio, Drawing No. A401, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.

2. 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.

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0054/2020. 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 development 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>>

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(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.

E. Potentially Contaminated Site

There is a current potentially contaminated site alert for this property. The proposed change of use does not require any further investigation at this time however if the use of this site changes to a more sensitive use eg. residential premises or the site is significantly developed (disturbance of more than 1m² of land) then an Environmental Site Assessment in accordance with the requirements of Environmental Management and Pollution Control Act 1994 will be required by council prior to further approvals being granted.

REPORT:**1. THE PROPOSAL**

The University of Tasmania (UTAS) has submitted a retrospective planning permit application for a minor shelter structure within the in Invermay. The shelter has been designed by students as part of a learning unit administered by the School of Architecture and Design and has been constructed on the site shown in the plans.

The shelter was constructed onsite in accordance with the submitted plans prior to approval be could granted because the structure is part of an academic program which does not provide timelines for approval. Should the application not be approved permanently, it can be removed from the site.

The purpose of the structure is to provide shelter and respite for people who use the Inveresk Site. It is a non-habitable building. The shelter is classified as passive recreation under the Launceston Interim Planning Scheme 2015. It is anticipated that the shelter will be used by onsite workers, University staff/students and occasional site visitors who will be walking between main part of the Inveresk Site and the new Roundhouse Car Park.

The structure is approximately 18m² and 3.69m high, located adjacent the tramlines in an open area between UTAS Stadium and the new Roundhouse Car Park. A relatively small area of grass has been removed to make way for the shelter, which has been underpinned with a mega anchor footing system. A small area of gravel has been laid around the structure.

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The Inveresk Site is located between Invermay Road, Forster Street, and the North Esk River. The site contains UTAS Stadium and Inveresk Campus, QVMAG buildings, Invermay Bowls and Community Club, Elizabeth Gardens, the Inveresk Railway Turntable and Roundhouse Launceston Big Picture School and the Roundhouse Pavilion. The site also houses three heritage places listed with the Tasmanian Heritage Register, including the York Park Entrance Gates, the Invermay Park Northern Stand and the Launceston Railway Station complex.

The shelter is located adjacent the tramlines in an open area between the UTAS Stadium and the new Roundhouse Car Park. As the shelter is a relatively benign land use, it does not require to be serviced by vehicular access, parking, reticulated sewer, water or electricity.

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 with purpose</p> <p>Given its location, the shelter does not conflict with statements 35.1.1.1 or 35.1.1.2 and is consistent with statement 35.1.1.3.</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 shelter is located in the Open Space Precinct, the objectives of which are:</p> <ol style="list-style-type: none"> 1. to provide an open space and recreational use area linking the existing York Park and Invermay Park to the North Esk River; and 2. 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>Consistent with objectives</p> <p>Given the location, small size and intended use of the structure for the purposes of passive recreation, the shelter:</p> <ul style="list-style-type: none"> - Will not conflict with objective 1; - Is consistent with objective 2's intention to retain the area for public use.
<p>Desired Future Character Statements</p> <p>There are no desired future character statements</p>

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

35.3 Use Standards

35.3.1 Hours of operation

Not applicable

The shelter will not be serviced by commercial vehicles.

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.

P1 Noise levels from use on the site must not unreasonably impact on the amenity of nearby sensitive uses having regard to:

- (a) the nature and intensity of the use;
- (b) the characteristics of the noise emitted;
- (c) the topography of the site;
- (d) the separation between the noise emission and the sensitive use;
- (e) the degree of screening between the noise source and adjoining sensitive uses; and
- (f) the characteristics of the surrounding area.

Complies with P1

The application was referred to the Council's Environmental Health Services team with no objections received. The shelter complies with P1 for the following reasons:

- (a) the shelter is a relatively benign land use, which will not generate significant levels of noise;
- (b) occasionally low levels of noise will be emitted by people using the shelter;
- (c) the site's existing flat topography will be maintained;
- (d) due to its location, there are no sensitive uses within 200m of the shelter;
- (e) various buildings within the Inveresk Site will provide some screening between the shelter and some adjoining sensitive uses, but the intended use and significant separation distances will mitigate noise impacts; and
- (f) the surrounding area is a developing university campus.

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.

P1 The height of buildings must be compatible with surrounding development, having regard to:

- (a) consistency with the local area objectives;
- (b) the topography of the site;
- (c) the height of buildings on the site, adjoining lots and adjacent lots;
- (d) the bulk and form of existing and proposed buildings;
- (e) the apparent height when viewed from roads and public places; and
- (f) any overshadowing of adjoining lots or public places.

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

Complies with P1

The proposed maximum building height is 3.69m and complies with P1 for the following reasons:

- (a) the shelter is consistent with the applicable Local Area Objectives, as demonstrated above in this report;
- (b) the site is flat and no fill is required, which will help minimise the height;
- (c) the height of the shelter is lower than all significant buildings in the Inveresk Site and adjoining lots;
- (d) the bulk and form of the shelter is minimal and subservient to all other buildings onsite;
- (e) due to the location of the shelter and its actual height, its apparent height when viewed from adjoining roads or public spaces will be insignificant; and
- (f) the shelter has no significant overshadowing impacts.

35.4.2 Location of car parking

Objective:

To ensure that car parking is compatible with the character of the local area precinct.

Not applicable

The application does not propose car parking.

35.4.3 Active ground floors

Objective:

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

A1 New buildings with non-residential uses on ground floors must:

- (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.

Complies with A1(c)

The shelter has no mechanical plant or equipment. As the shelter does not face roads, malls, laneways or arcades, A1(a)(b) and (d) are not applicable.

P2 Not applicable

No alterations to existing buildings are proposed.

35.4.4 Lot size and dimensions

Objective:

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

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

Not applicable
The application does not propose subdivision.

35.4.5 Frontage and access

Objective:
To ensure that lots provide:
(a) appropriate frontage to a road; and
(b) safe appropriate access suitable for the intended use of the new lot.

Not applicable
The application does not propose subdivision.

35.4.6 Discharge of stormwater

Objective:
To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.

Not applicable
The application does not propose subdivision.

35.4.7 Water and sewerage services

Objective:
To ensure each lot provides for appropriate water supply and wastewater disposal.

Not applicable
The application does not propose subdivision.

E2.0 Potentially Contaminated Land Code

E2.1 The purpose of this provision is to ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

Consistent with purpose
The applicant's covering letter indicates that less than 1m² of soil may not have been removed. However, the shelter has been constructed in accordance with the submitted plans and is underpinned with a mega anchor footing system, with gravel being laid around the structure. Given this, it is likely that more than 1m² of soil was removed, and as such the development is not exempt from this Code.

As demonstrated below, the application is considered to comply with the applicable requirements of Clauses E2.5.1 and E2.6.2 below, so is consistent with the purpose of this Code.

The application was reviewed by the Council's Environmental Health team, which has no objections in principle to the shelter's use or development.

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

E2.5.1 Suitability for intended use

Objective:

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

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

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

Complies with P1(c)

The submitted Preliminary Site Investigation states that the development area is suitable for future recreational land use, excluding the construction of habitable buildings. As the shelter is a non-habitable building to be used for the purposes of passive recreation, the land is suitable for its intended use.

E2.6.2 Excavation

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

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

Complies with P1(c)

The submitted Preliminary Site Investigation report recommends certain management measures to ensure compliance with P1(c) and states that the land is suitable for its intended use. The applicant has advised that the development has been carried out in accordance with these measures.

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

E4.0 Road and Railway Assets Code

E4.2.1 This Code applies to use or development of land:

- (a) that will require a new vehicle crossing, junction or level crossing; or
- (b) that intensifies the use of an existing access; or
- (c) that involves a sensitive use, a building, works or subdivision within 50m of a Utilities zone that is part of:
 - (i) a rail network;
 - (ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h.

Code is not applicable

The shelter:

- (a) does not require a new vehicle crossing, junction or level crossing;
- (b) does not intensify the use of an existing access because it will serve site users who will be attracted to the Inveresk Site for reasons other than visiting the shelter, eg. onsite workers, University staff/students and occasional site visitors; and
- (c) does not involve a sensitive use, a building, works or subdivision within 50m of a Utilities zone.

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 with purpose

This Code applies to all land use and development proposals. The application complies with the applicable standards below.

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

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

- (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 shelter.

Complies with P1.1

No additional car parking spaces are proposed because the shelter will serve existing and recently approved buildings without generating additional demand for car parking. The shelter complies with P1.1. for the following reasons:

- (a) the Main Car Park and the Roundhouse Car Park are within walking distance of the shelter;
- (b) the shelter will not compromise the multiple users of the Inveresk Site's existing and developing parking areas;
- (c) Metro and the Tiger Bus operate public transport services to the area within reasonable walking distance of the shelter;
- (d) the shelter will not result in site constraints that restrict the use of existing parking arrangements;
- (e) the shelter does not propose or require on-road parking;
- (f) as mentioned above the shelter will not result in an increase in parking demand because it will serve existing and approved buildings;
- (g) as it will be confined to the Inveresk Site, the shelter will have no effect on the streetscape of local roads; and
- (h) as there will be no increase in numbers of onsite workers, university staff/students or occasional site visitors across the Inveresk Site, as a result of the shelter, a traffic impact assessment is not required for this application.

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

Complies with A2

One accessible space is required for every new 100 car parking spaces. As the shelter will be not increase the number of car parking spaces, there is no need to provide additional accessible spaces.

