



LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 27 MAY 2013**

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 27 May 2013

Notice is hereby given that the Ordinary Meeting of the Launceston City Council will be held at the Council Chambers -

Date: 27 May 2013

Time: 1.00 pm

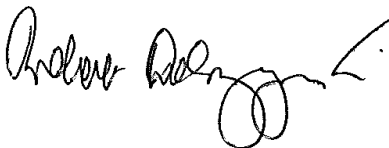
Section 65 Certificate of Qualified Advice

Background

Section 65 of the Local Government Act 1993 requires the General Manager to certify that any advice, information or recommendation given to council is provided by a person with appropriate qualifications or experience.

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the agenda items for this meeting.



Robert Dobrzynski
General Manager

LAUNCESTON CITY COUNCIL

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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

2 DECLARATION OF PECUNIARY INTERESTS

3 CONFIRMATION OF MINUTES

RECOMMENDATION:

1. That the Minutes of the meeting of the Launceston City Council held on 13 May 2013 be confirmed as a true and correct record.

4 DEPUTATION

Nil

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
13 May 2013	6.1	<p>Mr Kelvin Jowett - New Launceston Aquatic Gym Facilities</p> <p>1. What is the expected annual financial return on the proposed council operated gym fitness centre at the Launceston Aquatic after all operating costs have been met?</p>	<p>Response provided at meeting: These questions were taken on notice</p> <p>Further reply by Rod Sweetnam (Director Facility Management and Governance Services)</p> <p>1. The business plan prepared by Simply Great Leisure (SGL) forecasts a 10 year operating surplus of between \$2,450,221 (conservative case) to \$6,326,187 (optimistic case). Council is budgeting on the conservative model.</p> <p>A full copy of the SGL business case is available on Council's website for download.</p>	Rod Sweetnam

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
		<p>2. What staff numbers will be required to operate the centre?</p> <p>3. What is the total staff number now employed to operate the Launceston Aquatic Centre including FTE staff?</p>	<p>2. The SGL business case has a total of 5.9 FTE including gym and class instructors, sales and coordinator, when fully operational. It is anticipated that the Health and Fitness Centre will operate the same opening hours as Launceston Aquatic. This is currently 90 hours per week.</p> <p>3. In 2012/2013, the number of employees reached 108 during the peak summer season. During this time, Launceston Aquatic required additional guards to provide supervision of the First Basin Pool and Lilydale Pool. The average FTE for the year is 32.2</p> <p>A letter with a reply to the questions was posted to Mr Jowett on Tuesday 21 May 2013.</p>	
13 May 2013	6.2	<p>Mr Kelvin Jowett - Bicycle Track Development</p> <p>Question from Council Meeting 6 weeks ago - Are the bicycle tracks proposed for the Kate Reed Park and Trevallyn Reserve going to be separate to the walking tracks?</p>	<p>This question was taken on notice</p> <p>Response by Harry Galea (Director Infrastructure Services).</p> <p>The question was asked at Council's 15 April meeting and a reply was posted in 'Answers to Public Questions' section at the 29 April Council meeting. A copy of the reply was posted to Mr Jowett on Tuesday 14 May.</p>	Harry Galea

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
13 May 2013	9.1	<p>Aldermen's Question: Alderman A C Peck asked:</p> <p>Regarding a Notice of Motion put forth and supported for an electronic sign on the corner of Brisbane and St John's Street. As Council are currently in the final stages of budgets, can Council provide an update as to where this Motion is at?</p>	<p>Response provided at meeting:</p> <p>This question was taken on notice</p> <p>The General Manager offered a preliminary response</p> <p>Two considerations to be aware of:</p> <ol style="list-style-type: none"> 1. It is prohibited under the Planning Scheme 2. Is it more desirable to put it in the CBD Master Plan that is being done from the Central Area Strategy. <p>These considerations will go into the Alderman Briefing Paper this week</p> <p>Further Reply: Aldermen have been advised through the Aldermen's Weekly Bulletin that such a sign would be classified as a 'third party' sign which is prohibited by the Launceston Interim Planning Scheme 2012. However, as this NOM identified a short-coming in the Planning Scheme, an amendment to the scheme is being sought through the Tasmanian Planning Commission's Planning Scheme hearings that would allow third party signs to be erected for community use (i.e. promoting of events and facilities). We will know the outcome of this amendment in the next few months and will hopefully be in a position to action the NOM.</p>	Michael Stretton

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
13 May 2013	9.2	<p>Aldermen's Question: Alderman R L McKendrick asked:</p> <p>Received a publication from Business Events Tasmania listing locations with historic value and noticed that Franklin House has not been included. Does Council have input in these? If so, can we contact them for a reprint to include Franklin House?</p>	<p>Response provided at meeting:</p> <p>This question was taken on notice</p> <p>The Director Development Services advised Council staff are currently taking the matter up with Business Events Tasmania and will advise Aldermen of the outcome thought the Aldermen's weekly fax:</p>	Michael Stretton

6 PUBLIC QUESTION TIME

7 ANNOUNCEMENTS BY THE MAYOR

7.1 Mayor's Announcements

FILE NO: SF2375

Monday 13 May

- Attended Opening of LGH Sesquicentenary Art Exhibition and unveiling of a bronze bust in honour of Sir John Ramsay

Tuesday 14 May

- Volunteered at Launceston LINC for National Volunteer Week
- Attended LGH Book Launch by Premier to mark the publication of "LGH 150 Years of Caring"

