

**TITLE:** DA0158/2022 - 28 Stanley Street, Summerhill - Residential - Demolition of an Existing Dwelling and Outbuildings and Construction of Three Dwellings

**FILE NO:** DA0158/2022

**AUTHOR:** Dileep Karna (Graduate Town Planner)

**GENERAL MANAGER:** Dan Ryan (General Manager Community and Place Network)

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## ATTACHMENT 1

### 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>
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##### **Consistent**

The zone purpose has been met as the proposal is a residential use within a residential zone, where all infrastructure services are available.

#### 10.4 Development Standards for Dwellings

##### 10.4.1 Residential density for multiple dwellings

<p>Objective:</p> <p>That the density of multiple dwellings:</p> <p>(a) makes efficient use of land for housing; and</p> <p>(b) optimises the use of infrastructure and community services.</p>
<p><b>Consistent</b></p> <p>The proposed density is efficient for the type of housing proposed.</p>
<p>A1 Multiple dwellings must have a site area per dwelling of not less than 325m<sup>2</sup>.</p>
<p><b>Relies on Performance Criteria</b></p> <p>The proposed development will have an average density of 278.3m<sup>2</sup> per dwelling. Therefore, it relies on performance criteria.</p>
<p>P1 Multiple dwellings must only have a site area per dwelling that is less than 325m<sup>2</sup>, if the development will not exceed the capacity of infrastructure services and:</p> <p>(a) is compatible with the density of existing development on established properties in the area; or</p> <p>(b) provides for a significant social or community benefit and is:</p>

<p>(i) wholly or partly within 400m walking distance of a public transport stop; or (ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.</p>
<p><b>Complies</b> The proposed development has a density of less than 325m<sup>2</sup> per dwelling, therefore, the proposal must meet (a) or (b) of the performance criteria. It is considered that the applications satisfies both. (a) The adjoining property, 27 Stanley Street, has two detached dwellings with a density less than 325m<sup>2</sup>. Therefore, the proposed density is compatible with the existing properties in the area. Due to the nature of the use, applicant has provided justification against A1(b). (b) Provides for a significant social or community benefit: Significant community benefit is not defined in the scheme or any other legislation. The application was lodged by Homes Dyer, on behalf of Community Housing Limited (CHL). CHL is a national not-for-profit provider delivering affordable, high quality community housing to those unable to afford their own home or access the private rental market. CHL manages over 1,550 social and affordable housing tenant within Tasmania. CHL will be the managers of the subject site and its units.</p> <p>The proposal is to construct a detached dwelling with two bedrooms and a second residential flat building containing two dwellings with two bedrooms on upper floor and ground floor. As of March 2022, the total number of applications for accommodation received for properties managed and owned by CHL in the suburbs of Newstead, Summerhill, Ravenswood, Rocherlea, Waverley and Mayfield stand at over 1,150. Of those applicants, over 1,100 could have their housing needs met by a two or three bedroom property, such as that proposed at 28 Stanley street, Summerhill.</p> <p>The site forms one of 20 properties which are proposed to be developed under a long term agreement with the Department of Communities. Under this agreement the applicant is contractually obliged to retain 28 Stanley Street as social housing for a minimum term of 30 years. When applying for discretion of density and relying on the use being a significant social or community benefit, the concern that is raised is whether or not the housing stock will remain in social housing or whether it could be sold privately at high market rates. At the end of 30 years term, it is required that the land and dwelling will be returned to the Department of Communities.</p> <p>It is accepted that there is a shortage of rental stock and even less stock of affordable housing in Launceston. Therefore, the provision of this type of housing is considered to be appropriate and efficient use of land that will provide a significant benefit to the community.</p> <p>(b)(i) Wholly or partly within 400m walking distance of a public transport stop: The whole site is located 4.9m walking distance from Metro Bus Stop 124, located at the frontage of the 28 Stanley Street. As the proposal meets P1 (b)(i), and P1 (b)(ii) is not required to be assessed. The proposal complies with the performance criteria.</p>

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

<p>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;</p>
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<p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>
<p><b>Consistent</b> Complies with acceptable solution.</p>
<p>A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</p> <p>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>
<p><b>Complies</b> The proposed dwelling has a setback from the primary frontage of approximately 7.6m at the closest point. No dwelling is proposed within 4.5m of the primary frontage, the detached dwelling which will be situated to the rear of the site will have a frontage of 32m. Therefore, it complies with the acceptable solution.</p>
<p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>
<p><b>Complies</b> The proposed detached dwelling in the rear will have more than 5m setback from the frontage. The proposed two storey dwelling in the front will have a car parking area that is located more than 1m behind the building area. Therefore, the proposal complies with the acceptable solution.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p>

<p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>
<p><b>Complies</b> The proposed two storey dwelling towards the front of the site will be setback 7.6m from the frontage, 28.5m from the rear boundary, 3m from the north west side boundary, and 5.1m from the north east side boundary. The wall height is approximately 5.3m above existing ground level and the overall building height is 6.43m above the existing ground level. Due to these setbacks, the building will be within the building envelope.</p> <p>The proposed detached dwelling at the rear of the site will have a setback of 4.4m from the rear boundary and 1.1m from the north west side boundary, and 3.1m from the north east side boundary. The detached dwelling will not exceed a total length of 9m length on the side boundary. The wall height is approximately 2.4m above the existing ground level and the overall building height is 4.85m above the existing ground level. Due to these setbacks, the building will be within the building envelope. Therefore, it complies with the acceptable solution.</p>

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

<p><b>Objective:</b> That dwellings are compatible with the amenity and character of the area and provide: (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>
<p><b>Consistent</b> Complies with acceptable solution.</p>
<p><b>A1 Dwellings must have:</b> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>
<p><b>Complies</b> The proposed multiple dwellings has a site coverage of 183m<sup>2</sup>, or 21% of the 835m<sup>2</sup> lot. Site coverage will be less than 50%, with each dwelling located at ground level will have more than 60m<sup>2</sup> of private open space.</p>
<p><b>A2 A dwelling must have private open space that:</b> (a) is in one location and is not less than: (i) 24m<sup>2</sup>; or (ii) 12m<sup>2</sup>, 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: (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; and (e) is not used for vehicle access or parking.</p>
<p><b>Complies</b> The proposed development is for a detached dwelling and a two storey dwelling, all</p>

dwellings located at the ground level includes an area of private open space of more than 24m<sup>2</sup>, which has a minimum dimension of 4m, at the rear of each dwelling, which is flat, receives adequate sunlight, and is not used for vehicle access. The space is accessed from the living room through the kitchen area.

The proposed development has an upper floor dwelling with a finished floor level that is more than 1.8m above the ground level includes a private open space that is provided in the form of a balcony with an area of 12m<sup>2</sup>, with dimensions of 2.4 X 5m, which is flat, receives adequate sunlight. Therefore, the proposal complies with acceptable solution.

10.4.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.
<b>Consistent</b> The objective has been met as privacy for dwelling is maintained.
A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.
<b>Complies</b> The proposed balcony at the first level of unit two is setback at least 3m from side and rear boundaries. Therefore, screening is not required. All dwellings are setback more than 6m from habitable room windows and areas of private open space.
A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b): (a) the window or glazed door: (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. (b) the window or glazed door: (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%
<b>Complies</b>

<p>The windows to the northwest of unit two are setback at least 3m from other sites and has more than 4m setback from the rear boundary. The upper floor dwelling windows or glazed doors facing the detached dwelling has more than 6m from the habitable room. Therefore, it is acceptable with A2 (a).</p>
<p>A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>
<p><b>Relies on Performance Criteria</b></p> <p>The proposed development is for multiple dwelling, one of the shared visitor parking space is located less than 2.5m to a habitable room of unit 3 of multiple dwelling. Therefore, it relies on performance criteria.</p>
<p>P3 A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
<p><b>Complies</b></p> <p>Low traffic volume is anticipated for the site. A landscaping plan includes screening plants at the interface between the detached dwelling and visitor car parking area to minimise the impacts of noise and light intrusion from vehicles.</p>

#### 10.4.8 Waste storage for multiple dwellings

<p>Objective: To provide for the storage of waste and recycling bins for multiple dwellings.</p>
<p><b>Consistent</b> Complies with acceptable solution</p>
<p>A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</p>
<p><b>Complies</b></p> <p>Each unit has an area set aside for waste and recycle bins, at least 1.5sqm in size. The proposed development includes a common storage area for unit one and unit 2 and the common storage area has a setback of more than 4.5m from the frontage and will have more than 5.5m from unit 3 and will be screened with 1.8m high wooden paling fence and will be gated. The impacts of odours and noise has sought to be minimised through the incorporation of appropriate vegetation.</p>

#### 10.4.9 Site facilities for multiple dwellings

<p>Objective: To provide adequate site and storage facilities for multiple dwellings.</p>
<p><b>Consistent</b> Complies with acceptable solution.</p>

A1 Each multiple dwelling must have access to 6m <sup>3</sup> of secure storage space not located between the primary frontage and the facade of a dwelling.
<b>Complies</b> Each unit has access to six cubic meters of secure storage space. Both dwellings have a secure storage area at end of the each site.
A2 Mailboxes must be provided at the frontage.
<b>Complies</b> Mailboxes will be provided at the frontage.

#### 10.4.10 Common property for multiple dwellings

Objective: To ensure that common areas are easily identified.
<b>Consistent</b> Complies with acceptable solution.
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.
<b>Complies</b> Site drawings clearly delineate all private and common areas.

#### 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.
<b>Consistent</b> Complies with acceptable solution
A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.
<b>Complies</b> The proposed development has a shared driveway and is located more than 1.5m from the windows of habitable rooms.
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.
<b>Complies</b> No parking area is located within the primary setback.

#### 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.
<b>Consistent</b> The proposed development will not have a negative impact on any road or railway network.

#### E4.5 Use Standards

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

Objective:
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To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.
<b>Consistent</b> Complies with acceptable solution.
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.
<b>Complies</b> Industry standards considers 8-10 vehicle movement per day for each dwelling, for a total of 30 vehicle movements per day.

#### E4.6 Development Standards

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

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

#### 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.
<b>Consistent</b> The proposal ensures that an appropriate level of car parking is provided to meet the needs of the use.
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.
<b>Relies on Performance Criteria</b> The proposed development is for three dwellings and each dwelling has two bedrooms. For any dwelling with more than one bedroom in the General Residential Zone, Table E6.1 requires two car parking spaces per dwelling and a visitor parking space. Therefore, seven car parking spaces are required overall.  Two parking spaces are provided for the detached house, three-car parking spaces for the two storey dwelling, and a visitor parking space for all dwellings, for six spaces in total. As such reliance on the performance criteria is required.



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

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

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

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

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

**Complies**

The proposal has a shortfall of one residential parking space. There are no public car parking areas within close proximity of the site. Stanley Street is an 8m street, without any restriction to park on both sides of the street. It is considered that there will be sufficient parking on street to allow for any visitors to the site. Being a residential use for affordable housing, it is anticipated there will only be one car per household.

A reduced car parking rate is considered acceptable in this instance, noting that the latest Census data (2016) indicates that car ownership for those residing in community housing within Summerhill is 0.9 vehicles per household compared to the state mean of 1.8 vehicles per dwelling. Further, there is public transport within 5m walking distance of the proposed site. Therefore, the proposal complies with 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.
<b>Consistent</b> Complies with acceptable solutions.
A1 All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> <li>(a) have a gradient of 10% or less;</li> <li>(b) be formed and paved;</li> <li>(c) be drained to the public stormwater system, or contain stormwater on the site;</li> <li>(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</li> <li>(e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.</li> </ul>
<b>Complies</b> The driveway will have a gradient well under 10%. The proposed parking areas and

manoeuvring space will be paved and drained into the public stormwater system.