E6.5.2 Bicycle parking numbers

Objective:

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

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the likely number and characteristics of users of the site and their opportunities and likely need to travel by bicycle; (b) the location of the site and the likely distance a cyclist needs to travel to reach the site; and (c) the availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.
<p>Complies with P1 The shelter will serve existing and approved buildings and will not result in an increase on the demand for bicycle parking.</p>

E6.5.3 Taxi spaces

<p>Objective: To ensure that access for taxis is provided to meet the needs of the use.</p>
<p>P1 Taxi parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (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.
<p>Complies with P1 The shelter will serve existing and approved buildings and will not result in an increase on the demand for taxi spaces.</p>

E6.5.4 Motorcycle parking

<p>Objective: To ensure that motorcycle parking is provided to meet the needs of the use.</p>
<p>P1 Motorcycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (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.
<p>Complies with P1 The shelter will serve existing and approved buildings and will not result in an increase on the demand for motorcycle spaces.</p>

E6.5.5 Loading bays

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

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

<p>P1 Adequate space for loading and unloading must be provided, having regard to:</p> <ul style="list-style-type: none"> (a) the types of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the location of the site; (e) the nature of traffic in the surrounding area; (f) the area and dimensions of the site; and (g) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.
<p>Complies with P1 No new loading bays are proposed and access to existing loading bays across the Inveresk Precinct Site will be maintained.</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>Not applicable No new parking areas are proposed or required.</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>Not applicable No new parking areas are proposed or required.</p>

E6.6.3 Pedestrian access

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

E6.6.4 Loading bays

<p>Objective: To ensure adequate access for goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</p>
<p>Not applicable No new loading bays are proposed or required.</p>

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

E6.6.5 Bicycle facilities

Objective:

To ensure that cyclists are provided with adequate facilities.

Not applicable

No bicycle end of trip 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 end of trip facilities are proposed or required.

E9.0 Water Quality Code

E9.2 Application of this Code

E9.2.1

This Code applies to use or development of land:

- (a) within a wetland or watercourse; or
- (b) located within 30m of a wetland or watercourse; or
- (c) which discharges stormwater or wastewater to land within 30m of a watercourse or wetland.

Not applicable

The shelter is located approximately 75m from the North Esk River.

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 with purpose

The Invermay Site is listed as a heritage place under Table E13.2.5 Invermay. The shelter complies with the applicable standards below. The Council's Place Making team has no objections in principle to the application being approved and the Tasmanian Heritage Council has issued a Notice of No Interest.

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

E13.5 Use Standards

There are no use standards in this Code.

E13.6 Development Standards

E13.6.1 Demolition

Not applicable

No buildings or structures will be demolished. The tram tracks will be retained.

E13.6.2 Maintenance and repair

Not applicable

The application does not propose maintenance or repair of heritage buildings.

E13.6.3 Lot size and dimensions and frontage

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

This complies with P1 for the following reasons:

- (a) The site is flat and has accommodated the increase in site cover without the need for significant excavations or fill;
- (b) Due to its location the shelter has no adverse impacts on the heritage values of the Inveresk Site;
- (c) The proposed increase in site cover represents a relatively minor increase in overall site cover across the Inveresk Site, and compares favourably with the site cover and layout of other buildings onsite; and
- (d) The existing pattern of development in the surrounding area will be largely maintained.

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.

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

<p>P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the character and appearance of the existing building or place; (c) the height and bulk of other buildings in the surrounding area; (d) the historic cultural heritage significance of adjacent places; and (e) the streetscape.
<p>Complies with P1 The maximum height of the shelter is 3.69m. The shelter complies with P1 for the following reasons:</p> <ul style="list-style-type: none"> (a) due to its location and relatively low height, the shelter has no adverse impacts on the cultural heritage values of the wider Inveresk Site or its setting; (b) the shelter is an attractive design, which will help maintain and improve the character and appearance of the Inveresk Site; (c) the shelter is lower than all other significant buildings in the Inveresk Site; (d) due its location and relatively low height, the shelter will not affect the historic cultural heritage significance of other heritage places (ie. places outside the Inveresk Site); and (e) the streetscape of nearby roads will not be impacted by the development.

E13.6.6 Site of buildings and structure

<p>Objective: To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the topography of the site; (c) the size, shape, and orientation of the lot; (d) the setbacks of other buildings in the surrounding area; (e) the historic cultural heritage significance of adjacent places; and (f) the streetscape.
<p>Complies with P1 As the shelter is not located near a boundary, it complies with P1.</p>

E13.6.7 Fences

<p>Not applicable The application does not propose new fences.</p>
--

E13.6.8 Roof form and materials

<p>Objective: To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

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

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

Complies with P1
 The shelter complies with P1 for the following reasons:

- (a) the roof form is sloping and *zincalume* coloured blue/grey, which will complement existing roof forms in the Inveresk Site;
- (b) dominated by buildings which feature a range of roof forms including pitched, flat and saw tooth roof forms, and iron is the dominant roofing material on the site;
- (c) the proposed *zincalume* coloured blue/grey is similar other roofs in the Inveresk Site; and
- (d) the streetscape of nearby roads will not be impacted by the development.

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
 The wall materials of the shelter are a mixture of soft and hard woods, painted and oiled, and comply with P1 for the following reasons:

- (a) due to its location and design, the shelter has no adverse impacts on the heritage values of the Inveresk Site;
- (b) the design of the proposed development reflects the Inveresk Site's industrial nature;
- (c) the dominant wall materials are wood; and
- (d) the streetscape of nearby roads will not be impacted by the development.

E13.6.10 Outbuildings and structures

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

P1 Outbuildings 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 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

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

<p>(f) the visibility of the outbuilding or structure from any road, public park or reserve.</p> <p>Complies with P1 The shelter complies with P1 for the following reasons:</p> <ul style="list-style-type: none"> (a) due to its location and relatively low height, the shelter has no adverse impacts on the cultural heritage values of the wider Inveresk Site or its setting; (b) the shelter will not affect any infrastructure services; (c) almost all other buildings onsite are much larger than the shelter; (d) the shelter is a relatively small structure that will not affect any buildings on the site; (e) the external materials, finishes and decoration of the shelter are considered acceptable; and (f) the shelter will be difficult to see from public roads and is a relatively minor development when viewed from public areas within the Inveresk Site.
--

E13.6.11 Driveways and parking

<p>Not applicable The application does not propose any new driveways or car parking.</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>P1 The removal, destruction or lopping of trees or the removal of vegetation must not unreasonably impact on the historic cultural heritage significance of a local heritage 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 age and condition of the tree or vegetation; (c) the size and form of the tree or vegetation; (d) the importance of the tree or vegetation to the historic cultural heritage significance of a local heritage place or its setting; and (e) whether the tree or vegetation is located within a garden that is listed as a local heritage place.
<p>Complies with P1 A small area of grass has been removed. The Council's Place Making team has reviewed the application and recommended consent with conditions. The Tasmanian Heritage Council also reviewed the application and has issued a Notice of No Interest.</p> <p>The removal of the grass complies with P1 for the following reasons:</p> <ul style="list-style-type: none"> (a) The removal of the grass is of very little heritage value; (b) The age and condition of the removed grass is not a significant heritage matter; (c) only a small area of grass was removed; (d) The removed grass was of very little heritage value; and

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

(e) The removed grass was not located within an identified 'garden' that is listed as a heritage place.

E13.6.13 Signage

Objective:

To ensure that signage is compatible with the historic cultural heritage significance of local heritage places and their settings.

Not applicable

The application does not propose any signage.

E16.0 Invermay/Inveresk Flood Inundation Area Code

E16.4 Use or Development exempt from this Code

E16.4.1 The following use or development is exempt from this Code:

(a) non-habitable buildings.

Development is Exempt

The application does not propose any buildings.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Not applicable.
Environmental Health	Conditions recommended in relation to amenity - commercial/industrial use waste materials.
Place Making Team	No conditions recommended
EXTERNAL	
Tas Heritage Council	Issued a Notice of No Interest.

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 13 February to 1 March 2021. Five representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report

Issue 1

The shelter was constructed onsite after the permit application had been submitted and that the applicant's covering letter states that the final design being yet to be decided upon.

Response 1

The shelter was constructed onsite after the permit application had been submitted and before public advertising. Before advertising the application, a revised permit application

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

<p><i>form was submitted which made it clear that retrospective approval is being sought. Accordingly, the application was advertised as being retrospective. There is enough information in the applicants covering letter to enable people to understand that the application was retrospective, and along with the submitted plans, the application contains enough information for the public and Council (as the Planning Authority) to understand the impacts of the development.</i></p>
<p>Issue 2 Concerns regarding potential contamination of the site.</p>
<p><i>Response 2</i> <i>The application was reviewed by the Council's Environmental Health team, which has no objections in principle to the shelter's use or development. A Preliminary Site Investigation report was submitted with the application, which states that the land is suitable for its intended use and contains recommendations relating to soil management, to ensure compliance with the Potentially Contaminated Land Code. The applicant has advised that the development has been carried out in accordance with these recommendations.</i></p>
<p>Issue 3 Concern that the applications does not reference the Council's or UTAS' various policies.</p>
<p><i>Response 3</i> <i>Under the planning scheme, the planning authority may only consider matters which are relevant to this particular permit application. These matters are identified under the applicable provisions for this application. The Council's and UTAS' various policies are not identified under the applicable provisions of the scheme, are not relevant matters and cannot be considered by the Planning Authority when determining the application.</i></p>
<p>Issue 4 Concern over the application's reference to the development 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 4</i> <i>Under the planning scheme, the Urban Design Framework is not a relevant matter and cannot be considered by the planning authority.</i></p>
<p>Issue 5 Concern that the shelter will increase flood risk in the area.</p>
<p><i>Response 5</i> <i>As the shelter is a non-habitable building, it is exempt under Clause E16.4 Use of the Invermay/Inveresk Flood Inundation Area Code. Therefore, Issue 4 is not a relevant matter and cannot be considered by the planning authority.</i></p>