Wednesday 15 May

- Attended KPMG Federal Budget Breakfast
- Attended Ravenswood Community Forum with State Government Ministers
- Presided at private citizenship ceremony at Town Hall
- Officiated at Civic Reception to mark the 150th anniversary of the LGH

Thursday 16 May

- Attended Northern Tasmanian Volunteering Awards
- Officiated at LCC Volunteer Recognition Awards Ceremony

Friday 17 May

- Attended launch for Child Health Association of Tasmania - "*Chat N Munch*" Recipe Book
- Attended Clifford Craig Charity Ball

Saturday 18 May

- Attended LGH Medical Walk with Dr Dan Huon and toast to Dr William Russ Pugh
- Attended Round 8 Hawthorn Football Club match at Aurora
- Attended Rotary Club of Central Launceston 30th Anniversary Celebrations

Tuesday 21 May

- Attended launch of Cityprom Service Excellence Awards

Wednesday 22 May

- Presented to Community Care NESB Inc (Community Visitors Scheme) Volunteers
 - Attended Cancer Council Biggest Morning Tea at LINC
-

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

Thursday 23 May

- Attended launch of services under the National Television and Computer Recycling Scheme at Launceston Waste Centre

Friday 24 May

- Attended Launceston Chamber of Commerce, TCCI and Tasplan State Budget event
- Attended Government House Reception to recognise the work of the Tasmanian Music Teachers' Association

Saturday 25 May

- Attended Old Scotch Collegians Football Club Annual Coterie Function at NTCA
-

8 ALDERMEN'S/DELEGATES' REPORTS

9 QUESTIONS BY ALDERMEN

10 COMMITTEE REPORTS

10.1 Audit Committee Meeting - 7 February 2013

FILE NO: SF3611

AUTHOR: Paul Gimpl (Manager Finance)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive and consider a report from the Audit Committee following the meeting on 9 May 2013.

RECOMMENDATION:

That the report from the Audit Committee meeting held on 9 May 2013 be received.

REPORT:

The following is a precis of the substantive agenda items dealt with at the meeting.

6.2 Internal Audit	
Details	Mr Steve Hernyk and Mr Stuart Dare from Deloitte attended and discussed progress in closing out outstanding internal audit issues. It was indicated that most of the outstanding items could be closed pending a final visit by Deloitte to ensure the items have been satisfactorily resolved.
Action	Noted.
7.2 External Audit	
Details	Mr Mike Blake (Auditor-General) and Mr Rob Luciani attended from the Tasmanian Audit Office and discussed their 2012/13 Audit Strategy Report. There was a general discussion of the areas of audit focus for the 2012/13 financial statements.
Action	Noted.
9.1 Operations Summary	
Details	Reports presented on the Council's operations for the nine months to 31 March 2013.
Action	Noted.

10.1 Audit Committee Meeting - 7 February 2013...(Cont'd)

9.2 - 9.5 Capital Works	
Details	Reviewed program status, budget reallocations and adjustments.
Action	Noted.
10 Financial Reports and KPI's	
Details	Considered reports on debts and investments.
Action	Noted.
11.1 Asset Capitalisation Policy and Framework	
Details	A draft of the proposed Asset Capitalisation Policy and Framework was presented and discussed. The policy and framework will assist in clarifying when an item of property, plant, equipment and infrastructure should be recognised as an asset and whether the expenditure will be treated as an operating expense or capital (asset)
Action	The policy and framework was recommended for adoption and to be subject to ongoing review to ensure consistency with local government industry and accounting practice developments.
12.1 Banking Tender	
Details	The Committee was advised that National Australia Bank (NAB) was the successful tenderer for the Council's banking business as approved by the Tender Review Committee on 8 April 2013.
Action	Corporate Services directorate and NAB will implement the change over from the current bank, Commonwealth Bank of Australia (CBA).

The Balance Sheet and Income Statement are included with the Quarterly Financial Report agenda item.

ECONOMIC IMPACT:

No economic impact

ENVIRONMENTAL IMPACT:

No environmental impact

SOCIAL IMPACT:

No social impact

10.1 Audit Committee Meeting - 7 February 2013...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services

5.1.4 Ensure the city is managed in a financially sustainable manner

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

10.2 Sister Cities Committee meeting 22 April 2013**FILE NO:** SF0175**AUTHOR:** Elizabeth Clark (Civic Affairs Coordinator)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive and consider a report from the Sister Cities Committee.

RECOMMENDATION:

That the report from the Sister Cities Committee meeting held on 22 April 2013 be received.

REPORT:

The Sister Cities Committee held a meeting on 22 April 2013 and discussed the following items. Notes from the meeting have been circulated to Aldermen in a separate document.

- Budget for 2013/2014
- Upcoming sister city visits
- Launceston College and Napa High School
- Update on activities between University of Tasmania and Taiyuan Normal University
- Other sister city activities

The Committee determined that:

- (a) gifts from Launceston Sister Cities are to be displayed in a public area (e.g. Town Hall Customer Service Centre)
- (b) officers explore new opportunities to improve and enhance the relationship between Taiyuan and Launceston with a view to visit to China in the future.

ECONOMIC IMPACT:

Not applicable to this report.

ENVIRONMENTAL IMPACT:

Not applicable to this report.

10.2 Sister Cities Committee meeting 22 April 2013...(Cont'd)

SOCIAL IMPACT:

Not applicable to this report.

STRATEGIC DOCUMENT REFERENCE:

Community Plan - PF2.12 STRATEGY TWELVE:

Raise awareness and understanding of diversity. Expand community education to increase awareness and an understanding of the contribution that diversity makes to the richness of our community.