E6.6.2 Design and layout of parking areas

**Objective:**

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

**Consistent**

Complies with acceptable solution.

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

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

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

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

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

**Complies**

The proposed development has six parking spaces including one visitor parking space and an access way that has dimensions in accordance with tables E6.2 and E6.3.

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Telephone: 08 7231 1889  
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Adelaide SA 5000  
Unit 7, 326 Edgecliff Road  
Woollahra NSW 2025

17 May 2022

Reference: 0710b

Catherine Mainsbridge  
City of Launceston  
18-28 St John Street  
Launceston, Tasmania 7250



Attention: Catherine Mainsbridge

By Email: [Catherine.Mainsbridge@launceston.tas.gov.au](mailto:Catherine.Mainsbridge@launceston.tas.gov.au)

Dear Catherine,

**DA 0158/2022– RESPONSE TO REQUEST FOR FURTHER INFORMATION (28 STANLEY STREET, SUMMERHILL)**

Thank you for your request for further information (dated 12 April 2022) in relation to the development application for 28 Stanley Street, Summerhill (DA 0158/2022).

This correspondence provides a consolidated response to your request and is ordered in the same sequence in which the matters were raised within your correspondence.

**Clause 8.1.3 – Plans**

*Clause 8.1.3 of Scheme requires dimensioned plans to be provided.*

*These include the following:*

- *Front, rear and side setbacks;*
- *Fencing details – height and materials;*
- *Private open space;*
- *Car parking and turning area;*
- *Extent of any site works, i.e. excavation and/or fill*

*Please also provide separate site plans to show the existing and proposed development including deleting the existing Site Concept plan.*

**Response**

As requested, an amended plan set has been enclosed which incorporates the dimensions sought by Council. Details of fencing have been addressed within the landscaping plan and within Page 17 of the submitted planning report. Where fencing is proposed this will consist of 1.8m high timber paling fencing of no transparency.

As part of this response a survey plan of the site has been enclosed which shows the existing nature of the site.

The site is relatively flat, with minimal cut and fill anticipated.



#### Clause 10.4.1 – Residential Density for Multiple Dwellings

*At A1 the compliant site area per dwelling is no less than 325m<sup>2</sup>. Your proposal has a site area of only 835m<sup>2</sup> [sic] per dwelling. Please address the objective of the clause and the performance criteria P1 to demonstrate how the density is appropriate.*

*While you have stated the application complies with P1 (b) the “overall development is in association with the provisions of community housing” this does not meet the requirement of “provides for a significant social or community benefit”. The point here is ‘significant’ with 6 dwellings not considered to meet that provision.*

*As the proposal is stated as being for community housing the lack of accessibility options is also a concern.*

*More justification is necessary. I acknowledge that your submission talks about compatibility with the existing area in terms of building design but there are no other properties with the density you propose in the area.*

#### Response

This application is for the construction of three multiple dwellings in the form of a two-storey building comprising a dwelling on each floor level and a single storey detached dwelling. As the subject site has an area of 835m<sup>2</sup>, the Acceptable Solution for site area cannot be met as the average site area per dwelling will be 278.3m<sup>2</sup>.

It remains our view that the proposed density is appropriate in the context of the locality, with a variety of existing properties within close proximity to the site demonstrating similar (and at times higher) densities than that proposed (as per P1 subclause (a)). Of note is 6 Lavender Grove, Summerhill (located 190m east of the site) which comprises 14 dwellings on a site measuring 3,742m<sup>2</sup>, equating to an average site area per dwelling of 267.2m<sup>2</sup>.

Other examples of similar densities include two semi-detached dwellings located directly adjacent the site (27 Stanley Street, Summerhill) on a site measuring 635m<sup>2</sup>, which provides an average site area per dwelling of 317.5m<sup>2</sup>. Therefore, the proposed density of the site is not considered to be at odds with the existing density in the locality.

Further, it is submitted that the slight shortfall in site area will not be evident from the street. All other quantitative provisions of the zone that seek to ensure new development reflects the existing pattern and rhythm of development, will be met.

It is of note that the two-storey multiple dwelling has a footprint of considerably less than that of adjoining single dwellings and is generally consistent (if not slightly smaller) with existing two storey dwellings in the area in terms of bulk and scale.

On this basis, it is considered that the proposed development achieves P1 subclause (a) and therefore a response to subclause (b) is not required.

This notwithstanding, as Council has sought an understanding of how the proposal will provide for a significant community benefit to the Summerhill area, correspondence has been attached that outlines how CHL services the community. A summary of this correspondence is provided below.

Community Housing Limited (CHL), is a national not-for-profit provider delivering affordable, high-quality community housing to those unable to afford their own home or access the private rental market. CHL manages over 11,000 properties across six states. In Tasmania, CHL provides services to over 1,550 social and affordable housing



tenants, as well as repairs and maintenance management through their offices located in Mowbray.

The location of affordable housing projects is a major factor in shaping its social, financial and environment outcomes. A well-located site can provide residents with good access to public transport, local amenities, employment opportunities and services while reducing car dependency. CHL's strategic plan has a focus on the delivery of increased social and affordable housing within existing urban areas, with a particular focus on areas where there is a significant shortfall in supply, as is the case in parts of Launceston.

As of March 2022, the total number of applications received for properties managed and owned by CHL in the suburbs of Newstead, Summerhill, Ravenswood, Rocherlea, Waverley and Mayfield stand at over 1,150. Of those applicants, over 1,100 could have their housing needs met by a 2- or 3-bedroom property, such as that proposed at 28 Stanley Street, Summerhill.

The site forms one of twenty (20) properties which are proposed to be developed under a Long-Term Agreement with the Department of Communities. Under this agreement / arrangement the applicant is contractually obliged to retain 28 Stanley Street as social housing for a minimum term of 30 years. At the end of this term, it is required that the land is returned with the properties at a minimum standard to enable the Department to retain the dwellings as social housing.

With regard to Council's query regarding accessibility, we can advise that all CHL dwellings are designed to meet LHA Silver Level standards.

LHA Silver Level is based on seven core livable housing design elements that seek to ensure future flexibility and adaptability of a home.

The seven core design elements are:

- A safe and continuous and step free path of travel from the street entrance and/or parking area that is level.
- At least one, level (step-free) entrance into the dwelling.
- Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
- A toilet on the ground (or entry) level that provides easy access.
- A bathroom that contains a hobless shower recess.
- Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
- Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

LHA 'acknowledges that the core design elements do not necessarily accommodate the needs and abilities of all home occupants. However, they are considered to be of most widespread benefit and use in the majority of circumstances'. (<https://livablehousingaustralia.org.au/lha-silver/>)

In the event a CHL resident requires a fully accessible dwelling, they will be assigned a ground floor dwelling.



#### Clause 10.4.9 – Site Facilities for Multiple Dwellings

A1 requires the following:

*Each multiple dwelling must have access to 6 cubic metres of secure storage space not located between the primary frontage and the façade of a dwelling.*

*Please demonstrate compliance by inclusion on the requested amended plans.*

#### Response

As requested, the plan set has been amended to include 6 cubic metres of secure storage space.

#### Clause 10.4.10 – Common Property for Multiple Dwellings

*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.*

*Please note the common property statement to detail these areas on site.*

#### Response

A plan delineating private and common areas has been enclosed as part of this correspondence.

#### Clause 6.0 – Parking and Sustainable Transport Code

*Table E6.1 of the Parking and Sustainable Transport Code requires two on-site parking spaces for dwellings in the General Residential Zone plus a visitor parking space for every four dwellings. For 3 x 2 bedroom dwellings 7 spaces are necessary. Please revise the parking design to better meet the code.*

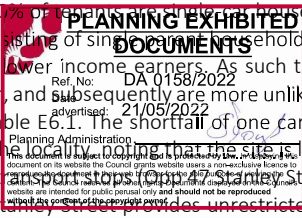
*The explanation that the dwellings are for 'social housing' is not a matter covered by the planning scheme. As the dwellings should be to provide social and community benefit provision of lesser standard development is not appropriate.*

#### Response

The proposed development will provide four designated resident parks and two visitor parks, resulting in a shortfall of one space. It is noted social housing is not a matter covered by the planning scheme and therefore Table E6.1 does not contemplate lower car parking rates for social and community housing developments.

As discussed within the enclosed correspondence, the applicant acknowledges that the availability of car parking is an important element in providing quality community housing with it noted that such availability can improve the mobility of residents. Notwithstanding this, it is our strong view that parking for community housing developments should be assessed on merit and based upon the specific demands required by the resident target group, in addition to factors such as a site's proximity to public transport and services.

Based on the 1,150 properties located within the City of Launceston that are owned and managed by the CHL, well over 60% of residents are single person households. This is due to CHL's tenant base typically consisting of single person households, individuals, and/or older people who are largely lower income earners. As such they are often less able to afford to own and run a car, and subsequently are more unlikely to require two parking spaces as specified by Table E6.1. The shortfall of one car park will not adversely affect the development or the locality, noting that the site is located within close proximity (200m) to two public transport stops (Opp 47 Stanley Street and Stop 23, No. 8 Lavender Grove) and that Stanley Street provides unrestricted car parking on both sides of the road.



In addition, CHL's approach to managing the availability of car parking is unique to each specific development. Whilst off-street parking is provided for all developments, it is designed to suit the location and is site-specific. The approach to the allocation of parking spaces for multiple dwelling developments requires a resident to make an application for a designated parking space for consideration by CHL. Parking spaces are allocated on a need's basis, with priority given to residents with mobility and disability issues, followed by residents with children and residents who work late shifts or night shifts. In each case, residents must also currently have a vehicle registered in their name to the address leased from CHL, and provide this information at the time of their application.

In light of the above, it is submitted that a shortfall of one on-site car parking space is acceptable and not fatal to the application.

I trust this information is satisfactory and will enable your continued assessment of the application.

If you do require further information, please do not hesitate to contact me.

Yours sincerely,

**Bethany Hold**  
Consultant

*Encls: Amended Plan Set & Survey Plan*

*Correspondence from Community Housing (Tas) Limited*



To Whom it May Concern

30 March 2022

**Re: Developing Sustainable and Affordable Housing in Launceston Tasmania**

### **Introduction to Community Housing (TAS) Limited**

Community Housing (TAS) Limited (CHTL) is part of the Community Housing Ltd (CHL) group. CHL is a national not-for-profit provider delivering affordable, high-quality community housing to those unable to afford their own home or access the private rental market. CHL manages over 11,000 properties across six states.

In Tasmania, CHTL provide services to over 1,550 social and affordable housing tenants as well as repairs and maintenance management through our offices located in Mowbray.

CHTL believes that having a stable long-term home is a fundamental foundation to the physical, emotional, and spiritual wellbeing of individuals and families. Without this foundation it is extremely difficult to access appropriate educational, employment or social services and make positive connections within the community and society in general. This has never been more evident than during the COVID-19 pandemic.

### **Housing Demand in the suburbs proposed for CHL development.**

As of this month (March 2022 ) the total number of applications received for a CHTL managed or owned property in the suburbs of Newstead, Summerhill, Ravenswood, Rocherlea, Waverley and Mayfield stand at over 1150. Of those applicants over 1100 could have their housing needs met by a 2- or 3-bedroom property such as those currently proposed by CHTL.

### **Tenure**

Seventy-three of the properties that are currently proposed are being developed under the Residential Management Agreement and Ground Lease Arrangement with the Department of Communities. Under this agreement/arrangement, CHTL is contractually obliged to retain these properties as social housing for a 40-year term. At the end of the term, it is required that the land is returned with the properties at a minimum standard to enable the Department to retain the dwellings as social housing.

A further 20 properties will be developed under the Long-Term Development Agreement which requires the properties to be retained as social housing for a minimum of 30 years.