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

<p>Issue 6 Concerns regarding the overall development of the Inveresk Site as a University Campus.</p>
<p><i>Response 6</i> The overall development of the Inveresk Site as a University Campus is not proposed as part of this permit application, which means it is not a relevant matter and cannot be considered by the planning authority when determining this application. Only the use and development contained within the current planning application may be considered by the planning authority, under the applicable provisions of the planning scheme.</p>
<p>Issue 7 Concern over traffic management.</p>
<p><i>Response 7</i> Traffic management is considered under the planning scheme's Road and Railway Assets Code. As demonstrated above in this report, the shelter is exempt from this Code because it:</p> <ul style="list-style-type: none"> (a) does not require a new vehicle crossing, junction or level crossing; (b) does not intensify the use of an existing access because it will serve site users who will be attracted to the Inveresk Site for reasons other than visiting the shelter, eg. onsite workers, University staff/students and occasional site visitors; and (c) does not involve a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone.
<p>Issue 8 Concern that this permit application is being assessed by a planning consultant from the company pitt&sherry, due to the application relying on information prepared by pitt&sherry.</p>
<p><i>Response 8</i> This planning permit application does not include any information prepared by pitt&sherry. Given this, the planning consultant has no conflict of interest regarding the application.</p>
<p>Issue 9 Concern that the shelter is an inadequate replacement for the agricultural show, markets and other activities.</p>
<p><i>Response 9</i> The shelter is not a replacement use but can be used by various Inveresk Site users, including onsite workers, University staff/students and occasional site visitors.</p>
<p>Issue 10 Concern that the applications states that the river can be viewed from the shelter, when it is difficult to see the river from this position.</p>
<p><i>Response 10</i> Under the applicable provisions of the planning scheme, there is no requirement for the shelter to provide views to the river.</p>

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(Cont'd)

<p>Issue 11 Concern over the Council's and UTAS' financial reports and the financial implications of various development approvals for the Inveresk Site.</p>
<p><i>Response 11</i> <i>With regard to the permit application for the shelter, Issue 11 is not a relevant matter under the applicable provisions of the planning scheme and cannot be considered by the planning authority when determining the application.</i></p>
<p>Issue 12 Request for Council to consider the content of a Tasfintalk blog.</p>
<p><i>Response 12</i> <i>As the content of this blog does not relate to the permit application or applicable provisions of the planning scheme, it is not a relevant matter and cannot be considered by the planning authority when determining the application.</i></p>
<p>Issue 13 Concern that the applicants have not considered that the land belonged to the Citizens of Launceston, the residents and ratepayers.</p>
<p><i>Response 13</i> <i>The submitted application correctly identifies the Council as the landowner and the Council's General Manager provided the application with written consent 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.</i></p>

6. CONCLUSION

Subject to the recommended conditions, it is considered that the shelter 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 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ...(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 planning consultant 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*)
-

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings**FILE NO:** DA0043/2021**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:	Adams Building Design
Property:	22 Lantana Avenue, Newstead
Zoning:	General Residential
Receipt Date:	3/02/2021
Validity Date:	17/03/2021
Further Information Request:	18/02/2021
Further Information Received:	17/03/2021
Deemed Approval:	06/05/2021
Representations:	Three

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.2 Setbacks and building envelope for all dwellings
10.4.4 Sunlight and overshadowing for all dwellings
10.4.8 Waste storage for multiple dwellings
E4.6.2 Road accesses and junctions
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 DA0043/2021 Residential - Construction of two additional dwellings at 22 Lantana Avenue, Newstead subject to the following conditions:

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, Prepared by Adams Building Design, Project No. 050720, Drawing No. 1/20, Revision No. 6, Dated 19/02/2021.
- b. Govt. Infrastructure Details, Prepared by Adams Building Design, Project No. 050720, Drawing No. 2/20, Revision No. 6, Dated 19/02/2021.
- c. Site Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 3/20, Revision No. 6, Dated 19/02/2021.
- d. Plant Schedule, Prepared by Adams Building Design, Project No. 050720, Drawing No. 4/20, Revision No. 6, Dated 19/02/2021.
- e. Site/Drainage Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 5/20, Revision No. 6, Dated 19/02/2021.
- f. Townhouse 1 - Floor Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 6/20, Revision No. 6, Dated 19/02/2021
- g. Townhouse 2 - Floor Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 7/20, Revision No. 6, Dated 19/02/2021.
- h. Townhouse 1 - South West and South East Elevation, Prepared by Adams Building Design, Project No. 050720, Drawing No. 8/20, Revision No. 6, Dated 19/02/2021.
- i. Townhouse 1 - North West and North East Elevation, Prepared by Adams Building Design, Project No. 050720, Drawing No. 9/20, Revision No. 6, Dated 19/02/2021.
- j. Townhouse 2 - North West and North East Elevation, Prepared by Adams Building Design, Project No. 050720, Drawing No. 10/20, Revision No. 6, Dated 19/02/2021.
- k. Townhouse 2 - South West and South East Elevation, Prepared by Adams Building Design, Project No. 050720, Drawing No. 11/20, Revision No. 6, Dated 19/02/2021.
- l. 3D Floor Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 12/20, Revision No. 6, Dated 19/02/2021.
- m. 3D Views, Prepared by Adams Building Design, Project No. 050720, Drawing No. 13/20, Revision No. 6, Dated 19/02/2021.
- n. Sun shade Diagram 9am & 10am, Prepared by Adams Building Design, Project No. 050720, Drawing No. 14/20, Revision No. 6, Dated 19/02/2021.
- o. Sun shade Diagram 11am & 12noon, Prepared by Adams Building Design, Project No. 050720, Drawing No. 15/20, Revision No. 6, Dated 19/02/2021.
- p. Sun shade Diagram 1pm & 2pm, Prepared by Adams Building Design, Project No. 050720, Drawing No. 16/20, Revision No. 6, Dated 19/02/2021.
- q. Sun shade Diagram 3pm, Prepared by Adams Building Design, Project No. 050720, Drawing No. 17/20, Revision No. 6, Dated 19/02/2021.
- r. Section C, Prepared by Adams Building Design, Project No. 050720, Drawing No. 16/20, Revision No. 6, Dated 19/02/2021.

2. LEGAL TITLE

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

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

3. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/00167-LCC 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

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.

6. 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.

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.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(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.

9. SINGLE STORMWATER CONNECTION

One stormwater connection only is permitted for this development.

10. 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.

11. 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 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.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

12. SOIL AND WATER MANAGEMENT PLAN

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

13. 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.

14. 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 DA0043/2021. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(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.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

F. Street addresses for Multiple Dwellings

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

<i>Dwelling No</i>	<i>Strata Lot No.</i>	<i>Street Address</i>
<i>1 Townhouse #3 (existing)</i>	<i>1</i>	<i>1/22 Lantana Avenue</i>
<i>2 Townhouse #1 (new)</i>	<i>2</i>	<i>2/22 Lantana Avenue</i>
<i>3 Townhouse #2 (new)</i>	<i>3</i>	<i>3/22 Lantana Avenue</i>

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

REPORT:

1. THE PROPOSAL

The proposal is for the construction of two additional dwellings in association with an existing single dwelling on a double residential lot. The site of the proposed development consists of two titles that will operate as an adhered title subsequent to the strata titling of the site. The proposed dwellings will each be single storey, with a predominantly gable roof and a maximum height of 5m. The dwellings will consist of three bedrooms, one with an ensuite and built in robe, a bathroom, a toilet, a laundry, an open plan living room, dining room and kitchen, an alfresco dining area and double car garage.

The proposal also includes the construction of a front fence for the dwelling adjoining the street, storage sheds, letterboxes and clotheslines for each of the proposed dwellings and the construction of two additional crossovers to Lantana Avenue. In addition, there is some landscaping proposed, including some paving and the planting of vegetation.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	22 Lantana Avenue, Newstead
Zone	10.0 General Residential.
Size	1,736m ² (868m ² per lot)
Access	Existing, direct access from Lantana Avenue.
Shape	Regular rectangle.
Slope	Varied with an average slope of approximately 5% rising to the south east.
Existing structures	Single dwelling with associated outbuilding.
Connection to services	Connected to reticulated services.
Surrounding land	10.0 General Residential surrounding the site 11.0 Inner Residential further to the south east 17.0 Community Purpose further to the south east Approximately 250m south west from Penquite Road.
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 proposed use and development is for multiple dwellings, which is a permitted use in the zone. As such, the proposal is consistent with the purpose of the zone.</p>

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

<p>Objective: To provide for suburban densities for multiple dwellings that:</p> <ul style="list-style-type: none"> (a) make efficient use of suburban land for housing; and (b) optimise the use of infrastructure and community services.
<p>Consistent The proposed development would result in a suburban density that makes efficient use of existing suburban land, infrastructure and community services.</p>
<p>A1 Multiple dwellings must have a site area per dwelling of not less than:</p> <ul style="list-style-type: none"> (a) 325m² 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.
<p>Complies The site of the proposed development is comprised of two lots which both have areas of 868m² and have a combined area of 1,736m². The proposal is for three dwellings which results in a site area per dwelling of 578.67m². As such, the proposal complies with the acceptable solution.</p>

10.4.2 Setbacks and building envelope for all dwellings

<p>Objective: To control the siting and scale of dwellings to:</p> <ul style="list-style-type: none"> (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.
<p>Consistent The siting and scale of the proposed dwelling provides for reasonably consistent dwelling separation and apparent scale, bulk, massing and proportion. The separation between dwellings will allow for solar access to the private open space and habitable rooms of adjoining dwellings.</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

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

- (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.

Complies

The proposed townhouse 1 will be set back from Lantana Avenue by 3.1m at the closest point. The setback of the existing dwelling is 1.86m at the closest point. As such the proposal is not less than the existing frontage setback on the site and the proposal complies with the acceptable solution.

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.

Relies on Performance Criteria

The proposed garage of townhouse 1 is set back from the frontage by 3.23m and is not set back from the frontage by 1m more than the façade of the dwelling. As such, the proposal relies on performance criteria.

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.

Complies

The proposed garage of townhouse 1 is set back from the primary frontage by more than the existing carport on the site. The proposed garage is considered compatible, or broadly in harmony with, the existing carport. It is behind the existing carport and is not dominant in the immediate section of the Lantana Avenue streetscape. There is one other example of a carport or garage with a reduced setback in the street, which is the carport of 54 Penquite Road, which is built to the Lantana Avenue frontage. These carports are both built in close proximity to the Lantana Avenue frontage and are both wider and more prominent in the streetscape than the proposed garage.