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

10.3 QVMAG Museum Governance Advisory Board Meeting 24 April 2013

FILE NO: SF2244

AUTHOR: Leila Frohmader (Administration Officer)

DIRECTOR: Richard Mulvaney (QVMAG Director)

DECISION STATEMENT:

To receive and consider a report from the QVMAG Museum Governance Advisory Board.

RECOMMENDATION:

That the report from the QVMAG Museum Governance Advisory Board meeting held on 24 April 2013 be received.

REPORT:

The key points raised by the MGAB were:

- The QVMAG Strategic Plan has been adopted by Council.
 - The parameters have been set for the consultants, MMC-Link, review of QVMAG. The proposal will be finalised shortly following the key outcomes of the final KPMG Form and Function Review.
 - The recent QVMAG Friends trip to Newcastle and Hunter Valley Art Galleries was a successful trip.
 - The Arts Foundation will launch a new society on the 2 May 2013 with a dinner for the new society called the Herbert Scott Society in honour of the first QVMAG curator from 1897 - 1938.
-

COUNCIL AGENDA

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10.3 QVMAG Museum Governance Advisory Board Meeting 24 April 2013...(Cont'd)

- Attendance of Neil MacKinnon and Patricia Sabine at the recent address by the Arts Minister Tony Bourke in Hobart.

ECONOMIC IMPACT:

Consideration contained in Report.

ENVIRONMENTAL IMPACT:

Consideration contained in Report.

SOCIAL IMPACT:

Consideration contained in Report.

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan 2008/2013 - Priority Area 4: Cultural Environment

BUDGET & FINANCIAL ASPECTS:

N/A

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.


Richard Mulvaney: Director Queen Victoria Museum & Art Gallery

10.4 Launceston Access Advisory Committee Report 7 May 2013**FILE NO:** SF3020**AUTHOR:** Theresa Sutczak - (Administration & Community Projects Officer)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Launceston Access Advisory Committee.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council endorse the Launceston Access Advisory Committee's decision to sponsor the 'Access Friendly Business Award' as part of the 2013 Cityprom Service Excellence Awards.

REPORT:

The Launceston Access Advisory Committee held a meeting on Tuesday 7 May 2013 and discussed the following matter:-

1. Sponsorship of Access Friendly Business Award

That the 2013 Cityprom Awards for Excellence - 'Access Friendly Business Award' - be sponsored as an initiative of the Launceston City Council Access Advisory Committee.

This will be the second year running that this award has featured as a category of the Cityprom Awards for Excellence.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:N/A

10.4 Launceston Access Advisory Committee Report 7 May 2013...(Cont'd)

SOCIAL IMPACT:

Enhance the profile and promote the benefits of accessibility of the Launceston CBD.

STRATEGIC DOCUMENT REFERENCE:

Community Plan Strategy PF2.16 Raise community awareness of access issues.

BUDGET & FINANCIAL ASPECTS:

The sponsorship amount of \$2,300 will be allocated from the Community, Tourism and Events Access budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Michael Stretton: Director Development Services

10.5 Strategic Planning and Policy Committee Meeting - 20 May 2013**FILE NO:** SF4401**AUTHOR:** Daniel Gray (Committee Clerk / Administration Officer)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive and consider a report from the Strategic Planning and Policy Committee

RECOMMENDATION:

That the report from the Strategic Planning and Policy Committee meeting held on 20 May 2013 be received.

REPORT:

The following items were discussed at the meeting:

1. Tamar NRM Contribution
2. Event Incentive Program - Cycling Australia
3. Funding Commitments for the North Eastern Mountain Bike Development Project
4. 87 Lindsay Street

ECONOMIC IMPACT:

There is no economic impact on the community.

ENVIRONMENTAL IMPACT:

There is no environmental impact on the community.

SOCIAL IMPACT:

There is no social impact on the community.

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council Strategic Plan 2008-2013

5.5 Implement enhanced community engagement

10.5 Strategic Planning and Policy Committee Meeting - 20 May 2013...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

11 PETITIONS

Nil

Under the provisions of the Land Use Planning and Approvals Act 1993, Council acts as a Planning Authority in regard to items 12.1 - 12.5

12 PLANNING AUTHORITY

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary

FILE NO: DA0106/2013

AUTHOR: Julia Allen (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for the construction of a solid fence within part of the front boundary setback.

PLANNING APPLICATION INFORMATION:

Applicant	T Reeves
Property	CT Vol 129 754 Fol 34
Area of the Site	601m ²
Zone	Inner Residential
Codes	Car Parking and Sustainable Transport Code
TP Classification	Residential
Date Received	22 March 2013
Deemed Approval	3 July 2013 (extension granted until 27 May 2013)
Representations	Three

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0106/2013 for the construction of a solid fence along part of the front boundary at 19 Olive Street, Newstead, subject to the following conditions:

1. ENDORSED PLANS

The use and development must be carried out as shown on the endorsed plans to the satisfaction of the Planning Authority.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

2. FENCE AMENDMENTS

Despite condition 1 the front fence design must be amended as follows:

- a) The piers for the proposed side boundary fence are to be decreased from 2000mm to 1900mm; and
- b) The 3 (no.) western-most panels of the proposed side boundary fence must include timber slatted, or steel picket infill panels above 1200mm - up to the proposed overall height of 1800mm.

3. SIDE FENCE

Side fences forward of the building line are permitted to be constructed up to 1.8m.