**MOWBRAY**  
Level 1  
288 Invermay Road  
Mowbray 7248  
T +61 3 6325 0700  
F +61 3 6326 6265  
E infotas@chl.org.au

GENERAL ENQUIRIES 1300 245 468 | [www.chl.org.au](http://www.chl.org.au)

**TASMANIA**  
ABN 54 147 539 526





### Developing Affordable Housing

CHTL recognises that affordable housing not only relates to the rent that a resident will pay but also includes other components such as energy costs, access to public transport, essential services, and employment opportunities. As such, when CHTL is developing new social and affordable housing, the location is of prime importance and insofar as possible, proposed developments are centrally located and within proximity of public transport options, linking residents to services and employment opportunities. In addition, CHTL leadership has had preliminary conversations with Metro bus services about augmenting the bus services to the areas concerned. Rocherlea has been identified as an area where we will advocate for an additional service to be run over and above those currently in place.

One of the key objectives of increasing the supply of well-located affordable housing is to improve access to services and labour opportunities. Access to public transport is important both in order for residents without cars to access jobs and services, and to reduce car use and energy consumption, which has benefits for social sustainability (individuals) and environmental sustainability more generally.

Many studies have shown that such an approach serves to contain outward urban expansion and direct growth into established urban areas, particularly those with good access to public transport. This is seen to be an important way of reducing vehicle dependence, increasing the efficiency of public transport and community infrastructure, and promoting a vibrant and more equitable city.

### Car Parking Demand

Availability of car parking spaces can improve residents' mobility and, therefore, can be seen as an important element of housing quality. However, the number of parking spaces provided for an affordable housing project should be based on demand for parking from the target group of residents as well as access to public transport.

Based on the 1150 properties owned and managed by CHL within the boundaries of the Launceston City Council since 2014, the percentage of single car households is well over 60% of our tenant base. This is due to most of our residents being single parent families, single individuals or older people. Furthermore, due to our target cohort generally being lower income earners, residents are often less able to afford to own and run a car. As such, it is considered that the standard car parking rate applied by councils could be reduced for affordable housing products without detriment to residents or the locality. It is suggested that car parking rates for planning schemes proposing one, two and three-bedroom dwellings could be reduced by at least 25 per cent where housing is within 400 metres of public transport.

### Car Parking Allocation

CHTL's principles for managing car parking availability is unique to each development. While off-street parking is provided for all developments, it is designed to suit the location and is site-specific. In developments with multiple dwellings, if a resident requires a designated parking space, an application can be made to CHTL for consideration. Parking spaces are allocated on a need's basis, with priority given to



residents with mobility or disability issues followed by ~~residents with children and~~ residents who work late shifts or night shifts. In each case, residents must also currently have a vehicle registered in their name to the address leased from CHTL and provide this information at time of application for a designated parking space.

**Summary**

CHTL recognises that access to safe, secure, appropriate and affordable housing is a basic human right that is fundamental to individual, family and community well-being. We want our residents to live in inclusive, safe, and vibrant communities where they can participate, thrive and grow. The location of an affordable housing project is a major factor in shaping its social, financial and environmental outcomes. A well-located site can provide residents with good access to public transport, local amenities, employment opportunities and services while reducing car dependency.

CHTL's aim is to not only provide affordable housing but to create nurturing cohesive communities with access to opportunities. To this end, CHTL's strategic plan has a focus on the delivery of increased social and affordable housing within existing, urban areas, with a particular focus on areas where there is a significant shortfall in supply, as it the case in parts of Launceston.

CHTL believes that the developments being undertaken will have a positive impact on the local community, residents, and economy. CHTL is therefore seeking a relaxation of the parking requirements to reflect the lower income cohort with reduced car ownership, noting that the proposed housing is intended to be managed by CHTL for social housing for the foreseeable future.

We trust the above meets with your approval and look forward to progressing our application. If there is any further information or clarity that we can assist with, please do not hesitate to contact our Project Manager Jacob Kirkwood on (03) 9978 9062 or [jacob.kirkwood@chl.org.au](mailto:jacob.kirkwood@chl.org.au).

Regards

Oscar Norton  
Community Housing (TAS) Limited - State Manager





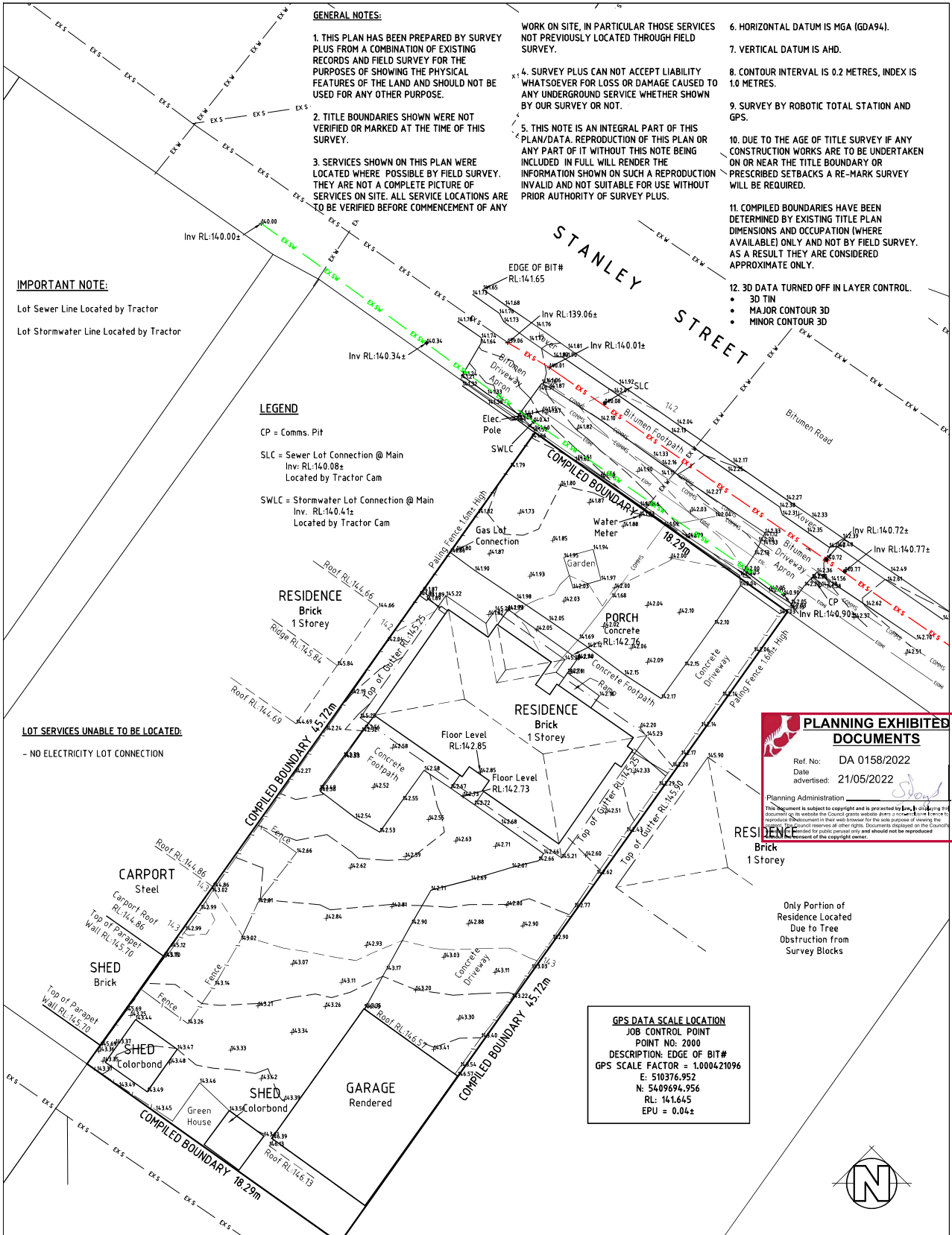


**PRIVATE vs COMMON LAND**  
28 Stanley Street, Summerhill



**HOLMES DYER**

1989-007 R1-1205-9022



**GENERAL NOTES:**

1. THIS PLAN HAS BEEN PREPARED BY SURVEY PLUS FROM A COMBINATION OF EXISTING RECORDS AND FIELD SURVEY FOR THE PURPOSES OF SHOWING THE PHYSICAL FEATURES OF THE LAND AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
2. TITLE BOUNDARIES SHOWN WERE NOT VERIFIED OR MARKED AT THE TIME OF THIS SURVEY.
3. SERVICES SHOWN ON THIS PLAN WERE LOCATED WHERE POSSIBLE BY FIELD SURVEY. THEY ARE NOT A COMPLETE PICTURE OF SERVICES ON SITE. ALL SERVICE LOCATIONS ARE TO BE VERIFIED BEFORE COMMENCEMENT OF ANY

4. SURVEY PLUS CAN NOT ACCEPT LIABILITY WHATSOEVER FOR LOSS OR DAMAGE CAUSED TO ANY UNDERGROUND SERVICE WHETHER SHOWN BY OUR SURVEY OR NOT.
5. THIS NOTE IS AN INTEGRAL PART OF THIS PLAN/DATA. REPRODUCTION OF THIS PLAN OR ANY PART OF IT WITHOUT THIS NOTE BEING INCLUDED IN FULL WILL RENDER THE INFORMATION SHOWN ON SUCH A REPRODUCTION INVALID AND NOT SUITABLE FOR USE WITHOUT PRIOR AUTHORITY OF SURVEY PLUS.

6. HORIZONTAL DATUM IS MGA (GDA94).
7. VERTICAL DATUM IS AHD.
8. CONTOUR INTERVAL IS 0.2 METRES, INDEX IS 1.0 METRES.
9. SURVEY BY ROBOTIC TOTAL STATION AND GPS.
10. DUE TO THE AGE OF TITLE SURVEY IF ANY CONSTRUCTION WORKS ARE TO BE UNDERTAKEN ON OR NEAR THE TITLE BOUNDARY OR PRESCRIBED SETBACKS A RE-MARK SURVEY WILL BE REQUIRED.
11. COMPILED BOUNDARIES HAVE BEEN DETERMINED BY EXISTING TITLE PLAN DIMENSIONS AND OCCUPATION (WHERE AVAILABLE) ONLY AND NOT BY FIELD SURVEY. AS A RESULT THEY ARE CONSIDERED APPROXIMATE ONLY.
12. 3D DATA TURNED OFF IN LAYER CONTROL.
  - 3D TIN
  - MAJOR CONTOUR 3D
  - MINOR CONTOUR 3D

**IMPORTANT NOTE:**

- Lot Sewer Line Located by Tractor
- Lot Stormwater Line Located by Tractor

**LEGEND**

- CP = Comms. Pit
- SLC = Sewer Lot Connection @ Main  
Inv. RL:140.08±  
Located by Tractor Cam
- SWLC = Stormwater Lot Connection @ Main  
Inv. RL:140.41±  
Located by Tractor Cam

**LOT SERVICES UNABLE TO BE LOCATED:**

- NO ELECTRICITY LOT CONNECTION

**PLANNING EXHIBITS DOCUMENTS**

Ref. No: DA 0158/2022  
Date advertised: 21/05/2022

Planning Administration

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**GPS DATA SCALE LOCATION**  
JOB CONTROL POINT  
POINT NO: 2000  
DESCRIPTION: EDGE OF BIT#  
GPS SCALE FACTOR = 1.000421096  
E: 510376.952  
N: 5409694.956  
RL: 141.645  
EPU = 0.04±