The proposed garage of townhouse 1 forms part of the dwelling façade, and is set back at approximately the same distance as the remainder of the façade. This is common along Lantana Avenue, particularly with garages that are below other elements of the dwelling. The garage is compatible with the existing carports and garages in the street as the visual impact is minimal, particularly when compared to the existing carport on the site. There are no substantial topographical constraints on the site or in the area. The proposal is assessed as complying with the performance criteria.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

<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 (b) only have a setback within 1.5m of a side boundary if the dwelling: <ul style="list-style-type: none"> (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>Relies on Performance Criteria</p> <p>The proposed townhouse 1 is set back from the south western side boundary by 285mm at the closest point. The maximum height of townhouse 1 is 5m and the height of the wall closest to the boundary is 3.35m. This results in approximately 65mm of the garage wall extending beyond the building envelope.</p> <p>The proposed townhouse 2 is set back from the south western side boundary by 1.36m at the closest point and the rear boundary by 3.15m. The maximum height of townhouse 2 is 5m at the highest point of the garage skillion roof. The highest point along the side boundary is the gable peak of the dwelling, which has a height of approximately 4.8m. This results in approximately 440mm of the peak of the roof extending beyond the building envelope.</p> <p>The length of the walls of townhouse 1 and 2 that are within 1.5m of the south western side boundary is approximately 34m. Due to the length of walls in close proximity to the boundary and the height of the walls in close proximity to the boundary the proposal relies on 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.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)**Complies**

The proposed development will not cause an unreasonable loss of amenity to adjoining dwellings. There is some reduction in sunlight to the adjoining dwellings at 9 Rintala Street and 26 Lantana Avenue, however this is not considered to be unreasonable.

The shadow diagrams provided show that by 11am on the shortest day of the year there is no overshadowing of windows of the adjoining dwellings. The proposal ensures that the habitable room windows of the adjoining dwellings will receive over three hours of sunlight on 21 June.

The shadow diagrams show that at 12pm on 21 June there will still be minor overshadowing of the side private open space of 26 Lantana Avenue and overshadowing of a vehicle manoeuvring area of 9 Rintala Street. The private open space of 3/9 Rintala Street will be entirely free from overshadowing by 12pm. The proposal ensures that the private open space of 3/9 Rintala Street will receive three hours or more of sunlight on 21 June, as will the vast majority of private open space for 26 Lantana Avenue. The proposed dwellings cause little to no overshadowing over any other dwellings.

There will be some visual impact on the adjoining dwellings, however this is not considered to be unreasonable. The wall height of the garage of townhouse 1, which is close to the shared boundary with 26 Lantana Avenue, is only slightly over 3m and essentially within the building envelope regarding height and setback. Townhouse 2 is set back further from the shared boundary with the multiple dwellings at 9 Rintala Street and has a height of 4.8m at the peak of the roof, which falls to a height of approximately 3m. Only a small portion of the roof peak is beyond the building envelope.

The proposal is for single storey dwellings and does not have a height or bulk that is unreasonable for the residential context. The development is therefore not considered to have an unreasonable impact on the visual amenity of adjoining dwellings. The proposed dwellings have a bulk and height that is consistent with other dwellings in the street, which are generally single storey dwellings, often larger than the dwellings proposed. The separation from the south western side boundaries is reasonably consistent with the other dwellings in the area, including 18, 23 and 25 Lantana Avenue which are all built in close proximity to the south western side boundaries of their respective lots.

The proposal is assessed as meeting the performance criteria.

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

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

<p>(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>
<p>Consistent The proposal provides for outdoor recreational and operational needs of the residents by providing private open space that is integrated with the living areas of the dwellings, allows for the planting of gardens and has access to sunlight.</p>
<p>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.</p>
<p>Complies The combined floor area of the three dwellings is 616.44m², which is approximately 35.5% of the 1,736m² of site area. Each of the dwellings has an area of more than 60m² of private open space and more than 25% of the site is free from impervious surfaces. The proposal complies with the acceptable solution.</p>
<p>A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (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: (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 the 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>

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

Complies

The private open space for townhouse 1 and 2 includes primary areas of private open space that are connected to the internal living areas of the dwellings, are located to the north west of the dwellings, have minimum dimensions of 5.09m and 5.73m respectively, have areas greater than 24m² and have gradients of less than 10%. The existing dwelling will retain the area of private open space to the north west of that dwelling. As such, the proposal complies with the acceptable solution.

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 proposed dwelling is appropriately oriented and separated from the existing dwelling to allow for sunlight to enter habitable rooms and private open space.

A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).

Complies

The proposed dwellings both have habitable rooms with windows that face within 30 degrees of north. The lounge room windows, as well as the glazed kitchen and dining room windows and doors each face 30 degrees west of north. The proposal does not impact on the existing window layout for the existing dwelling. As such, the proposal complies with the acceptable solution.

A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):
 - (i) at a distance of 3m from the window; and
 - (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9am and 3pm on 21 June.
- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

<p>Complies The proposed townhouse 2 is generally to the north of the lounge room window of townhouse 1. However, the setback between this window and the wall of townhouse 2 is approximately 4.1m and the height of townhouse 2 at this point is approximately 3.6m. As such, the proposal complies with the acceptable solution.</p>
<p>A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): <ul style="list-style-type: none"> (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9am and 3pm on 21 June. (c) That part, of a multiple dwelling, consisting of: <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.
<p>Relies on Performance Criteria The proposed townhouse 2 is generally to the north of the primary private open space of townhouse 1. The wall of townhouse 2 is set back from the northern edge of the private open space by 1.2m. In addition, over 50% of the primary area of private open space will be overshadowed for more than three hours on 21 June. As such, the proposal relies on performance criteria.</p>
<p>P3 A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3.</p>
<p>Complies The design and siting of the proposed townhouses ensures that the loss of amenity to townhouse 1 as a result of overshadowing of the primary private open space is not unreasonable. The primary area of private open space of townhouse 1 will receive sunlight between 9am and 11am on the shortest day of the year. From 11am through to 2pm the sunlight reduces to below 50%, however portions of the alfresco area will receive sunlight. Townhouse 1 is provided with over 90m² of private open space in total, including along the north eastern facing wall, which will not be overshadowed by townhouse 2 in the afternoon of 21 June 21. The proposal is assessed as meeting 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 The proposed garage will not dominate the primary frontage.</p>

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

<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 garage of townhouse 1 is within 12m of the primary frontage but does not have an opening more than 6m in width. The proposal complies with the acceptable solution.</p>

10.4.6 Privacy for all dwellings

<p>Objective: To provide reasonable opportunity for privacy for dwellings.</p>
<p>Consistent The proposed development will ensure a reasonable amount of privacy is provided for existing and proposed dwellings.</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 proposal does not include any balcony, deck, roof terrace, parking space or carport with a floor level more than 1m above natural ground level.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <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

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

- 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%.

Complies

The proposed dwellings do not have habitable rooms with floor levels more than 1m above natural ground level.

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:

- (a) 2.5m; or
- (b) 1m if:
 - (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 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.m above the floor level.

Complies

The proposal does not include any shared driveways.

10.4.7 Frontage fences for all dwellings

Objective:

To control the height and transparency of frontage fences to:

- (a) provide adequate privacy and security for residents; and
- (b) allow the potential for mutual passive surveillance between the road and the dwelling; and
- (c) provide reasonably consistent height and transparency.

Consistent

The proposed section of fence along the frontage provides adequate privacy and security for residents while allowing for mutual passive surveillance and ensuring consistent height of fencing in the area.

A1 A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:

- (a) 1.2m if the fence is solid; or
- (b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).

Complies

The proposed frontage fence for townhouse 1 has a maximum height of approximately 1.65m and has a transparency of over 30%. The proposal complies with the acceptable solution.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

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 provides for the storage of waste and recycling bins for multiple dwellings.</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: (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: (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>
<p>Relies on Performance Criteria Each dwelling provides an area for the individual storage of bins that is at least 1.5m² in area. The storage area for townhouse 2 and the existing dwelling is not located between the dwelling and the frontage. The storage area for townhouse 1 is located between the dwelling and the frontage. As such, the proposal relies on performance criteria.</p>
<p>P1 A multiple dwelling development must provide storage, for waste and recycling bins, that is: (a) capable of storing the number of bins required for the site; and (b) screened from the frontage and dwellings; and (c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p>
<p>Complies The proposal provides each dwelling with sufficient storage area for waste and recycling bins. The storage area for townhouse 1 is between the dwelling and the frontage but is provided with timber screening to a height of approximately 1.5m. The proposal is assessed as meeting the performance criteria.</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 provides adequate site and storage facilities for multiple dwellings.</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>

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

<p>Complies The proposal includes 6m³ of storage space within the proposed storage sheds for townhouse 1 and townhouse 2. The existing dwelling on the site is not provided with a storage shed. In order to ensure that compliance is achieved, a condition has been recommended that requires a storage shed with minimum dimensions of 6m³ be provided in an area that is not between the dwelling and a frontage. The proposal complies with the acceptable solution.</p>
<p>A2 Mailboxes must be provided at the frontage.</p>
<p>Complies Mailboxes are provided for each of the dwellings at the frontage.</p>

10.4.10 Common property for multiple dwellings

<p>Objective: To ensure that common areas are easily identified.</p>
<p>Consistent The private areas of the dwellings are distinct and identifiable.</p>
<p>A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.</p>
<p>Complies The proposal does not include any common areas and the private areas are clearly identifiable as to which dwelling they belong.</p>

10.4.12 Earthworks and retaining walls

<p>Objective: To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p>Consistent The proposed earthworks are appropriate to the site and respect the amenity of adjoining lots.</p>
<p>A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must: (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>

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

Complies

The proposal does not include any earthworks or retaining walls with a height of 600mm or greater. The proposal complies with the acceptable solution.