4. DAMAGE TO COUNCIL INFRASTRUCTURE

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

5. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

Prior to commencing any works the applicant must prepare a detailed Traffic Management Plan specifying the following:

- a) The nature and the duration of the occupation and may include the placement of skips, building materials or scaffolding in the road reserve and time restrictions for the works,
 - b) The traffic management works that are to be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
 - c) Any temporary works required to maintain the serviceability of the road or footpath,
 - d) Any remedial works required to repair damage to the road reserve resulting from the occupation.
-

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

The Traffic Management Plan must be prepared in accordance with the relevant Australian Standard, codes of practice and guidelines. A copy of the Traffic Management Plan must be maintained on the site. Where the works are undertaken in the Central Activities Area, on Arterial Roads or within shopping centre precincts the Traffic Management Plan must be submitted to the Infrastructure Services Directorate for approval two weeks prior to the scheduled commencement of the works. No works may commence until the Traffic Management Plan has been approved.

6. AMENITY

Remove all rubbish from the site for disposal at a licensed refuse disposal site. No burning of waste material is to be carried out on site.

7. HOURS OF CONSTRUCTION

Construction works may be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or Public Holidays.

8. LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

Notes

Other Approvals

- A. *This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:*

(a) *Building permit*

Restrictive Covenants

- B. *The granting of this permit takes no account of any covenants applicable to the land that contradict the Launceston Planning Scheme. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant.*

The covenant for front fences on the title requires permission from the Vendor prior to construction.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

Objections to Proposal

- D. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*

Appeal Provisions

- E. *Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:*

A planning appeal may be instituted by lodging a notice of appeal with the Clerk 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.

Permit Commencement.

- F. *This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. 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.*

REPORT:

1. THE PROPOSAL

The proposal is for the construction of a solid masonry fence along the Dalwood Street front boundary. The fence consists of 2m high rendered brick pillars with 1.8m high recessed rendered brick panels in between.

The remainder of the front fence from the intersection with Olive Street and along the Olive Street frontage consists of a 1.8m high fence with the section above 1.2m having at least 50% transparency (approximately 80%). This part of the proposal complies with the interim planning scheme criteria and so does not require planning approval.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject land consists of a single 601m² corner title with frontage to Dalwood Street and Olive Street. The lot is one of the last remaining vacant lots in the area. Currently there is a house under construction on the site.

The property adjoins established residential properties on all boundaries. These are predominately single dwellings.

The site is about 600m north of the Newstead Shopping district and about 1.1km from the Kmart complex.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

The land is zoned Inner Residential. Pursuant to clause 11.1 of Launceston Interim Planning Scheme 2012, the purposes of the zone are:

11.1.	<p><i>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.</i></p> <p>Complies. The site is currently being developed for a house, which is the dominant form of housing in the area. The fence will be associated with this house and is intended to provide a private outdoor area for the dwelling.</p>
11.1.2	<p><i>To provide for compatible non-residential uses that primarily serve the local community.</i></p> <p>Not applicable.</p>
11.1.3	<p><i>To allow increased residential densities where it would not significantly affect the existing residential amenity or historic character of the area, lead to increased on-road parking or reduce traffic safety.</i></p> <p>Not applicable.</p>

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

11.1.4	<p><i>To maintain and develop the residential functions within the inner city areas and to ensure that commercial uses do not displace residential uses or dominate neighbourhoods.</i></p> <p>Complies. The proposed fence is intended to facilitate a comfortable residential existence within an established residential area.</p>
11.1.5	<p><i>To protect and enhance the inner city residential areas and to recognise their major contribution to the city's character and tourist potential.</i></p> <p>Complies. The fence is associated with a house that is currently under construction. The site is not located within an historic residential area where there is a dominant prevailing built character.</p>
11.1.6	<p><i>To encourage residential development that provides a high standard of residential amenity and streetscape contribution.</i></p> <p>Complies by condition. A rendered masonry fence is proposed and this is consistent in style with other fences of its type in the area. The 1800mm height provides privacy to a corner site, however, this height should be broken down visually where possible in order to be sympathetic with neighbouring development. Therefore, it is recommended that the proposal be amended by condition as follows: "The 3 (no.) western most panels (where a lower level of privacy is required) are to include timber slatted, or steel picket infill panels above 1200mm".</p>

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

3.2 Use Standards

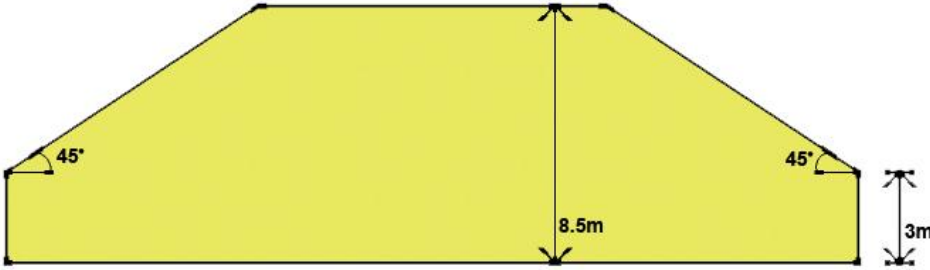
11.3.1 AMENITY	<i>To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.</i>
A1	<i>If for permitted or no permit required uses.</i>
	Complies, Residential use is classified as a no permit required use.
A2	<i>Commercial vehicles must only operate between 7am and 7pm Monday to Friday and 8am to 6pm Saturday and Sunday</i>
	Not applicable.
A3	<i>If for permitted or no permit required uses.</i>
	Complies, Residential use is classified as a no permit required use.
11.3.2 RESIDENTIAL CHARACTER - DISCRETIONARY USES	<i>To ensure that discretionary uses support: a) the visual character of the area; and b) the local area objectives, if any.</i>
A1	<i>Provision must be made for commercial vehicles for discretionary uses to be parked within the boundary of the property.</i>
	Not applicable, not a discretionary use.
A2	<i>Goods or materials are not stored outside or in locations visible from adjacent properties, the road or public land.</i>
	Not applicable, not a discretionary use.
A3	<i>Waste materials storage for discretionary uses must: not be visible from the road to which the lot has frontage; and use self-contained receptacles designed to ensure waste does not escape to the environment.</i>
	Not applicable, not a discretionary use.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