**SURVEY PLUS**

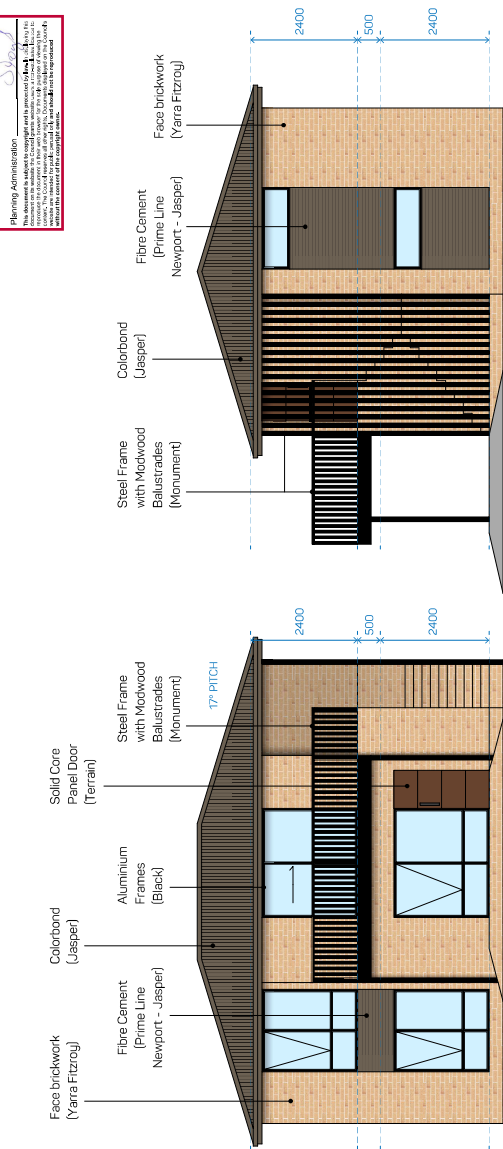
Address: 8 Amy Street, Moonah, Tasmania, 7009  
Phone: 6273 9831  
Fax: 6273 8316  
Email: admin@surveyplustas.com.au  
Mail: PO Box 299, Moonah, Tas, 7009

Project: **DETAIL, CONTOUR & FEATURE SURVEY LOT 805, NO 28 STANLEY STREET, SUMMERHILL**

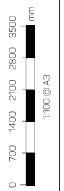
Drawing: **SITE PLAN**  
C.T. 55858/805  
LOT SIZE: 835m<sup>2</sup>

Drafted by: TL  
Date: 15-09-2021  
Project/Drawing No: SP21555-01

Approved By: JLD  
Scale: 1:200@A3  
Revision: A

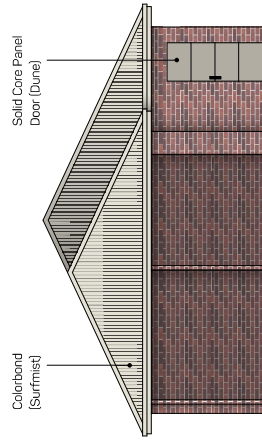
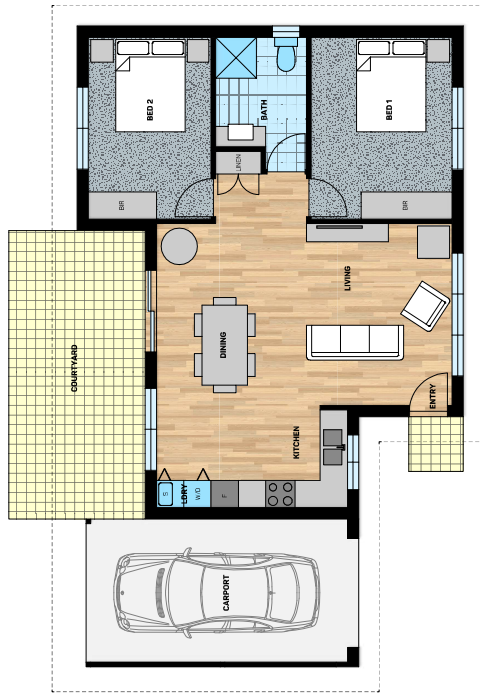
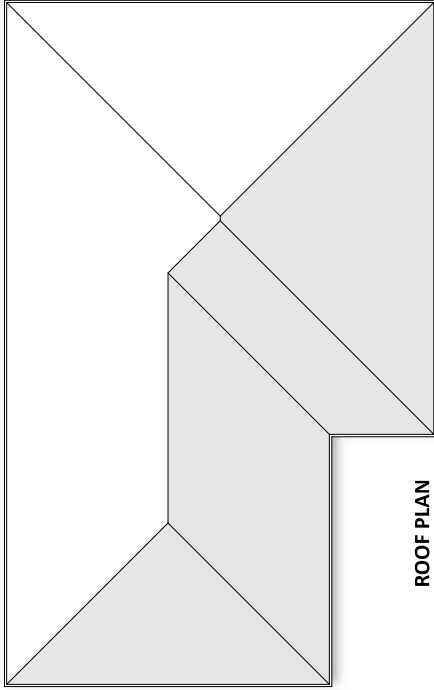


**HOLMES DYER**

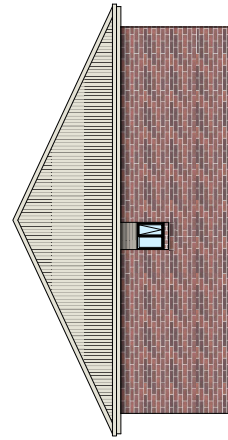


**APARTMENT 2**  
28 Stanley Street, Summerhill

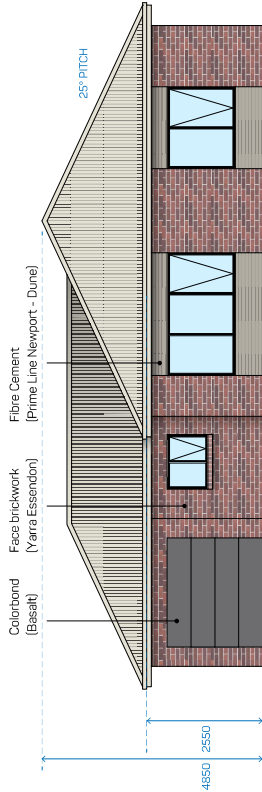
**PLANNING EXHIBITED DOCUMENTS**  
 Ref. No: DA 0158/2022  
 Date Issued: 21/05/2022  
 Planning & Administration  
 The documents related to development applications are available for public inspection at the City of Launceston Council Offices, 100 Stanley Street, Launceston, Tasmania 7250. The documents are available for inspection during business hours, Monday to Friday, 9am to 5pm. The documents are available for inspection for a period of 28 days from the date of issue. The documents are available for inspection for a period of 28 days from the date of issue. The documents are available for inspection for a period of 28 days from the date of issue.



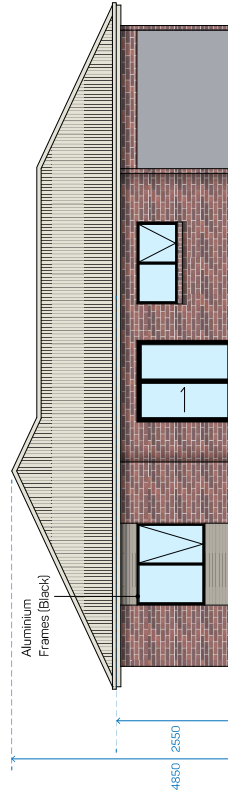
**SIDE ELEVATION 1**



**SIDE ELEVATION 2**

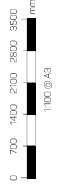


**FRONT ELEVATION**



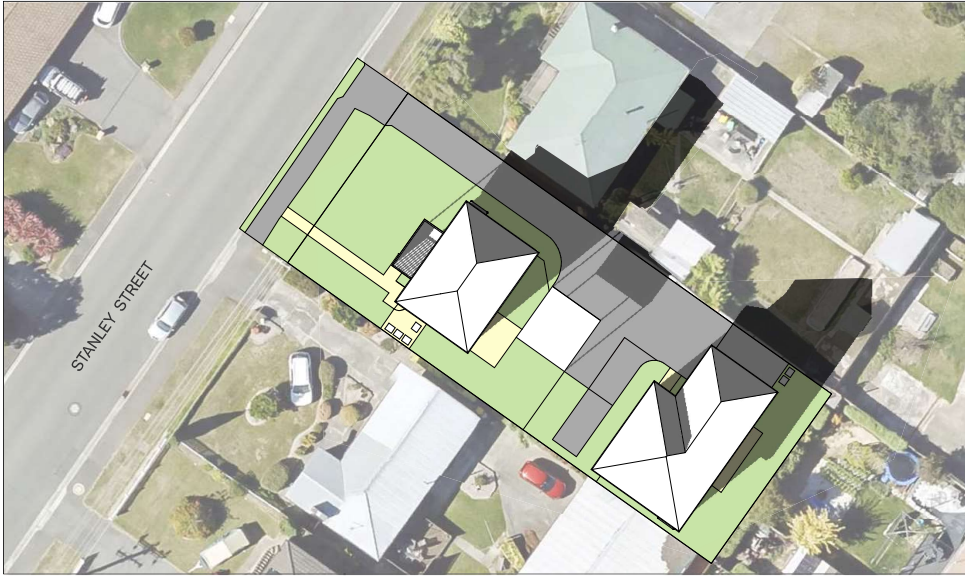
**REAR ELEVATION**

**HOLMES DYER**



**FLOOR PLAN 18 (HIPPED END)**  
 28 Stanley Street, Summerhill

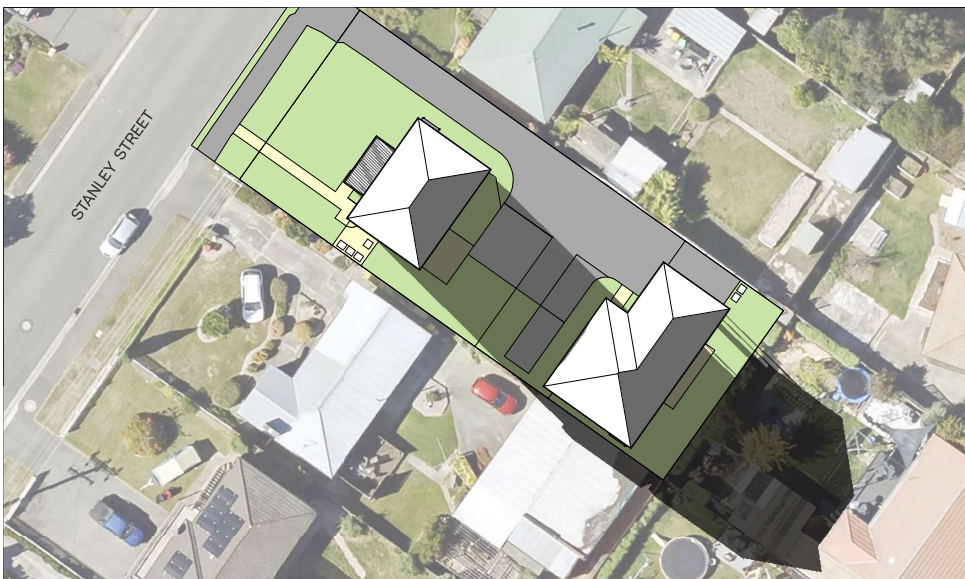




WINTER SOLSTICE (21 JUNE) - 3PM

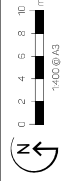


WINTER SOLSTICE (21 JUNE) - 12PM



WINTER SOLSTICE (21 JUNE) - 9AM

**PLANNING EXHIBITED DOCUMENTS**  
 Ref. No. DA 0158/2022  
 Date submitted: 21/05/2022  
 Planning Administration:  
 Development Applications Unit  
 City of Launceston, 100 Stanley Street, Launceston, Tasmania 7290  
 Contact: 081 252 2222 or 081 252 2223  
 Website: www.launceston.tas.gov.au



**HOLMES DYER**

T88-0076 Pt 1-2001/2022

**SHADOW DIAGRAMS**  
 28 Stanley Street, Summerhill

Document Set ID: 4687130  
 Version: 1, Version Date: 23/03/2022



## Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DA0158/2022	<b>Council notice date</b>	12/04/2022
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2022/00526-LCC	<b>Date of response</b>	14/04/2022
<b>TasWater Contact</b>	Jake Walley	<b>Phone No.</b>	0467 625 805
<b>Response issued to</b>			
<b>Council name</b>	CITY OF LAUNCESTON		
<b>Contact details</b>	PlanningAdmin@launceston.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	28 STANLEY ST, SUMMERHILL	<b>Property ID (PID)</b>	6653790
<b>Description of development</b>	Demolition of existing dwelling and outbuildings and construction of three dwellings		
<b>Schedule of drawings/documents</b>			
	<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>
	Holmes Dyer	Site Concept	--
			<b>Date of Issue</b>
			26/01/2022
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
1. A suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.			
2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.			
3. Prior to commencing construction/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.			
<b>DEVELOPMENT ASSESSMENT FEES</b>			
4. The applicant or landowner as the case may be, must pay a development assessment fee of \$219.04 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.			
The payment is required within 30 days of the issue of an invoice by TasWater.			