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 provides convenient car parking for residents while not having an unreasonable impact on the streetscape.

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

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

Complies

The proposal does not include car parking or turning areas within the front setback of the existing dwelling or proposed dwellings. The proposal complies with the acceptable solution.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

The proposed development will allow the continued safe and efficient use of the road network and will have no impact on the rail network. The sensitive use proposed will not cause any conflicts with 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.

Consistent

The proposal will continue the use of the existing access, however, the use of this access will not increase as a result of the additional dwellings on the site.

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.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

Complies

The existing access will continue to be used by the existing dwelling on the site. There is not expected to be any increase in vehicle movements over the existing access.

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 Lantana Avenue will not be reduced by the creation of new accesses.

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.

Relies on Performance Criteria

The proposal will result in two additional crossovers, both providing entry and exit to the site. As such, the proposal relies on performance criteria.

P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

Complies

The proposed accesses will be safe and will not unreasonably impact on the efficiency of the road. The proposal is for two additional dwellings, each with their own crossovers. This will result in approximately nine vehicle movements per day on average over each of the crossovers. The traffic generated by the proposal will generally consist of light passenger vehicles consistent with the existing traffic in the street.

The proposal will result in three dwellings with separate crossovers and driveways, which is in keeping with the pattern of development in the area while achieving higher residential densities. The road is a suburban side street that is not a connector or thoroughfare road and does not carry a high volume of traffic. Lantana Avenue has a speed limit of 50km/h and vehicles generally move relatively slowly due to the narrow street with potential on-street parking and two way traffic. The proposal will not have a significant impact on the existing traffic in the street.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

The accesses are required as there is no alternate options for access to the street and this ensures each dwelling has a separate driveway and crossover as is the dominant pattern in the street. The proposal was referred to the road authority and no objections were raised. The proposal is assessed as meeting the performance criteria.

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 proposed accesses provide sufficient sight distance between vehicles enabling the same 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.

Relies on Performance Criteria

Table E4.6.4 requires 80m of sight distance in either direction for the proposal to comply with the Safe Intersection Sight Distance. The proposal provides over 80m of sight distance to the crest of the hill to the south west. However, the proposal does not provide 80m of sight distance to the north east along Lantana Avenue due to the crest of the hill in that direction. As such, the proposal relies on performance criteria.

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.

Complies

The design, layout and location of the accesses will provide adequate sight distances to ensure the safe movement of vehicles. The use of the site, being multiple dwellings, does not create a high volume of traffic nor does it encourage frequent accessing of the site by heavy vehicles. The traffic generated is expected to be an average of less than 30 vehicle movements per day, a third of which are existing. Each of the proposed accesses will generate approximately nine vehicle movements per day.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

The accesses are on to Lantana Avenue, a standard residential street with a speed limit of 50km/h. The cars entering Lantana Avenue from Helen Street will not be visible from the proposed crossovers until they approach the crest of the hill to the north east. They will be visible approximately 40m from the site. The level of traffic turning from Helen Street to Lantana Avenue will be limited, and will be slow moving after turning. Over the crest to the north east more of Lantana Avenue can be seen, including the primary traffic entry point of Penquite Road.

The traffic levels on the street are consistent with other residential streets in the area. There are existing crossovers in similar locations, including the crossover for the existing dwelling, which operate without incident. The proposal will create two new crossovers, each with greater sight distances to the north east than the existing crossover on the site. The alternative approach would see additional vehicle movements over the existing crossover, which is a less desirable outcome. The locations of the accesses is appropriate in the context of the site and the development.

The application does not include a traffic impact assessment. The proposed crossovers have been reviewed by Infrastructure Services Officers and have been deemed to be appropriate and sufficient. The proposal is assessed as meeting the performance criteria.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The proposal provides an appropriate level of parking facilities and associated areas to service the use and development. The access for cars will allow for the safe delivery of goods and people. The parking spaces and associated areas will be constructed to relevant Australian Standards and will not adversely impact on the amenity of the locality.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

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

An appropriate level of car parking is provided to meet the needs of the use and development.

A1 The number of car parking spaces must:

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

Relies on Performance Criteria

The proposal provides two car parking spaces per dwelling, as required by Table E6.1. The existing dwelling and townhouse 2 are also provided with an additional car parking space to be utilised by visitors. However, townhouse 1 is not provided access to a visitor parking space, as required by Table E6.1. The proposal provides more than seven on-site car parking spaces, which is the number required by the code. However, the lack of access to a visitor parking space for townhouse 1 results in the proposal relying on performance criteria.

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;

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:

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

- (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 provides a reasonable amount of car parking to meet the needs of the proposed use. The proposal is to establish two additional dwellings on the site, with each dwelling operating essentially independently of the other. The existing dwelling currently has three car parking spaces to service the dwelling. The intensity of the use of the existing dwelling is not expected to increase as a result of the proposal.

The proposed townhouse 2 is also provided with three parking spaces, one which can be utilised as a visitor parking space. Townhouse 1 is similarly a three bedroom dwelling, however it is provided with two car parking spaces and no visitor parking spaces. It is noted that for residential dwellings generally, two parking spaces for three bedrooms is deemed to be sufficient. These dwellings, while being multiple dwellings in that they will be within a strata scheme, will operate as single dwellings as they do not have shared facilities.

The surrounding area is predominantly comprised of residential dwellings that provide on-site parking spaces. The majority of these have driveways and parking areas that allow an excess number of cars to be parked on site. There are examples of other multiple dwellings operating effectively with two parking spaces and no visitor parking spaces, being 26 and 26A Lantana Avenue. There are also single dwellings that only allow for two vehicles to be parked on the site, such as 27 Lantana Avenue. These dwellings operate effectively.

As there is sufficient on-site parking for dwellings in the area, there is not high demand for on-street parking spaces. There is not considered to be a shortage in parking in the area. In instances where visitors to the proposed use are required to park in on-road parking spaces, this will not unreasonably impact on the ability for other users to park on the street or the operation of parking in the area generally. The proposed number and layout of parking spaces was reviewed by Infrastructure Services Officers and deemed to be sufficient. The proposal is assessed as meeting the performance criteria.

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 are to be constructed to an appropriate standard.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

<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 proposed parking areas and accesses are formed, paved, drained, sealed and have a gradient of less than 10%. The proposal complies with the acceptable solution.</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 parking areas provided are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m above the parking surface level. <p>A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.</p> <p>A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.</p> <p>A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p>
<p>Complies The proposed accesses have widths in accordance with Table E6.2, including a passing bay for townhouse 2. The car parking spaces and associated manoeuvring areas have dimensions in accordance with Table E6.3. There are not more than four car parking spaces provided in any given area and accessed by any one crossover, and therefore the cars do not need to be able to turn on the site. The proposed dwelling garages have a vertical clearances of 2.1m. The proposal complies with the acceptable solution.</p>

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2021/00167-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 20 March to 7 April 2021. Three representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1 The proposed townhouse 1 and its garage are not set back sufficiently from the street and are not compatible with the street.</p>
<p><i>Response 1</i> <i>The frontage setback of the dwelling was assessed against Clause 10.4.2 A1 of the Scheme and the proposed development complies with the acceptable solution. The frontage setback of the garage was assessed against 10.4.2 P2 and the proposed development complies with the performance criteria. There are examples of carports in the street, including the existing carport on the site, which are larger and have greater impact on the street. The streetscape impact of the garage will be compatible in the context of these existing carports.</i></p>
<p>Issue 2 The proposal does not provide sufficient parking to meet the needs of the use, particularly for townhouse 1.</p>

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

<p><i>Response 2</i> The number of parking spaces provided was assessed against Clause E6.5.1 P1 and the proposed development complies with the performance criteria. While the proposed development does not have a visitor parking space for townhouse 1, there are more parking spaces overall than required by the acceptable solution.</p>
<p>Issue 3 The crossovers and the street do not provide sufficient sight distance, which is a safety concern.</p>
<p><i>Response 3</i> The sight distance provided by the proposed crossovers was assessed against Clause E4.6.4 P1 and the proposed development complies with the performance criteria. The low levels of traffic and lower speed on the residential street allows for a lesser sight distance while maintaining safety of the road.</p>
<p>Issue 4 There are issues in the street due to its width, including parking on verges and difficulty passing through when vehicles are parked on both sides of the road.</p>
<p><i>Response 4</i> Existing issues within the street such as verge parking, visibility over a crest and street width are existing and cannot be addressed through the assessment of the application.</p>
<p>Issue 5 An existing retaining wall along the south western boundary of the property is failing and further development could cause it to collapse.</p>
<p><i>Response 5</i> Existing issues with structures cannot be addressed through the assessment of the application. If damage is caused in the process of the development it is the responsibility of the developer to rectify that damage.</p>
<p>Issue 6 The proposal will overshadow the garden of 3/9 Rintala Street, impacting amenity.</p>
<p><i>Response 6</i> The impact of the overshadowing of adjoining properties by the dwellings was assessed against Clause 10.4.2 P3 of the Scheme and the proposed development complies with the performance criteria. While there is some overshadowing of the private open space of 3/9 Rintala Street, this area is free from overshadowing for over three hours on 21 June as required by the clause.</p>

6. CONCLUSION

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

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015


BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ...(Cont'd)

ATTACHMENTS:

1. Locality Map - 22 Lantana Avenue, Newstead (*electronically distributed*)
 2. Plans to be Endorsed - 22 Lantana Avenue, Newstead (*electronically distributed*)
 3. TasWater SPAN - 22 Lantana Avenue, Newstead (*electronically distributed*)
 4. Representations - 22 Lantana Avenue, Newstead (*electronically distributed*)
-

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling**FILE NO:** DA0101/2021**AUTHOR:** Duncan Payton (Town Planner)**DIRECTOR:** 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:	Churchill Architects
Property:	26 Welman Street, Launceston
Zoning:	Inner Residential
Receipt Date:	25/02/2021
Validity Date:	4/03/2021
Further Information Request:	09/03/2021
Further Information Received:	24/03/2021
Deemed Approval:	7/05/2021
Representations:	Three

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
11.4.21 Outbuildings and swimming pools
11.4.22 Earthworks and retaining walls
11.4.3 Building envelope for single dwellings
11.4.4 Frontage setback and width of garages and carports for single dwellings
11.4.5 Privacy for single dwellings
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 DA0101/2021 - Residential -demolition of existing dwelling and construction of a dwelling at 26 Welman Street, Launceston, subject to the following conditions:

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and 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. Cover Page, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA01, dated 24/03/2021.
- b. Site Plan, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA01, page DA02, dated 24/03/2021.
- c. Demolition Ground, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA03, dated 24/03/2021.
- d. Demolition First, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA04, dated 24/03/2021.
- e. Ground Floor, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA05, dated 24/03/2021.
- f. First Floor, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA06, dated 24/03/2021.
- g. Elevations, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA07, dated 24/03/2021.
- h. Elevations, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA08, dated 24/03/2021.
- i. Sun Diagrams, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA09, dated 24/03/2021.
- j. Sections, prepared by Churchill Architects, drawing no. 2011-DA10, new residence at 26 Welman Street, Launceston, revision DA03, page DA10, dated 24/03/2021.