3.3 Development Standards

11.4.1	Clauses 11.4.1.1 - 11.4.1.6 only apply to development with the Residential Use Class which is a single dwelling
11.4.1.1	<p>Setback from a frontage for single dwellings <i>To ensure that the setback from frontages:</i></p> <ul style="list-style-type: none"> <i>a) assist in the establishment of the streetscape character; and</i> <i>b) enhance residential amenity; and</i> <i>c) are consistent with the statements of desired future character; and</i> <i>d) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and</i> <i>e) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.</i>
A1	<p><i>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:</i></p> <ul style="list-style-type: none"> <i>a) a minimum 4.5m from primary frontage; and</i> <i>b) a minimum 3m to a frontage other than primary frontage; or</i> <i>c) a distance which is not more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or</i> <i>d) not less than the existing dwelling setback if less than 4.5m; or</i> <i>e) for development on land that abuts a road specified in the planning scheme to be a road to which this paragraph is to apply, be the minimum setback specified in the planning scheme in respect of that road.</i>
	<p>Not applicable. The acceptable solution applies to buildings only.</p>
11.4.1.2	<p>SITE COVERAGE AND REAR SETBACK FOR SINGLE DWELLINGS <i>To ensure that the location and extent of building site coverage:</i></p> <ul style="list-style-type: none"> <i>a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity; and</i> <i>b) assists with the management of stormwater; and</i> <i>c) provides for setback from the rear boundary; and</i> <i>d) has regard to streetscape qualities or is consistent with the statements of desired future character.</i>
A1	<p><i>Maximum site coverage of 50% excluding building eaves and access strips where less than 7.5m wide.</i></p>
	<p>Not applicable.</p>

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

A2	<p>A minimum rear setback of 4m unless the lot is an internal lot. Complies. The fence is located on the side boundary.</p>
11.4.1.3	<p>BUILDING ENVELOPE FOR SINGLE DWELLINGS To ensure that the siting and scale of single dwellings: a) allows for flexibility in design to meet contemporary dwelling requirements; and b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and c) has regard to streetscape qualities or is consistent with the statements of desired future character.</p>
A1	<p>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 minimum setback of 3m from side boundaries and minimum 4m from the rear boundary and maximum building height of 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 maximum building height of 8.5m above natural ground level (see figures 11.4.1.3A and B); and walls are setback: c) a minimum of 1.5m from a side boundary; or d) less than 1.5m provided the wall is built against an existing boundary wall or the wall or walls have a maximum total length of 9m or one third of the boundary with the adjacent property, whichever is the lesser.</p>  <p>The diagram shows a yellow trapezoidal building envelope. The top horizontal edge is shorter than the bottom horizontal edge. The left and right sides are sloped at a 45-degree angle from the horizontal. A vertical dimension line on the right side indicates a height of 8.5m from the bottom edge to the top edge. Another vertical dimension line on the far right indicates a setback of 3m from the side boundary to the right edge of the envelope.</p> <p>Figure 11.4.1.3A. Building envelope describes by acceptable solution A1(b)</p>

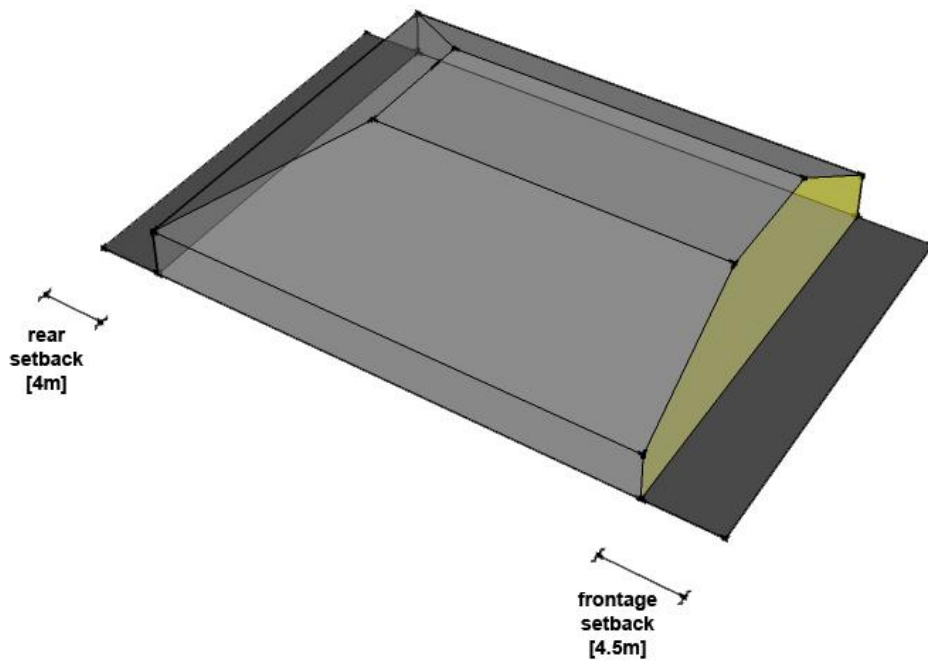


Figure 11.4.1.3B. Building envelope described by acceptable solution A1(b) in relation to front and rear setbacks.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