Advice			
<b>General</b>			
For information on TasWater development standards, please visit <a href="https://www.taswater.com.au/building-and-development/technical-standards">https://www.taswater.com.au/building-and-development/technical-standards</a>			
For application forms please visit <a href="https://www.taswater.com.au/building-and-development/development-application-form">https://www.taswater.com.au/building-and-development/development-application-form</a>			
Declaration			
The drawings/documents and conditions stated above constitute TasWater’s Submission to Planning Authority Notice.			
<b>Authorised by</b>			
			
<b>Jason Taylor</b> Development Assessment Manager			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

**From:** "Dale Berry" [REDACTED]  
**Sent:** Wed, 1 Jun 2022 18:59:40 +1000  
**To:** "Contact Us" <contactus@launceston.tas.gov.au>  
**Cc:** "Anita Berry" [REDACTED]  
**Subject:** DA0158/2022

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Chief Executive Office,

I am writing to you on behalf of myself and my wife. We wish to lodge a complaint against the proposed development at 28 Stanley St Summerhill. We believe having the 3-unit development on the size of the block is unreasonable for the neighbourhood. If you look along Stanley St most of the dwelling are single family homes. We do concede there are blocks with multiple units but having 3 on this block is too much. We also object to the front unit being 2 story. We think this will overshadow the house at 26 Stanley St and encroach over the owner's privacy. The owner at 26 Stanley St is an older lady that has recently had her husband pass away and does not need the stress of having people looking into her house and yard. We believe a far better option would be to demolish the garage at the back of 28 Stanley St and build a single unit in that location and renovate the current house as happened at I think 65 Stanley St. This type of development would be more in keeping with the feel of the neighbourhood.

Please feel free to contact me if you wish to discuss the matter further.

Regards

**Dale Berry** Dip CM | Project Manager

**Batchelor Civil Contracting**



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**From:** "lois hayes" [REDACTED]  
**Sent:** Thu, 2 Jun 2022 16:03:58 +1000  
**To:** "Contact Us" <contactus@launceston.tas.gov.au>  
**Subject:** Letter of objection to the proposed build for 28 Stanley Street Summerhill  
**Attachments:** 26 Stanley Street.docx

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Sir/Madam,

Please find attached my letter of objection to the proposed build at 28 Stanley Street, Summerhill.

Regards

Lois Hayes

[REDACTED]  
[REDACTED]  
LAUNCESTON

1<sup>st</sup> June 2022

### **OBJECTION AND OPPOSITION TO CONSTRUCTION AT 28 STANLEY STREET**

I wish to object to the construction of 3 dwellings at 28 Stanley Street, Summerhill, one of those dwellings being 2 story building consisting of 2 units.

The block is not an overly large property and is unsuitable for this block of land. I disagree with CHL, building a two-story dwelling on this block. It impacts on the dwellings around it by blocking the light, it will overlook my yard and will impact on my privacy, it is not in character to the other residences in the streets surrounding and contained within Summerhill. Summerhill cannot be compared to Rocherlea or Ravenswood dwellings as Summerhill is majority privately owned dwellings and not comparable to these two suburbs.

As mentioned in the online information on this construction, the units at 27 Stanley Street and 38 Stanley are both two single units on the block and would not impact in the same way as a double story unit.

It is a requirement that each dwelling needs 325 square meters per unit which is 975 square meters, and the block is 835 square meters. Therefore, there's not enough space allotted for these units on this property. Each unit is mapped as having two parking spaces and one for visitors which adds up to 9 parking spaces for that land.

I object to the planning and building of these units on the grounds that the land mass is too small, that the two-story unit is invasive and that they will not suit the surrounding area.

Regards

Lois Hayes  
[REDACTED]

# **MINUTES COUNCIL COMMITTEE**

## **COUNCIL COMMITTEE HEARING TO AMEND SEALED PLAN 21 APRIL 2022**

**11.00AM  
TOWN HALL RECEPTION ROOM, ST JOHN STREET, LAUNCESTON**

**COUNCIL COMMITTEE**

Thursday 21 April 2022

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**A Council Committee Hearing - Petition to Amend Sealed Plans 16325 and 19533, 304 and 308 Penquite Road, Norwood was held at Town Hall Reception Room, St John Street, Launceston:**

**Date: 21 April 2022**

**Time: 11.00am**

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**Certificate of Qualified Advice**

**Background**

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

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

**Certification**

I certify that:

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



**Shane Eberhardt**  
**Acting Chief Executive Officer**



**ORDER OF BUSINESS**

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**COUNCIL COMMITTEE**

Thursday 21 April 2022

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**1 BRIEFING**

A briefing was provided by Kelsey Hartland (Team Leader Governance). The briefing explained the approach to be adopted for the meeting and identified the following points:

- (a) the Meeting will be conducted in line with Council Meeting procedures and as such, open to the public as a Hearing unless the Committee decides to move into a Closed Session by absolute majority, whereby members of the public will be asked to leave the room.
- (b) at the Council Meeting of 24 March 2022, the Committee was delegated the authority to make a decision on the petition to amend the Sealed Plan. A decision can be made at today's meeting or the Committee can reconvene at a later date if further review, discussion or advice is required. If a decision is made, the decision will be reported back to Council at a future Meeting.
- (c) if a definitive decision is not made and the Committee forms the view that a Recommendation needs to be forwarded to Council for adoption, then an appropriate Agenda Item will be prepared.
- (d) at hearings such as this it has been established practice to allow representors to speak untimed. Speakers may not ask questions or enter into debate with others present at the hearing. Statements are not to be defamatory, inappropriate or abusive, or intended to embarrass any other attendees. The Chair may direct Speakers to stop speaking if these rules are not observed or if a statement is repetitive.

**2. ELECTION OF THE CHAIR**

Prior to opening the Meeting, election of the Chair occurred.

**DECISION: 21 April 2022**

**MOTION**

Moved Councillor P S Spencer, seconded Councillor K M Preece.

That Councillor A G Harris be elected as Chair.

**CARRIED 3:0**

**3. OPENING OF MEETING - ATTENDANCE and APOLOGIES**

The Chair of the Meeting, Councillor A G Harris, opened the Meeting at 11.00am and noted apologies from Councillor J G Cox and Councillor N D Daking. The Chair welcomed those attending. Councillor A G Harris provided those in attendance with a summary of the process to be undertaken during the Meeting, as noted above and outlined by Kelsey Hartland.

Those in attendance were:

**Committee:**

**Councillor P S Spencer, Councillor A G Harris (Chair) and Councillor K M Preece**

**City of Launceston:**

**Glynn Williams (Legal Counsel), Craig Johns (Statutory Services Officer), Kelsey Hartland (Team Leader Governance), Robert Bujnowski (Properties and Legal Officer) and Anthea Rooney (Council and Committees Officer)**

**Proponents and Representors:**

**Roz Daly (Representor), Roger Daly (Representor), Ron Schaeche (Representor), Margaret Smith (Representor), Geoff Smith (Representor), Irene Duckett (Proponent's Planner), Peter Woolson (Proponent), Jim Woolston (Proponent), Nicky Bigham (Representor) and Alex Bigham (Representor).**

**4 DECLARATION OF INTERESTS**

There were no declaration of interests for this Meeting.

COUNCIL COMMITTEE

Thursday 21 April 2022

**5 HEARING - PETITION TO AMEND SEALED PLANS- 16325 and 19533 - 304 and 308 Penquite Road, Norwood, Section 103 - Local Government (Building and Miscellaneous Provisions) Act 1993**

The following representations/discussions were made and occurred at the Committee Meeting:

Irene Duckett (Proponent's Planner), on behalf of the proponent, spoke for the item and provided the following submission (and photographs) for consideration:

- the subject land is Lot 1 on Sealed Plan Number 16325 and is land contained in the Certificate of Title Volume 165249 Folio 1 and Lots 3 and 4 on Sealed Plan Number 19533.
- the Schedule of Easements in both SP16325 and SP19533 created restrictive covenants on those titles with the following restrictions:
  - (b) the main building erected on such lot shall not be used for any purpose other than a private dwelling house;
  - (d) that not more than one main building shall be erected on such lot;
  - (f) that there shall not be erected any building or outbuilding (excluding carport) on such lot with outer walls other than of masonry brick or brick veneer construction; and
  - (h) not to subdivide the said lot into smaller lots nor alter nor amend subdivision plan as it relates to such lot in any way without the vendor's consent.
- the amendments sought by the proponent are to delete clauses b, d, f and h.
- explanation, via distributed aerial photographs, was provided to give some context to the land use since registration of the title on 2 February 1983.
- explanation was provided with context to the State's land use strategies, with particular reference to the Northern Tasmania Regional Land Use Strategy, in the context of land use patterns and application.
- it was suggested that there was no land use planning merit in retaining or enforcing the current covenants as the land has a combined size of 1.16ha, which has never had a single dwelling on it.
- it was claimed that the land has a greater value in providing much needed housing.
- in 2014 a planning application was lodged and approved by the Launceston City Council for the amalgamation of titles and construction of 24 dwellings and that permit remains valid today.
- vehicles from the approved development would have direct access to Penquite Road, with no adverse issues revealed in traffic studies.
- it was stated that there would be no direct impact on the amenity of neighbouring properties, other than the impact on the perceived status of their own houses.

**COUNCIL COMMITTEE**

**Thursday 21 April 2022**

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Rob Schaeche (Representor), spoke against the item and provided the following information:

- both the proponent's property and his property were purchased knowing that the covenant was in place.
- concerns were raised about traffic issues, with particular reference to the roundabout, with a claim that traffic accidents will increase as a result of increased housing density.
- the proposed development is claimed to affect housing prices and amenity of the area.
- infrastructure and sewage issues are claimed to be prevalent and will increase with more housing.
- It was also noted that it felt surprising to be back in front of the Committee as this issue was dealt with seven years ago.

Roger and Roz Daly, spoke against the item and provided the following information:

- live next door to the proposed development and purchased the current property to engage in a different style of living in the area - semi-rural, gardens, etc.
- were very aware of the covenant of allowing only one house per block when property was purchased and that was one of the prime reasons for purchasing.
- Council's previous ruling appeared to protect the covenant.
- the developers have approached neighbours citing their proposal.

Alex and Nicky Bigham, spoke against the item and provided the following information:

- covenants were applied to develop a certain living style and purchase of their current property was made in the knowledge of applicable covenants as were the proponents.
- Council approved covenants and, therefore, should be upholding them.
- no multiple dwelling allotments were to be allowed and the covenants were a positive incentive to purchase the property.