2. LEGAL TITLE

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

3. NON REFLECTIVE EXTERIOR FINISH

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

4. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

5. 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, 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. screen planting along the northern side boundary of fast growing trees capable of achieving a height of six metres (if these trees are to be pruned at a lesser height, the plan must demonstrate that the desired height will appropriately protect the privacy of adjoining properties to the north).

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 as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

Once approved by the Manager City Development, the plan will be endorsed and will form part of the 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.

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.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and 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.

8. 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 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.

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.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and 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.

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 DA0101/2021. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

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. Fireplace/Woodheater Use

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

F. Heat Pump Use

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

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

REPORT:**1. THE PROPOSAL**

It is proposed to demolish most of the existing two level dwelling and to construct a four bedroom dwelling over two levels. The dwelling will have a footprint of some 270m² across the 417m² lot and will incorporate a double garage and a swimming pool and deck off the living areas.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject site is a 417m², generally rectangular lot in the Inner residential zone. The site slopes from the south-west corner, to the north-east corner, with a fall of some 3.5m, plus a sharper fall in the north-west corner of around a further 2m.

Currently, there is an existing dwelling on the site, and this will be largely demolished to provide the base for the new dwelling. The existing dwelling was constructed in 1972 and is in the style of that era.

The site is surrounded by the Inner residential zone with sites developed for a range of dwelling types and styles. Whilst the dominant form is single dwelling, there are a number of multiple dwelling developments in the surrounding area.

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.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

Consistent

The proposed partial demolition of the existing dwelling and the construction of substantial alterations and additions to create a four bedroom, two level, dwelling with double garage and swimming pool at 26 Welman Street, Launceston is consistent with the purpose of the zone to provide for a variety of dwelling types in an inner urban area.

Consistent with the purpose of the zone, the proposed dwelling will respect the existing variation and pattern in building setbacks and height, evident in the surrounding area, and will contribute to the existing streetscape represented by a range of building types and styles.

It is noted that the proposal relies heavily upon performance criteria to demonstrate compliance with the applicable standards. In this regard, it is stressed that the standards, as described in the clause objective statements, have not been relaxed. It is the function of the scheme that the standards must be met by compliance with either the acceptable solutions or the performance criteria.

11.4 Development Standards

11.4.1 Setback from a frontage for single dwellings

Objective:

To ensure that the setback from frontages:

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

Consistent

The proposal satisfies the applicable performance criteria. It is consistent with the varied streetscape character, enhances the residential amenity of the residents and provides for a transitional space between the road and the dwelling, providing for mutual passive surveillance for community safety. The design responds to the slope of the site.

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.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

Relies on Performance Criteria

The proposed dwelling will be set at an angle to the streetscape, generally reflecting the alignment of the adjoining dwellings and will be setback between 0.1m on the south-eastern corner to 2.7m on the north-eastern corner.

Whilst arguably, it will be setback from the street a distance which is no more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots, it is noted that the adjoining lot to the north has its primary frontage to Elizabeth Street. Whilst it has a 0m setback to Welman Street, this is its side setback.

Notwithstanding a certain ambiguity at A1(c), given that the intent of the clause is clearly to have regard to the streetscape and perhaps not be limited to consideration of primary frontage, it is considered appropriate to defer to the performance criteria.

P1 The setback from frontage must:

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

Complies

It is considered that the front setback of the proposed new dwelling satisfies the performance criteria and the standard, as described by the clause objective. Specifically:

- (a) It provides a short transitional space between the road and the dwelling. At its narrowest, this space is open driveway to the garage. From this, steps provide access to the front door and an adjoining garden area as the frontage widens to around 2.7m.
- (b) The existing dwelling has a similar alignment and configuration to the frontage, albeit it further setback. Nevertheless, the proposed alignment is also similar to that of other dwellings in the streetscape.
- (c) Welman Street is effectively an inner urban residential street and does not carry high volumes of traffic, although it reasonably has a higher traffic volume than a typical suburban street. The proposal presents the garage, the front door and the unbroken brick wall of the proposed master bedroom to the frontage to minimise impact on residential amenity. With the garage presenting directly to the street, safe ingress and egress is promoted without detriment to the safe use of the road. The Council's traffic engineers have paid particular attention to the safe angles of access and required amended plans prior to public advertising.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

(d) The streetscape of Welman Street and the adjoining streets reflect a variety of dwelling styles and types, including single dwellings and apartment blocks. The various buildings represent a range of building styles representative of the development of Launceston. As the existing 1970's building is not particularly sympathetic to its surroundings, the modern style of the proposed building is not considered to be out of place with other buildings in the area. The proposed blank brick wall on the northern side of the front door is consistent in materials, orientation and setback with the brick wall of the adjoining building at 1 Elizabeth Street.

Objective:

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

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

Consistent

The proposal satisfies the applicable elements of the performance criteria. Whilst the site coverage is greater than that normally seen, the lot is only 417m² and the building itself has a roofed footprint of only some 270m². Gardens and gravelled under-croft areas provide some 123m² of pervious surfaces to assist with the management of stormwater.

Given the relative smallness of the existing lot, setback is minimal and what might normally have been considered the rear yard forms part of the adjoining property of 28 Welman Street. That section of land contains several mature trees to provide a visual green relief. Streetscape qualities reflect a range of styles and eras, plus a range of setback, orientation and fencing arrangements. The proposed design represents several of these features.

A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.

Relies on Performance Criteria

Site coverage is defined by the scheme as that part of the site covered by roofed buildings. The proposal has some 270m² of the site, or around 64%, covered by the roofed dwelling. This coverage increases to around 73% when the pool and associated deck are included. Performance criteria are relied upon.

P1 Site coverage must:

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

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

<p>Complies The proposed dwelling is considered to satisfy the requirement of the performance criteria. Specifically:</p> <ul style="list-style-type: none"> (a) The proposal includes a 40m² deck, with a minimum dimension of 4m, adjacent to the 7.5m x 2.3m swimming pool on the upper floor and with direct access from the living areas, to provide for the reasonable outdoor and recreation needs of the residents. In addition, the proposal includes some 55m² of garden and green space located at the street frontage and around the northern and western boundaries. (b) The 55m² of green areas plus 19m² of gravelled under-croft area, below the deck, will provide for the absorption of rainwater into the ground. (c) The proposed building is compatible with the varied streetscape which is similar to surrounding streets and represented by a varied mix of building styles and eras. Its predominately brick cladding is consistent with many of the surrounding buildings and the proposed flat roof line is consistent with the flat roof lines of the apartment buildings on the eastern side of Welman Street and other modern buildings in the surrounding area.
<p>A2 A rear setback of no less than 4m, unless the lot is an internal lot.</p>
<p>Relies on Performance Criteria As the site is a relatively small lot, with a depth of some 28m and a width of around 15m, it is difficult to construct a dwelling to meet today's expectations and maintain the setback provisions of the acceptable solutions. Consequently, a rear setback ranging between 1.2m and 2.2m is proposed and performance criteria are relied upon.</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 The proposal satisfies the performance criteria. Specifically:</p> <ul style="list-style-type: none"> (a) From the rear of the dwelling it is some 20m to the studio buildings of <i>Green Gables</i> at 17 Elizabeth Street and a substantial drop in elevation. The dwellings at 9 and 11 Elizabeth Street are over 10m from the rear boundary of the subject site and some 7m lower. The proximity to the rear boundary has no significant impact on the dwelling to the south, 28 Welman Street, which includes the 11m wide section of land from the rear of the site to the boundary with <i>Green Gables</i>. (b) The proposed dwelling will receive direct sunlight to its northern and western facades and will not adversely impact upon the solar access of the neighbouring buildings. The building to the south, whilst close to the boundary, is higher than the subject building, as evidenced in the north-east and south-west elevation plans. (c) The reduced rear setback does not adversely impact upon private open space as, whilst it does provide for a narrow garden strip and significant gravelled under-croft areas, the principal private open space for the residents will be the upper level deck of 40m² and the adjoining swimming pool.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and 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 performance criteria. The proposed dwelling is a contemporary design to meet the expectations of modern day living. Whilst elevated and partially two storey, it will not adversely overshadow adjoining dwellings and its bulk is mitigated by existing differences in ground levels and existing and future boundary landscaping. As noted, the dwelling has regard to the varied streetscape qualities.