	Not applicable.
A2	<i>For internal lots, all single dwellings must be contained within a building envelope (excluding minor protrusions extending less than 1.5m) determined by a minimum 3m setback from all boundaries, excluding the access strip, and a maximum building height of 5.5m.</i>
	Not applicable, this is not an internal lot.
11.4.1.4	FRONTAGE SETBACK AND WIDTH OF GARAGES AND CARPORTS FOR SINGLE DWELLINGS <i>To ensure that the location and size of garages or carports:</i> <i>a) do not dominate the façade of the dwelling or dominate the streetscape; and</i> <i>b) are consistent with the statements of desired future character; and</i> <i>c) do not restrict mutual passive surveillance of the road and dwelling; and</i> <i>d) provides for safe vehicular access to and egress from the site.</i>
A1	<i>Garages or carports within 12m of the frontage whether free-standing or part of the dwelling:</i> <i>a) must have a maximum total width of openings facing the primary frontage of 6m or half the width of the frontage, whichever is the lesser; and</i> <i>b) must have:</i> <i>i) a setback from frontage measured to the door, post or supporting column no less than required for a single dwelling in Standard 11.4.1.1 A1; or</i> <i>ii) a setback from the primary frontage of a minimum 0.5m if the ground slopes up or down for 10m from the frontage at more than 1:5.</i>
	Not applicable, no carport or garage is proposed.
11.4.1.5	PRIVACY FOR SINGLE DWELLINGS <i>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.</i>

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

A1	<i>Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level more than 1m above natural ground level must have a minimum side setback of 3m and minimum rear setback of 4m.</i>
	Not applicable, no deck, balcony, roof garden, parking spaces or carports are proposed.
A2	<i>Windows of habitable rooms which have a floor level more than 1m above natural ground level must: have a minimum side setback of 3m; or be offset a minimum 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or have a minimum window sill height of 1.7m.</i>
	Not applicable, no windows are proposed.
11.4.1.6	FRONTAGE FENCES FOR SINGLE DWELLINGS <i>To ensure that the height and design of frontage fences: a) provides adequate privacy and security for residents while allowing for mutual passive surveillance of the road and dwelling; and b) enhances streetscapes or is consistent with the statements of desired future character.</i>
A1	<i>The maximum building height of fences on and within 4.5m of a frontage must be: 1.2m if solid; or 1.8m provided that the part of the fence above 1.2m has openings which provide a minimum 50% transparency.</i>
	Does not meet the acceptable solution. The Dalwood Street frontage fence is 1.8m solid masonry with 2m pillars. The side fences are 1.5m. The relevant performance criteria states:

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

<p>P1</p>	<p><i>Fences on and within 4.5m of a frontage must be designed to:</i></p> <p><i>a) provide for security and privacy of residents while allowing for mutual passive surveillance of the road; and</i></p> <p><i>b) take account of the prevailing height, design and character of neighbouring fences; and</i></p> <p><i>c) attenuate noise from high volume traffic; and</i></p> <p><i>d) take account of steep slope or other topographical constraints; and</i></p> <p><i>e) have regard to streetscape qualities or be consistent with the statements of desired future character.</i></p>
	<p>Complies by condition.</p> <p>a) The applicant seeks to provide privacy to the main private open space on the property which is located adjacent to the north eastern section of the proposed solid section of the front fence.</p> <p>The Olive Street frontage, including the angled section of frontage facing the round-about, is proposed to have at least 50% transparency above 1200mm, thereby allowing for mutual surveillance of the road and footpaths. This achieves sufficient passive surveillance.</p> <p>b) An analysis of the front fences within the area reveals that there is no prevailing character. All fences types, (including no fences) are prevalent.</p> <p>The analysis focused on corner sites, because these sites have common attributes in that they have at least two frontages which detracts from the level of privacy provided to rear yards. The analysis revealed that again there is no prevailing character, however, there are some trends identified:</p> <ul style="list-style-type: none"> • Solid, tall fences tend to be used on frontages for properties next to busy streets such as Elphin Road. • Corner properties with street frontages within the southern sector of the property tend to have either no fence or have short or transparent fencing. These properties achieve privacy for their private open spaces due to the generally orientation and position of the house. • Corner properties with street boundaries adjoining northern boundaries tend to have at least part of their frontage fenced with a tall solid fence adjacent to their main private open space area.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

	<p>An analysis map of corner sites in the area is included as Appendix 3.</p> <p>The newest residential properties immediately adjacent to the site have no front fence or a transparent fence. A solid fence here would be noticeable as a localised anomaly within Dalwood Street, however, the need to provide privacy to the main open space area for the subject dwelling is legitimate.</p> <p>There are a number of ways the visual impact of the fence could be reduced. These include:</p> <ul style="list-style-type: none"> i) reduce the extent of the solid fence to the minimum required to private privacy; ii) set the whole fence back or create recessed bays to allow for landscaping such as trees or hedging; or iii) Alter the design of the fence to soften its appearance by reducing the height of the piers to 1.9m, reducing the solid masonry sections between the pillars to 1.2m, and provide infill panels of a contrasting light weight material, such as timber, steel pickets, or Colorbond sheeting. <p>c) Olive and Dalwood Streets are subject to periods of relatively high traffic, mainly during school pick up and drop off times with both pedestrian and vehicle traffic. The need to attenuate traffic noise however is not considered to be a sufficient justification in itself for a high solid fence.</p> <p>d) There are no topographic constraints.</p> <p>e) Streetscape issues are addressed as part of point 'b' above. There are no specific desired future character statements.</p> <p>The applicant has been consulted and the proposal is to be amended to better comply with this performance criterion. The 3 (no.) western most panels (where a lower level of privacy is required) are to include timber slatted, or steel picket infill panels above 1200mm and the piers are to be reduced from 2000mm to 1900mm.</p>
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12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