Peter Woolston, Proponent, spoke for the item and provided the following information:

- noted that this has been a very long process and the first planning permit application was for 28 dwellings - the current application is for 24 dwellings.
- some properties in the area are not covered by the existing covenants and are claimed to be excluded from operation of the covenant or relying on them.

Irene Duckett responded and summarised discussions saying that amenity of surrounding lots will not be affected by the proposed development and the current conditions will not be impacted. It was submitted by her that the Council has already assessed this development site as being appropriate for development.

**COUNCIL COMMITTEE**

**Thursday 21 April 2022**

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Glynn Williams (Legal Counsel) provided a view as to the interpretation of the Schedule of Easements in response to the view raised by Peter Woolston that some properties are not covered by the existing covenant. Glynn noted that the starting point of negotiations should be the words initially proposed by the original developer, Mr Wilkes. Claims advanced application or non-application of the covenants to certain land were not raised in the Petition to the Council. Historically, restrictive covenants have been applied by private developers and these covenants were first applied in 1982. A person who has an interest in any Council decision has a right to appeal under the auspices of the *Judicial Review Act*.

**6 DECISION**

As the evidence presented by the proponent does not sufficiently address how the proposed development may impact on the proprietary rights of the adjoining property owners, the application does not provide the Council with a basis upon which it may justify exercising its discretion to overturn the relevant clauses of the restrictive covenant. The petition should, therefore, be rejected.

**7 CLOSE OF MEETING**

**The Chair, Councillor A G Harris closed the Meeting at 11.48am thanking those in attendance for their conduct during the Hearing. Councillor Harris indicated to all that a decision would be provided as soon as possible, initially via advice from the Council and more formally via a Council Agenda Item in an upcoming Meeting.**

**Summary from Legal Counsel:**

Glynn Williams summarised the key points of the Hearing, noting the following legal considerations:

- A restrictive covenant is a type of contract between neighbouring land owners that gives those owners proprietary rights.
- The extinguishment of a restrictive covenant may constitute the deprivation of a proprietary right.
- The relevant landowners were aware of the restrictive covenant at the time of purchasing their property.
- In this instance the wording of the restrictive covenant is very tightly drafted.
- Representations made at the hearing indicate that the original purposes of the restrictive covenants have not become obsolete.

**COUNCIL COMMITTEE**

**Thursday 21 April 2022**

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- Council has the discretion to accept or reject a petition to amend the clauses of restrictive covenant that are contained within a sealed plan pursuant to section 104 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas).
- The application in this instance provides opinion evidence regarding planning considerations that may support the removal of the relevant clauses from the restrictive covenant.
- The application is not supported by evidence as to how the proposed development may impact on the proprietary rights of the adjoining property owners by detracting from the very tightly written restrictive covenants that the proponent seeks to have removed.
- Council is, overall, lacking evidence to justify exercising its discretion to overturn the relevant clauses of the restrictive covenant.

**Summary from the Chair:**

Following further discussion, Councillor A G Harris noted the following:

- that proponents and representors had been able to state their cases openly and clearly.
- the Committee understood and were comfortable accepting the legal advice provided.
- the effect of the covenants were understood by those purchasing the land.

Following the completion of the Hearing, the Committee recommended the following be forwarded to Council for decision:

- The evidence presented by the proponent does not sufficiently address how the proposed development may impact on the proprietary rights of the adjoining property owners. As a result, the application does not provide the Council with a basis upon which it may justify exercising its discretion to overturn the relevant clauses of the restrictive covenant. The petition should, therefore, be rejected.

The Committee, having finalised its recommendation, indicated there was no need to reconvene prior to documentation being forwarded to the 19 May 2022 Council Meeting for decision.

**8 ATTACHMENTS**

In addition to the Attachments distributed with the Agenda, the following additional Attachment was presented at the Meeting:

8.7 Aerial Photographs (Irene Duckett, Proponent's Planner)

*Attachment 8.7 - Aerial Photographs (Irene Duckett, Proponent)*

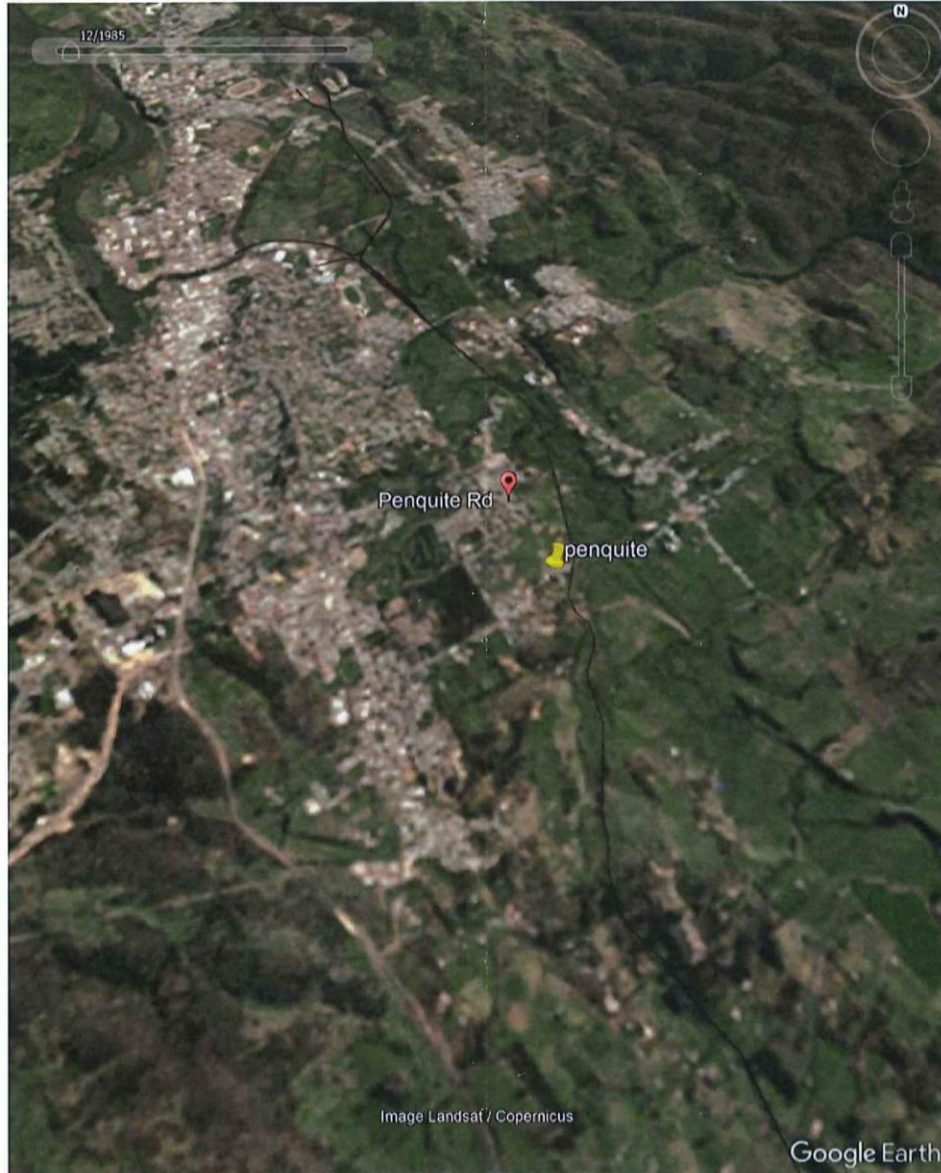


Figure 1 Image taken 1985, subject site shown with yellow marker (source Google earth)



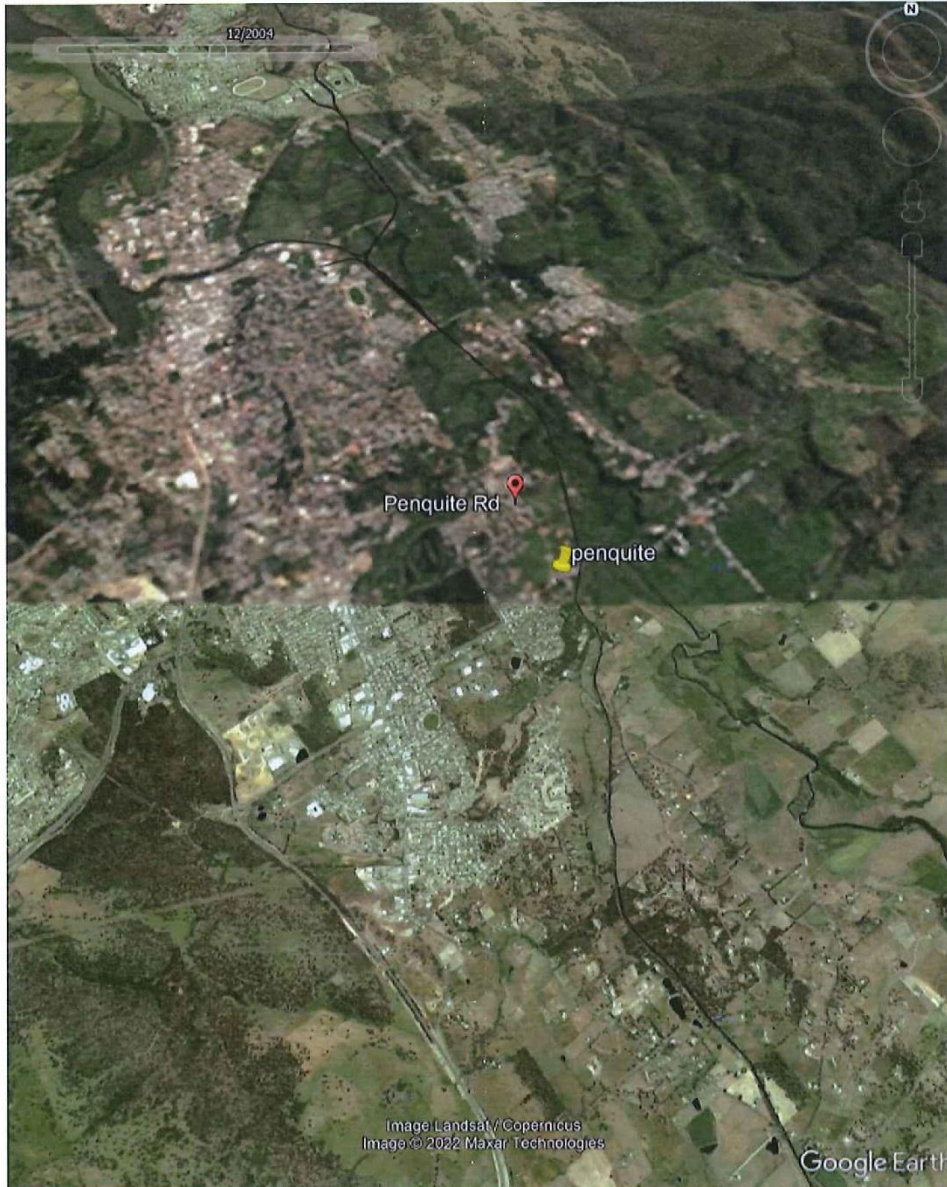


Figure 2 Image taken 2004 (source: Google earth)