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 does not meet the acceptable solution setbacks or 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.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

Complies

The proposal satisfies the applicable elements of the performance criteria. Specifically:

- (a) There will be no unreasonable loss of amenity on adjoining lots by overshadowing and loss of sunlight as the dwelling to the south is on a higher elevation and located such that any overshadowing will not impact upon private open space or impact significantly upon windows to habitable rooms. Overlooking, privacy of, and apparent visual bulk to, the adjoining sites to the north will be mitigated significantly by the separation between dwellings, the physical change in elevation - being a drop of some 7m - and the existing and future planting of trees along the boundary.
- (b) The slope across the site runs from south-east to north-west and represents a fall of some 3.5m across the proposed building. The north-western corner of the building to the boundary includes a further sharp fall and there is a further 7m fall to the rear of the dwelling at 7 Elizabeth Street. The relevance of this fall is that it effectively eliminates casual overlooking as the view lines are all above the relevant Elizabeth Street dwellings. Deliberate overlooking will be mitigated by the proposed landscaping, a detailed plan of which is proposed to be required by permit condition.
- (c) The streetscape qualities are represented by a mix of dwelling styles and design, setbacks, orientation and street frontage treatment. Features of the presentation of the proposed dwelling, as discussed, clearly demonstrate regard to the existing streetscape.

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

Objective:

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

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

Consistent

The proposal satisfies the applicable performance criteria. The proposed garage will not dominate the streetscape, or unduly restrict mutual passive surveillance and will provide for safe ingress and egress to and 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.

Relies on Performance Criteria

Whilst the garage door is 5.5m wide, consistent with A1(a), at its closest the garage is setback from the frontage by only 0.1m and relies upon the performance criteria.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

<p>P1 The siting and design of garages and carports must:</p> <ul style="list-style-type: none"> (a) complement the character of the dwelling; (b) not dominate the frontage of the lot through location and visual bulk; (c) retain mutual passive surveillance between dwelling and road; (d) provide for safe vehicular movements between road and site; and (e) have regard to streetscape qualities.
<p>Complies</p> <p>The proposal satisfies the applicable performance criteria. Specifically:</p> <ul style="list-style-type: none"> (a) The proposed garage is relatively consistent with the existing garage, albeit brought forward with the dwelling extension. In design and presentation it is consistent with the facade of the proposed dwelling and compliments the modern design. (b) The garage is integrated into the front of the dwelling and is to be finished in muted colours, as will the rest of the facade and consequently will not present visual bulk to the streetscape. (c) Mutual passive surveillance will be maintained through the central location of the front door and the adjoining front garden area. Similarly, whilst it is common for double garage doors to be a prominent feature of modern dwelling facades, it is not uncommon for garage doors to be opened at random times and for random lengths of time as residents go about their daily activities. (d) Given the reduced driveway length, the Council's traffic engineers reviewed and required amendment to the plans (prior to exhibition) to ensure that movements between the road and the site were safe. (e) As noted and discussed, the streetscape qualities are varied and represent a mix of styles and finishes. The proposed dwelling and incorporated garage have been designed with regard to many of these features.

11.4.5 Privacy for single dwellings

<p>Objective:</p> <p>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</p> <p>The proposal satisfies the applicable acceptable solutions or performance criteria and has sought to minimise 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</p> <p>The deck, associated with the swimming pool, has a finished floor level of some 3m above natural ground level and relies upon the performance criteria.</p>

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

<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 proposed swimming pool takes up most of the outer edge of this deck area, other than some 2.5m at the southern end of the pool. A 1m high balustrade is proposed.</p> <p>The potential for overlooking habitable rooms, decks or roof gardens of the adjoining properties is effectively mitigated or minimised by the adjoining 4.5m right of way, currently somewhat overgrown and only used for parking, and the further drop in elevation to the dwellings. Applicable overlooking from the subject deck is not practicable.</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 proposal includes several windows to habitable rooms with a floor level more than 1m above natural ground level and where the setbacks are less than 3m. Performance criteria are relied upon.</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 Whilst the proposal includes several windows to habitable rooms with floor levels more than 1m above natural ground, it is considered that they are all sufficiently distanced or offset from windows, balconies, decks or roof gardens on adjacent lots to avoid or minimise overlooking such that the performance criteria are satisfied.</p> <p>Relevantly, the adjacent properties to the north are all offset by more than 7m on the vertical plane from the proposed windows and more than 10m from the side boundary. To the rear of the site there is not a building within some 18m.</p>

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

To the south, the dwelling has pantry and ensuite windows in rooms with a floor level of more than 1m above natural ground level. The adjoining building has a floor level some 1m higher and the applicant advises that all windows are offset by more than 1.5m on the horizontal plain.

Overlooking of windows to habitable rooms or to decks is not practicable.

Notwithstanding this, and in consideration of concerns raised in representation, the applicant has offered to plant fast growing conifers (eg. *Juniperus chinensis* Spartan - which grows around 3m in five years to a height of 4.5m-6m and around 1m wide) to further soften the appearance of the dwelling and the perception of overlooking. A permit condition, requiring a landscaping plan reflecting this, is proposed.

11.4.21 Outbuildings and swimming pools

<p>Objective: To ensure that outbuildings and swimming pools:</p> <ul style="list-style-type: none"> (a) do not detract from the character of the surrounding area; (b) are appropriate to the site and respect the amenity of neighbouring lots; and (c) dwellings remain the dominant built form.
<p>Consistent The proposal satisfies the applicable performance criteria. The proposed swimming pool is integrated into the design of the dwelling.</p>
<p>A2 A swimming pool must be located:</p> <ul style="list-style-type: none"> (a) no closer to the primary frontage than the main building; or (b) in the rear yard; and (c) decking around a swimming pool must be no greater than 600mm above existing ground level.
<p>Relies on Performance Criteria The swimming pool is located at the upper level of the dwelling and integrated into the dwelling design. The adjoining decking has a floor level in excess of 600mm above the existing ground level and relies upon performance criteria.</p>
<p>P2 A swimming pool must be designed and located having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the streetscape; (c) any overlooking or overshadowing of adjoining sensitive uses; (d) any existing or proposed screening; and (e) the character of the surrounding area.
<p>Complies The proposal satisfies the performance criteria. Specifically:</p> <ul style="list-style-type: none"> (a) It is integrated into the design of the dwelling to provide a useable outdoor recreation area accessible from the living areas of the dwelling. The dwelling design has had appropriate regard to the topography of the site. (b) The location of the swimming pool is not visible in the streetscape.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

- (c) As discussed previously, there is no practicable overlooking of adjoining dwellings from the swimming pool. The pool is integrated into the northern side of the dwelling and will not cause overshadowing of adjoining sensitive uses.
- (d) The proposed swimming pool includes a 1m high balustrade along its northern side. Screening is not considered necessary.
- (e) The swimming pool is integrated into the dwelling and will have no impact upon the character of the surrounding area.

11.4.22 Earthworks and retaining walls

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

Consistent
The proposal 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.

Relies on Performance Criteria
The proposal will include retaining walls greater than 1m in height and relies upon performance criteria.

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

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

Complies
The proposal satisfies the performance criteria. Whilst the proposal includes retaining walls greater than 1m in height, these are limited to existing retaining walls and to the eastern sections of the dwelling (i.e. close to the road frontage) and are in response to the topography of the site. They will not unreasonably alter the appearance or scale of the dwelling and will be designed and drained to meet the requirements of the building code.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and 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

The proposed dwelling will provide appropriate parking and access to meet the reasonable needs of the residents.

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 performance criteria and provides appropriate parking.

A1 The number of car parking spaces must:

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

Relies on Performance Criteria

The Table requires the provision of one car parking space per bedroom or two spaces for three bedrooms. The proposal is for a four bedroom dwelling and proposes only two car parking spaces on-site. Performance criteria are relied upon.

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

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

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

<p>(b) the ability of multiple users to share spaces because of:</p> <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(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;</p> <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; or</p> <p>P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (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 <p>P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p>Complies</p> <p>The proposal satisfies the applicable performance criteria. Specifically:</p> <ul style="list-style-type: none"> (a) The proposal is for the development of a dwelling and the intensity of the parking use and demand is expected to be consistent with residential use. (b) The proposed dwelling will have four bedrooms. However, the design of the fourth bedroom, integrated with the rumpus room, is clearly intended to be used on a limited scale as a guest room and is therefore unlikely to generate a regular demand for parking. (c) The pattern of parking in the immediate area shows on-street parking to be frequently and readily available. Consequently, reliance upon the two car parking spaces provided in the double garage, plus occasional use of on-street parking for guests is considered appropriate for the area and to meet the reasonable needs of the residents.

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 proposed parking in the double garage will be constructed to an appropriate standard.</p>

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

<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 Parking and access will be constructed to meet the acceptable solution.</p>

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>Consistent The proposal satisfies the applicable acceptable solutions or performance criteria.</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (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 Parking and access will be constructed for two parking spaces to meet the specified dimensions and with a vertical clearance of more than 2.1m.</p>

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Services	Conditions recommended
Environmental Health	Conditions recommended
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 27 March to 13 April 2021. Three representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1 The building of such a structure will mean the virtual total removal of existing vegetation - stripping an inner city residence of green cover. The new development does not seem to indicate any future green plantings on the site, resulting in a net loss of green cover for the city.</p>
<p><i>Response 1</i> <i>The proposal retains some 55m² of garden space and a landscape plan will be required by permit condition.</i></p>
<p>Issue 2 Site coverage is significantly greater than the 50% required at 10.4.3.</p>
<p><i>Response 2</i> <i>The acceptable solution nominates site coverage of less than 50% as one way to achieve the objective. The relevant objective seeks to ensure the provision of appropriate open space to contribute to residential amenity, setbacks and management of stormwater. The issue of site coverage is assessed at section 3 (clause 11.4.2) of this report, which concludes that the performance criteria is satisfied.</i></p>