3.4 Overlays and Codes

CODES	
E1.0 BUSHFIRE PRONE AREAS CODE	N/A. Not located within 100m of bushfire prone vegetation.
E2.0 POTENTIALLY CONTAMINATED LAND	N/A
E3.0 LANDSLIP CODE	N/A
E4.0 ROAD AND RAILWAY ASSETS CODE	N/A. No alterations are being proposed to the access.
E.5.0 FLOOD PRONE AREAS CODE	N/A. Not within a flood prone area.
E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Yes. Code applies to all use and development.
E7.0 SCENIC MANAGEMENT CODE	N/A. Not located within the Scenic Management area.
E8.0 BIODIVERSITY CODE	N/A. No priority habitat is present.
E9.0 WATER QUALITY CODE	N/A. Not located near any streams or watercourses.
E10.0 RECREATION AND OPEN SPACE CODE	N/A. Proposal is not a subdivision.
E11.0 ENVIRONMENTAL IMPACTS AND ATTENUATION CODE	N/A. Not for a commercial use.
E12.0 AIRPORTS IMPACT MANAGEMENT CODE	N/A. Is located outside of the flight zone.
E13.0 LOCAL HISTORIC HERITAGE CODE	N/A. Not identified as a heritage property.
E14.0 COASTAL CODE	N/A. Not within a coastal area.
E15.0 TELECOMMUNICATIONS CODE	N/A. Not for telecommunications infrastructure.
E16.0 INVERMAY/INVERESK FLOOD INUNDATION AREA CODE	N/A. Not located in Invermay or Inveresk.
E17.0 CATARACT GORGE MANAGEMENT AREA CODE	N/A. Not located in the Cataract Gorge.
E18.0 SIGNS CODE	N/A. No signs are proposed.
E19.0 DEVELOPMENT PLAN CODE	N/A. Not within an development plan.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

3.4.1 Car Parking and Sustainable Transport Code

E6.6	USE STANDARDS
E6.6.1	CAR PARKING NUMBERS <i>To ensure that an appropriate level of car parking is provided to service use.</i>
A1	<i>The number of car parking spaces: will not be less than 90% of the requirements of Table E6.1; or will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</i> Not applicable. Two spaces are being provided for within the garage of the house currently under construction. This proposal for the fence does not alter the intensity of the use.
E6.6.2	BICYCLE PARKING NUMBERS <i>To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.</i>
A1.1	<i>Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</i>
A1.2	<i>The number of spaces must be in accordance with a parking precinct plan that has been incorporated into the planning scheme for a particular area.</i> Not applicable. The proposal does not alter the intensity of the use.
E6.6.3	TAXI DROP-OFF AND PICK UP <i>To ensure that taxis can adequately access developments.</i>
A1	<i>One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.</i> Not applicable. The proposal does not alter the intensity of the use.
E6.6.4	MOTORBIKE PARKING PROVISIONS <i>To ensure that motorbikes are adequately provided for in parking considerations.</i>
A1	<i>One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</i> Not applicable. The proposal does not alter the intensity of the use.
E6.7	DEVELOPMENT STANDARDS

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

E6.7.1	CONSTRUCTION OF CAR PARKING SPACES AND ACCESS STRIPS <i>To ensure that car parking spaces and access strips are constructed to an appropriate standard.</i>
A1	<i>All car parking, access strips maneuvering and circulation spaces must be: formed to an adequate level and drained; and except for a single dwelling, provided with an impervious all weather seal; and except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</i> Not applicable. The proposal does not alter the intensity of the use.
E6.7.2	DESIGN AND LAYOUT OF CAR PARKING <i>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</i>
A1.1	<i>Where providing for 4 or more spaces, parking areas must be located behind the building line; and</i>
A1.2	<i>Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</i> Not applicable. The proposal does not alter the intensity of the use.
A2.1	<i>Car parking and maneuvering space must: have a gradient of 10% or less; and where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and have a combined width of access and maneuvering space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: there are three or more car parking spaces; and where parking is more than 30m driving distance from the road; or where the sole vehicle access is to a category I, II, III or IV road; and</i>
A2.2	<i>The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.</i> Not applicable. The proposal does not alter the intensity of the use.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

E6.7.3	CAR PARKING ACCESS, SAFETY AND SECURITY <i>To ensure adequate access, safety and security for car parking and for deliveries.</i>
A1	<i>Car parking areas with greater than 20 parking spaces must be:</i> <i>a) secured and lit unauthorized cannot enter or;</i> <i>b) lit and visible from buildings on or adjacent to the site during the times when parking occurs.</i> Not applicable. The proposal does not alter the intensity of the use.
E6.7.4	PARKING FOR PERSONS WITH A DISABILITY <i>To ensure adequate parking for persons with a disability.</i>
A1	<i>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</i> Not applicable. The proposal does not alter the intensity of the use.
A2	<i>One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.</i> Not applicable. The proposal does not alter the intensity of the use.
E6.7.6	LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP <i>To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</i>
A1	<i>For retail, commercial, industrial, service industry or warehouse or storage uses:</i> <i>a) least one loading bay at must be provided in accordance with Table E6.4;</i> <i>and</i> <i>b) loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.</i> Not applicable. The proposal does not alter the intensity of the use.
E6.8	PROVISIONS FOR SUSTAINABLE TRANSPORT