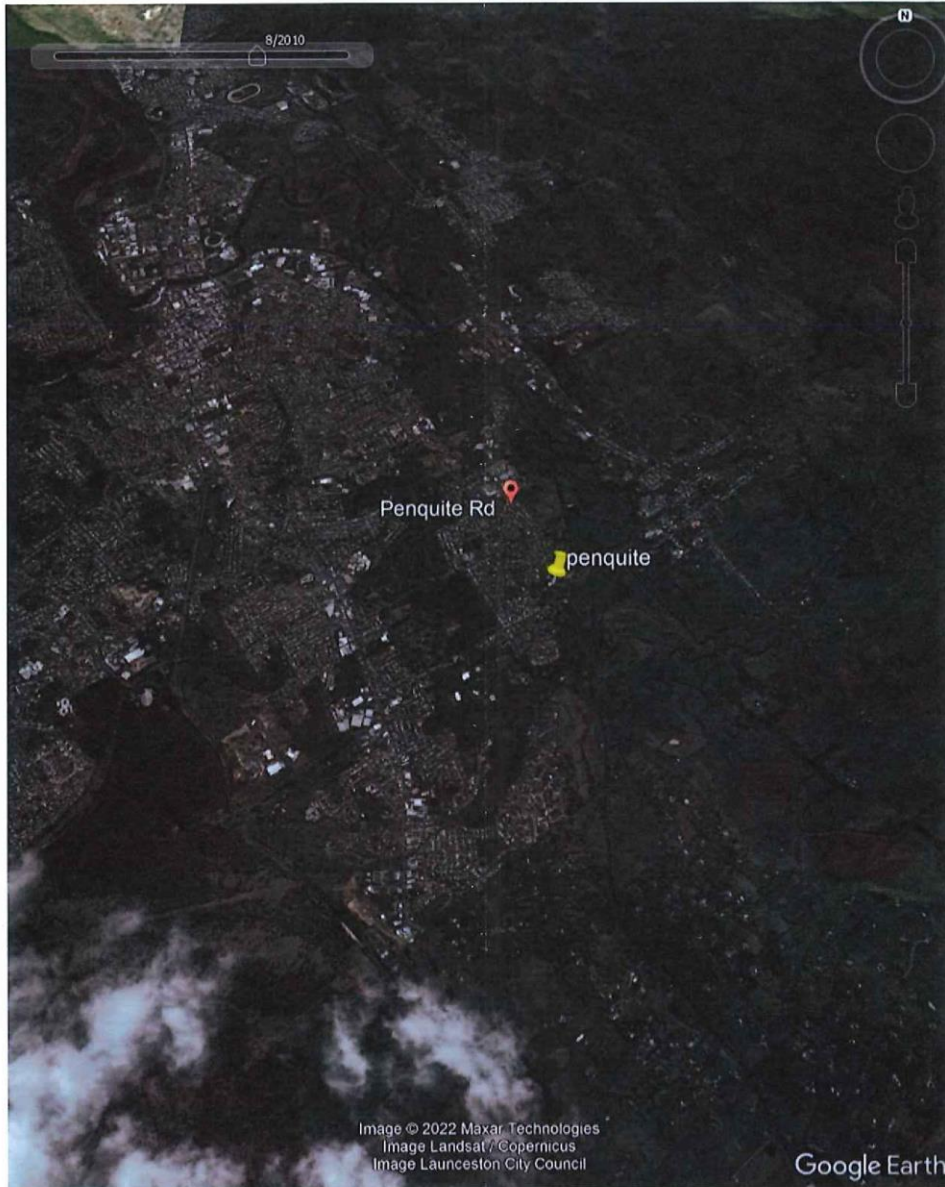


Figure 3 Image taken 2010 (source: Google earth)

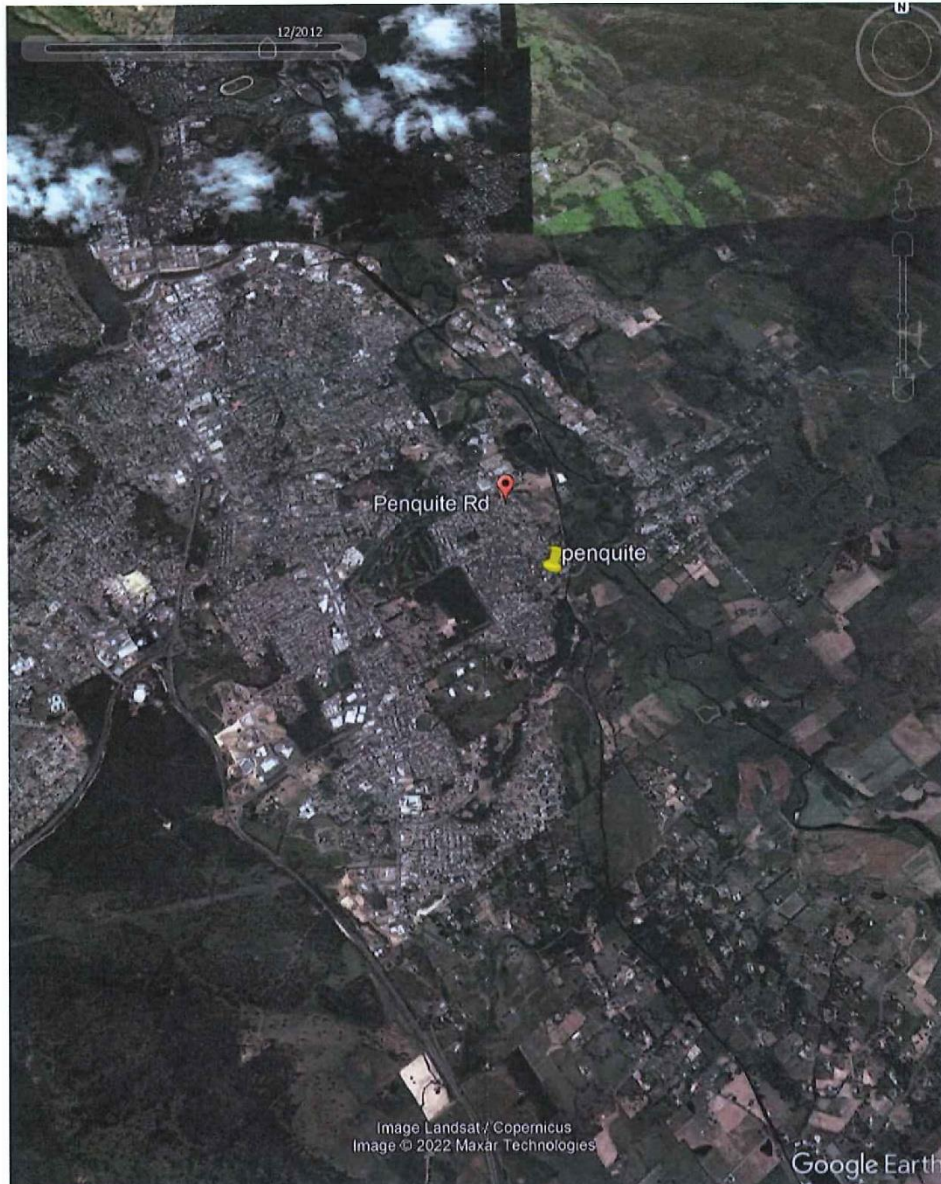


Figure 4 Image taken 2012 (source: Google earth)

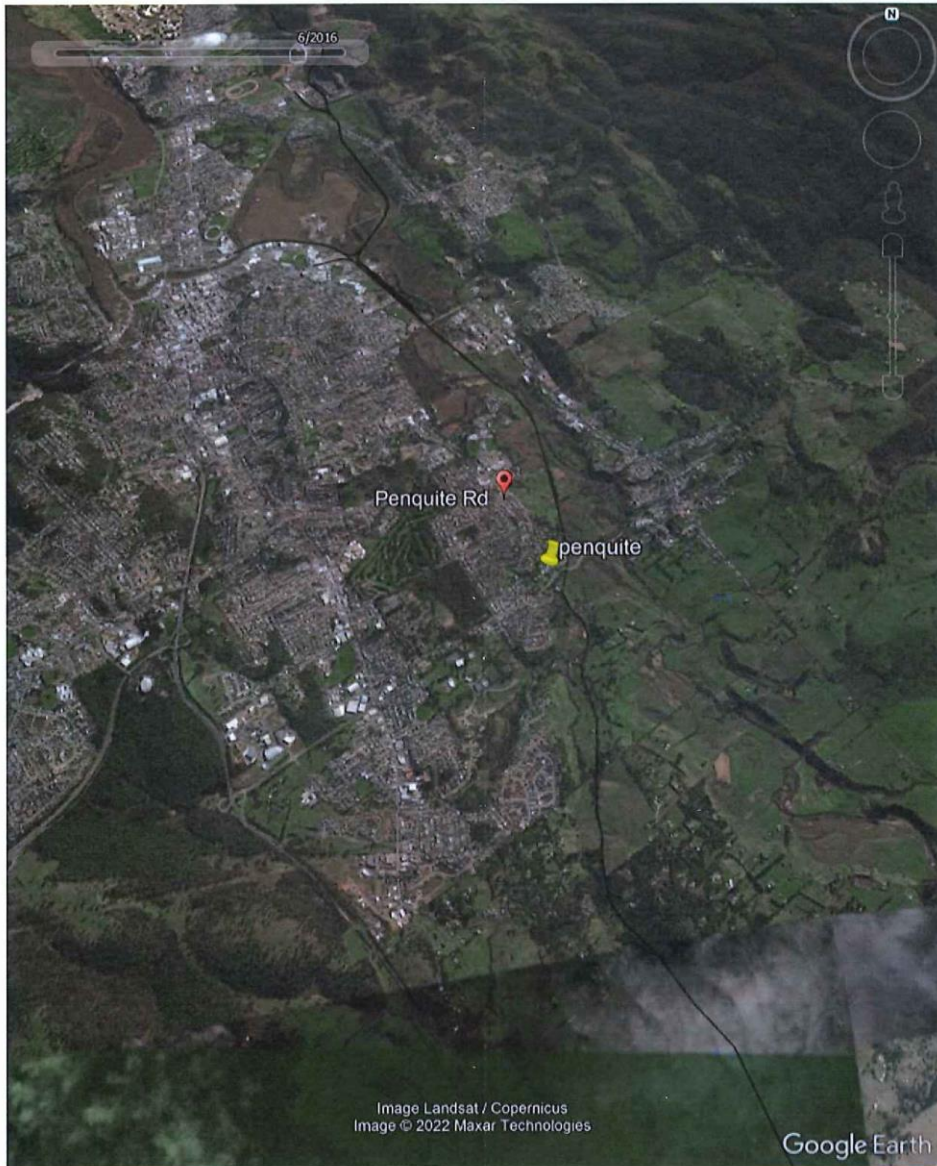


Figure 5 Image taken 2016 (source Google earth)