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

<p>Issue 3 Setback from the side and rear boundaries is significantly less than the current setback and less than that required by the scheme.</p>
<p><i>Response 3</i> The proposed new dwelling is larger than the existing dwelling on the site and will therefore be closer to the boundaries than the existing dwelling. The proposed dwelling is a contemporary design to meet the expectations of modern day living and the assessment at section 3 (clause 11.4.2 and 11.4.3) of this report concludes that the performance criteria are satisfied.</p>
<p>Issue 4 The front setback, including the garage, is considerably less than that required by the scheme.</p>
<p><i>Response 4</i> The front setback and garage are assessed at section 3 (clause 11.4.1 and 11.4.4) of this report. The proposal is consistent with the varied streetscape character, it provides for and enhances the residential amenity of the residents and provides a transitional space between the road and the dwelling, providing for mutual passive surveillance for community safety. The modern style of the proposed building is not considered to be out of place with other buildings in the area and the performance criteria are satisfied.</p>
<p>Issue 5 The proposed dwelling will overlook the rear yard of 7 Elizabeth Street and reduce privacy.</p>
<p><i>Response 5</i> The assessment at section 3 (clause 11.4.5) of this report concludes that overlooking is not practicable as a result of separation of some 10m and differences in elevation of some 7m. The inclusion of additional landscaping will further limit any potential for overlooking.</p>
<p>Issue 6 The proposed dwelling is inconsistent with surrounding buildings and the streetscape.</p>
<p><i>Response 6</i> The surrounding streetscape of Welman Street and the surrounding streets presents a wide variety of building styles and types. It includes buildings of multiple building eras and incorporates a range of building materials and colours. Some buildings are close to the frontage, others are further setback. Some include low front fences, whilst others have high fences and some do not have a fence. The character of the street is formed by this vast mix of styles and designs and as such, the proposed design, as a result of being different in its own way, will be consistent with its surroundings.</p>
<p>Issue 7 The proposed roofline is square (unpitched) and may impact on the overall building envelope and shading of windows in the adjacent residence to the south east.</p>

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

Response 7

As shown in the north-west and south-east elevations, the flat roof line does indeed impact upon the overall building envelope. However, a building of the same footprint with a pitched roof would be significantly higher (eg. a 22° pitch would add some 3m in height) and have a correspondingly greater impact upon the adjacent dwelling to the south.

Issue 8

The location of any external air conditioning or pool heating has not been indicated and may create a noise issue.

Response 8

A standard note is proposed to require siting of such air conditioning or heating units in a manner not to cause a nuisance.

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.

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ...(Cont'd)

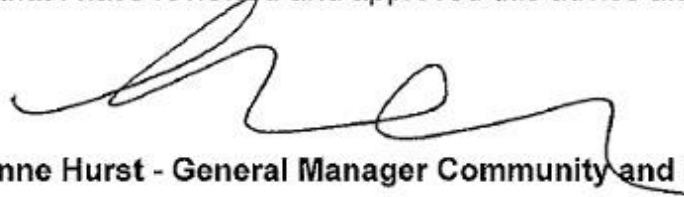
BUDGET & FINANCIAL ASPECTS:

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 - 26 Welman Street, Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 26 Welman Street, Launceston (*electronically distributed*)
 3. Representations - 26 Welman Street, Launceston (*electronically distributed*)
-

10 ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Thursday 22 April 2021

- Attended the Western United versus Wellington Phoenix match at the University of Tasmania Stadium

Friday 23 April 2021

- Welcomed the Tas Leaders participants to Launceston
- Hosted a Civic Reception to mark the 70th Birthday of the Launceston Square Dancing Club

Saturday 24 April 2021

- Attended the President's Cup for Launceston BMX Club
- Attended the presentation dinner for North Launceston Bowls Club

Sunday 25 April 2021

- Officiated at the Launceston ANZAC Day Service
- Attended the Nunamara ANZAC Day Service and commemoration of the unveiling of the Nunamara Cenotaph

Monday 26 April 2021

- Attended the *Bank of Us* Board dinner

Wednesday 28 April 2021

- Attended the *International Workers' Memorial Day 2021* service at Elizabeth Gardens

Thursday 29 April 2021

- Attended dinner at Government House

Friday 30 April 2021

- Officiated at the opening of *Breath of Fresh Air* film festival
-

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

Saturday 1 May 2021

- Attended the end of season trophy lunch for the Trevallyn Bowls Club

Tuesday 4 May 2021

- Participated in the *Regional Visioning* Workshop convened by Northern Tasmania Development Corporation
 - Hosted a civic reception to mark the 35th Anniversary of City Park Radio
-

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 A G Harris - Council Meeting - 21 April 2021**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted in writing to Council on 21 April 2021 by Councillor A G Harris, have been answered by Leanne Hurst (General Manager Community and Place Network).

Questions:

1. Is it technically possible for a *planning scheme overlay* to be drafted and implemented within the Tasmanian Planning Scheme to restrict the building of multi-storey houses where existing adjoining neighbourhood houses are all single story? I would imagine that this could operate somewhat like a *heritage overlay* that restricts what can be developed in certain heritage parts of the City now.

Response:

Under the Tasmanian Planning framework the Minister may issue planning directives to give direction on a range of planning matters. Planning Directive 4.1 (PD4.1) - Standards for Residential development in the General Residential Zone - applies to all planning instruments, whether made prior to or subsequent to the issuing of the Planning Directive. PD4.1 establishes mandatory provisions for inclusion in all planning schemes.

In principle, the provisions can be varied either by modification to the Directive or by introduction of local provisions for a particular area, but in order to be successful it would need to be demonstrated that there is something unique, that for social, economic or environmental reasons justify a departure from the State position. A generalised view that double storey homes are inappropriate is unlikely to meet this test.

2. Even if it is technically possible to deliver such an overlay, is it good planning policy to restrict the building of multi-storey dwellings on residential building allotments within the City?
-

12.1.1 Councillors' Questions on Notice - Councillor A G Harris - Council Meeting - 21 April 2021 ...(Cont'd)

Response:

The provisions in PD4.1 are aimed at delivering the State Government's policy position to encourage infill development as a desirable and efficient approach to sustainable urban growth. This is a sound policy position.

Often the issue around perceived impact is the lack of understanding of how the planning scheme works. Whilst a neighbour may believe there is an overlooking issue, a proposal may be wholly compliant with an acceptable solution. Where they think it may be too high, it may be completely within an acceptable building envelope. Some properties will suit two or three storeys, whilst some will not. That is the role of the planning authority, to ensure those that are not compliant with the scheme are refused.

Councillors, when acting as the planning authority and planning officers acting under delegation, have the ability to refuse applications they deem to not meet a performance criteria.

ATTACHMENTS:

1. Councillor's Questions on Notice - Councillor A G Harris - 21 April 2021
-

Attachment 1 - Councillor's Questions on Notice - Councillor A G Harris - 21 April 2021

From: Councillor Alan Harris

Sent: Friday, 9 April 2021 11:54 AM

To: Michael Stretton

Subject: Questions on Notice - Multi story residential planning overlay

Good morning Michael,

I would appreciate your response to the following two questions:

Background:

Over the past 12 months or so, the continuing rise in local house prices has seen an influx of planning development applications for the building of what are second houses on existing residential blocks as some people seek to maximise their financial investment in their property.

Development Applications are often requesting to build two or three story houses to provide double garaging and often 3 or 4 bedrooms on smaller lots to maximise future resale values, all of which is perfectly understandable.

Inevitably what then follows is a "Planning Authority" decision by Councillors on the building of the multi-story house in the rear of an existing property in a neighbourhood of existing single story dwellings as the nearby residents lodge objections to the DA as they fear that their "amenity and privacy" are being compromised by the "overlooking" that is now possible from the higher levels of the new house.

Residents and Councillors speaking for or against the DA's often comment that they have no problem with the second dwelling being built on the block to increase population density etc. it's just the additional stories that causes their issue.

Questions:

1. Is it technically possible for a "planning scheme overlay" to be drafted and implemented within the Tasmanian Planning Scheme to restrict the building of multi-story houses where existing adjoining neighbourhood houses are all single story?

I would imagine that this could operate somewhat like a "heritage overlay" that restricts what can be developed in certain heritage parts of the city now.

2. Even if it is technically possible to deliver such an overlay, is it good planning policy to restrict the building of multi-story dwellings on residential building allotments within the city?

I look forward to your responses on this matter.

Kind regards,

Alan Harris
Councillor

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.)

No Councillor's Questions Without Notice have been identified as part of this Agenda

13 COMMITTEE REPORTS

No Committee Reports have been identified as part of this Agenda

14 COUNCIL WORKSHOPS

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

14.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

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

Workshops conducted on 29 April and 6 May 2021:

Place Brand Concept Finalisations

Councillors received an overview on the latest creative concepts in the brand development journey and discussed high level implementation

Greater Regional City Challenge

Councillors received a summary of the Greater Regional Challenge along with an outline of proposed plans for the future of the Challenge.

kanamaluka/Tamar Estuary Vision

Councillors received a briefing on sediment management for the kanamaluka/Tamar Estuary.

Northern Tasmania Cricket Association Governance

Councillors received an outline on governance arrangements for the Northern Tasmania Cricket Association ground.

Flood Emergency Preparedness

Councillors were provided with an update on the City of Launceston's flood mitigation and emergency management systems.

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

Document Distribution

Councillors engaged in discussion regarding their access to documentation and its distribution.

REPORT:

Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015* says that the Agenda of an Ordinary Council Meeting is to include the date and purpose of any Council Workshop held since the last Meeting.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

BUDGET & FINANCIAL ASPECTS:

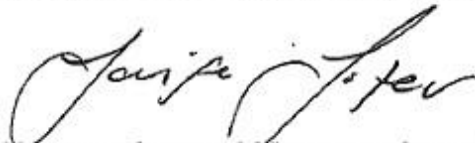
Not considered relevant to this report.

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

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

15 NOTICES OF MOTION

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

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

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items have been identified as part of this Agenda

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

No Items have been identified as part of this Agenda

19 ORGANISATIONAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items have been identified as part of this Agenda

21 CLOSED COUNCIL

No Closed Items have been identified as part of this Agenda

22 MEETING CLOSURE