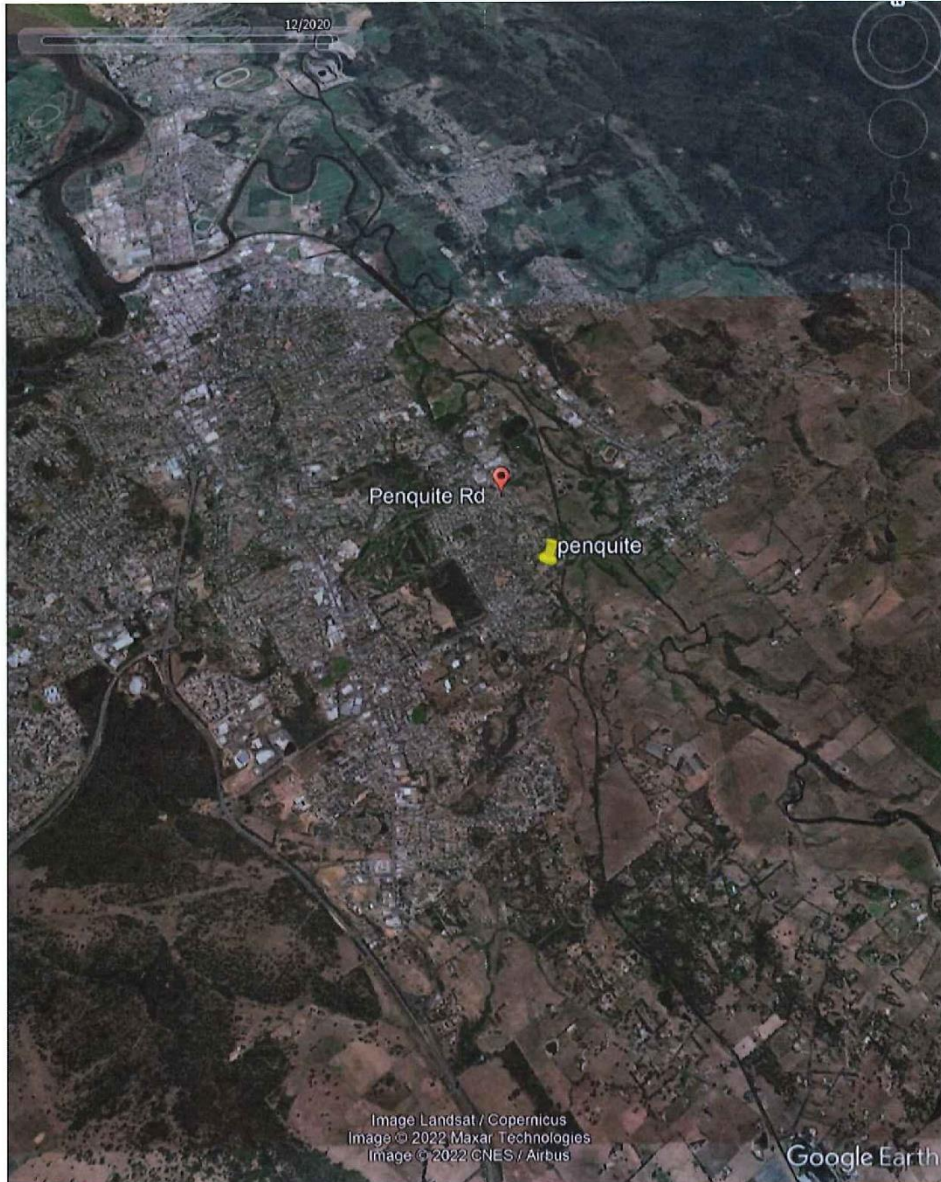


Figure 6 Image taken 2020 (source Google earth)

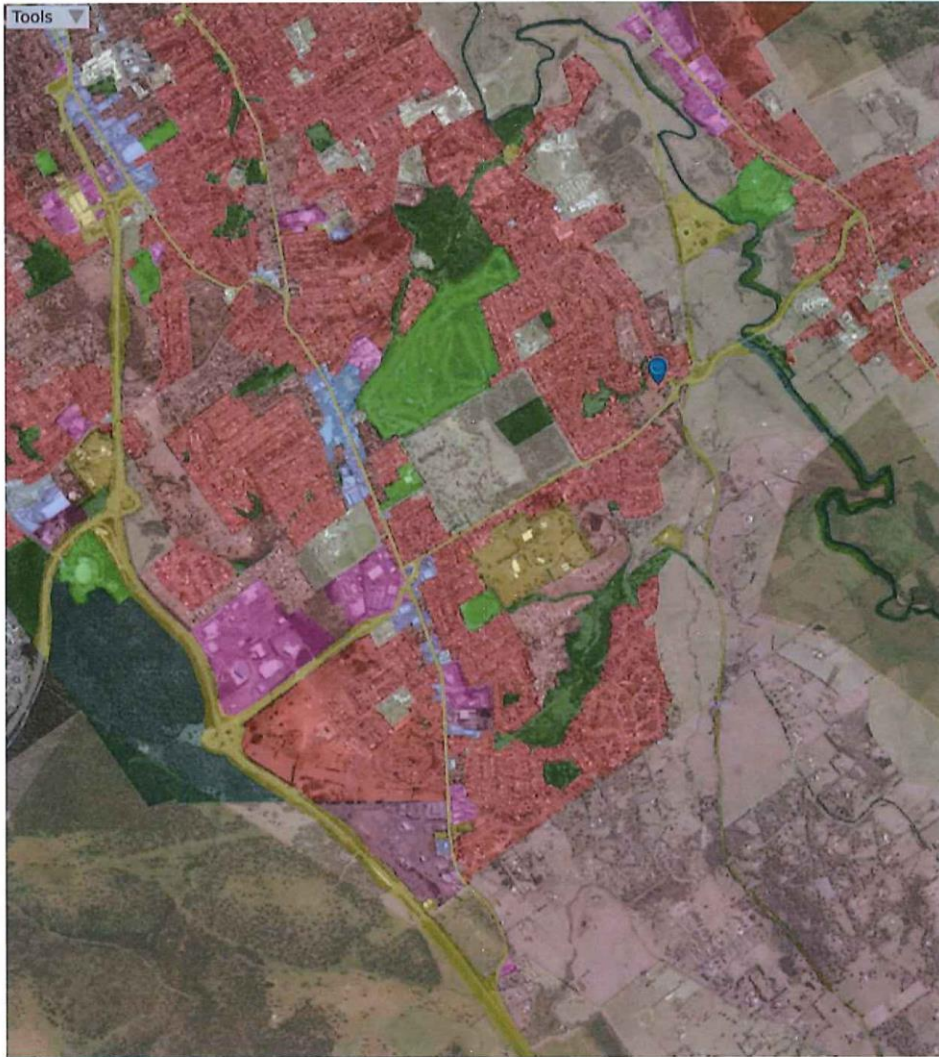


Figure 7 Extent of General Residential zoning, over image 6 . Site shown with blue marker (source The LIST)

# **MINUTES COUNCIL COMMITTEE MEETING**

**PETITION TO AMEND SEALED PLAN  
NUMBERS 16325 and 19533 - 304 and 308 PENQUITE ROAD,  
NORWOOD**

**9 JUNE 2022  
5:00PM  
COUNCIL CHAMBERS, TOWN HALL,  
ST JOHN STREET, LAUNCESTON**

**A Meeting of the Council Committee established in respect of the Petition to Amend Sealed Plans Nos. 16325 and 19533 - 304 and 308 Penquite Road, Norwood was held in the Council Chambers, Town Hall, St John Street, Launceston:**

**Date: 9 June 2022**

**Time: 5:00pm**

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### **Certificate of Qualified Advice**

#### **Background**

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

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

#### **Certification**

I certify that:

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



**Michael Stretton**

**Chief Executive Officer**

*General Manager pursuant to section 61 of the Local Government Act 1993 (Tas)*



**ORDER OF BUSINESS**

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4	DECISION	2
5	CLOSE OF MEETING	4

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

The Chair of the Meeting, Councillor A G Harris, opened the Meeting at 5.00pm

Those in attendance were:

**Committee: Councillor P S Spencer, Councillor A G Harris (Chair) and Councillor K M Preece**

**City of Launceston: Kelsey Hartland (Team Leader Governance) and Duncan Campbell (Team Leader Legal Services**

**In the public gallery: Jim Woolston**

**[Apologies: Councillor N D Daking was on a leave of absence and prior to the meeting Councillor J G Cox advised of his apology].**

**2 DECLARATIONS OF INTEREST**

**There were no declaration of interests for this Meeting**

**3 CONFIRMATION OF MINUTES**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 35(1)(b)*

**RECOMMENDATION:**

That the Minutes of the Hearing of the Committee established in respect of the Petition to Amend Sealed Plans Nos. 16325 and 19533 - 304 and 308 Penquite Road, Norwood, held on 21 April 2022, be confirmed as a true and correct record.

**DECISION: 9 June 2022**

**MOTION**

**Moved Councillor P S Spencer, seconded Councillor K M Preece.**

**That the Minutes of the Hearing of the Committee established in respect of the Petition to Amend Sealed Plans Nos. 16325 and 19533 - 304 and 308 Penquite Road, Norwood, held on 21 April 2022, be confirmed as a true and correct record.**

**CARRIED 3:0**

**FOR VOTE: Councillor A G Harris, Councillor P S Spencer and Councillor K M Preece**

**AGAINST VOTE: Nil**

**4 DECISION - PETITION TO AMEND SEALED PLANS 16325 and 19533 -  
304 and 308 PENQUITE ROAD, NORWOOD**

**FILE NO:** 304 and 308 Penquite Road, Norwood

**AUTHOR:** Duncan Campbell (Team Leader Legal Services)

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

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**DECISION STATEMENT:**

To consider making a formal decision, with reasons, in respect of the matters heard by the Committee on 21 April 2022.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

*Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)*

*Local Government (Meeting Procedures) Regulations 2015*

**PREVIOUS COMMITTEE CONSIDERATION:**

Hearing to Amend Sealed Plan - 21 April 2022

**RECOMMENDATION:**

That the Council Committee:

1. notes the hearing conducted by it on 21 April 2022.
2. pursuant to the delegation of Council on 24 March 2022 and section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, **refuses to exercise the discretion to cause the amendments to be made**, as sought by the Petition to Amend Sealed Plan Numbers 16325 and 19533, 304 and 308 Penquite Road, Norwood (Petition) on the basis of the following reasons:
  - (a) the covenants sought to be removed from Sealed Plan Numbers 16325 and 19533 confer proprietary rights in favour of third parties who were representors at the Meeting;
  - (b) representors objected to the removal of the relevant restrictive covenants on the basis that:
    - (i) properties benefiting from and restricted by the covenants were purchased with notice;
    - (ii) the covenants continue to provide proprietary rights holders with value, in terms of monetary value and amenity; and
    - (iii) the covenants and associated rights had not been abandoned;

- (c) the evidence provided by the petitioner, in the form of the Petition itself and the submissions made by Peter Woolston and the petitioner's representative Irene Duckett:
    - (i) fails to address how the removal of the restrictive covenants to facilitate the proposed development will not constitute an unreasonable detriment to the rights holders; and
    - (ii) provides an insufficient basis upon which to exercise the discretion in favour of causing the amendments to be made.
3. notes, therefore, that the amendments sought by the Petition will not be made.
-

**DECISION: 9 June 2022**

**MOTION**

**Moved Councillor P S Spencer, seconded Councillor K M Preece.**

**That the Council Committee:**

- 1. notes the hearing conducted by it on 21 April 2022.**
- 2. pursuant to the delegation of Council on 24 March 2022 and section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, refuses to exercise the discretion to cause the amendments to be made, as sought by the Petition to Amend Sealed Plan Numbers 16325 and 19533, 304 and 308 Penquite Road, Norwood (Petition) on the basis of the following reasons:
  - (a) the covenants sought to be removed from Sealed Plan Numbers 16325 and 19533 confer proprietary rights in favour of third parties who were representors at the Meeting;**
  - (b) representors objected to the removal of the relevant restrictive covenants on the basis that:
    - (i) properties benefiting from and restricted by the covenants were purchased with notice;**
    - (ii) the covenants continue to provide proprietary rights holders with value, in terms of monetary value and amenity; and**
    - (iii) the covenants and associated rights had not been abandoned;****
  - (c) the evidence provided by the petitioner, in the form of the Petition itself and the submissions made by Peter Woolston and the petitioner's representative Irene Duckett:
    - (i) fails to address how the removal of the restrictive covenants to facilitate the proposed development will not constitute an unreasonable detriment to the rights holders; and**
    - (ii) provides an insufficient basis upon which to exercise the discretion in favour of causing the amendments to be made.******
- 3. notes, therefore, that the amendments sought by the Petition will not be made.**

**CARRIED 3:0**

**FOR VOTE: Councillor A G Harris, Councillor P S Spencer and Councillor K M Preece**

**AGAINST VOTE: Nil**

**5 CLOSE OF MEETING**

**The Chair, Councillor A G Harris closed the Meeting at 5.05pm**