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

E6.8.1	BICYCLE END OF TRIP FACILITIES <i>To ensure that cyclists are provided with adequate end of trip facilities.</i>
A1	<i>For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.</i> Not applicable. The proposal does not alter the intensity of the use.
P1	<i>For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, end of trip facilities must be provided at adequate level to cater for the reasonable needs of employees having regard to:</i> a) the location of the proposed use and the distance a cyclist would need to travel to reach the site; and b) the users of the site and their likely desire to travel by bicycle; and c) whether there are facilities on the site for other reasons that could be used by cyclists; and d) the opportunity for sharing bicycle facilities by multiple users. Not applicable. The proposal does not alter the intensity of the use.
E6.8.2	BICYCLE PARKING ACCESS, SAFETY AND SECURITY <i>To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</i>
A1.1	<i>Bicycle parking spaces for customers and visitors must:</i> a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and be
A1.2	<i>d) available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and</i> <i>Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</i> Not applicable. The proposal does not alter the intensity of the use.
A2	<i>Bicycle parking spaces must have:</i> a) minimum dimensions of: i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed. Not applicable.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

E6.8.5	PEDESTRIAN WALKWAYS <i>To ensure pedestrian safety is considered in development</i>
A1	<i>Pedestrian access must be provided for in accordance with Table E6.5.</i> Not applicable. The proposal does not alter the intensity of the use.
E6.6.1	PRECINCT 1 – LAUNCESTON CBD PARKING EXEMPTION AREA
E6.6.4	LOCAL AREAS PROVISIONS <i>To remove the need for new use or development to provide onsite car parking within the exemption area.</i> <i>To establish parking maximums within the exemption area.</i>
A1	<i>No onsite parking provision.</i> Not applicable. The proposal does not alter the intensity of the use.

4. REFERRALS

The proposal was referred to the following departments and their responses are included below:

Infrastructure Assets

Two conditions have been recommended relating to damage to council infrastructure and works within/occupation of the road reserve.

Infrastructure Assets officers were consulted in regard to the concerns over vehicle and pedestrian safety expressed in representations. The proposal was not considered to be detrimental to either vehicle or pedestrian safety in the area. Sightlines at the round-a-bout remain acceptable and the safety of vehicle movements into and out of driveway accesses are not considered to be affected by the discretion being sought.

Environmental Services

A condition has been recommended relating to amenity and removal of rubbish from the site.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

5. REPRESENTATIONS

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period from 27 March 2013 to 12 April 2013. Three representations were received.

The issues raised are as follows:

Issues	Comments
Potential safety risks due to traffic and pedestrian visibility.	The boundary line and thus the line of the fence is angled so as not to impede sightlines in a detrimental way. Additionally the side fence is not considered to have an impact on the safe use of the round-a-bout or neighbouring driveways.
Streetscape issues.	The proposed rendered masonry fence is consistent in style with other fences of its type in the area. The 1800mm height provides privacy to a corner site, however, this height should be broken down visually where possible in order to be sympathetic to neighbouring development. Therefore, the proposal is to be amended by condition as follows: The 3 (no.) western most panels (where a lower level of privacy is required) are to include, timber slatted, or steel picket infill panels above 1200mm.

6. CONCLUSION

Subject to the recommended conditions it is considered that the proposal complies with the Launceston Interim Planning Scheme 2012 and is appropriate to recommend for approval.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 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.

12.1 19 Olive Street, Newstead - Construction of a Solid Fence along part of the Front Boundary...(Cont'd)

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2012 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 2012 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 2012

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

The following attachments have been circulated separately.

1. Location Map
 2. Plans
 3. Front Fence Analysis Map
 4. Representations
-

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage.**FILE NO:** DA0111/2013**AUTHOR:** Pip Glover - Town Planner**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for construction of a building for use as a dog wash facility, including signage.

PLANNING APPLICATION INFORMATION:

Applicant: T & H Developments
Property: 226-232 Wellington Street, Launceston
Area of Site: 1414m²
Zoning: Commercial
Existing Uses: Service industry - car wash
Classification: Construction of a building
Date Received: 26 March 2013
Date Information Received: 16 April 2013
Deemed Approval: 27 May 2013
Representations: One

PREVIOUS COUNCIL CONSIDERATION:

N/A.

RECOMMENDATION:

That the Council approves DA0111/2013 for the construction of a building for use as a dog wash facility, including signage at 226-232 Wellington Street, Launceston subject to the following:

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

1. AMENDED PLANS REQUIRED

Before the use and or development commences the plans attached as Attachment A must be amended to show the car parking spaces on the site plan be widened to 2.6m to meet Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking. This may result in a change to the car parking layout and the number of car parking spaces on the site. As four parking spaces are required the site plan must show a minimum of four car parking spaces on the site. If the car parking layout is amended the new layout must be to the satisfaction of the Planning Authority.

The amended plans must be drawn to scale with dimensions and four copies must be provided. When approved by the Planning Authority the plans will be endorsed and will then form part of the permit.

2. ENDORSED PLANS

The use must be carried out as shown on the endorsed plans to the satisfaction of the Planning Authority.

3. LEGAL TITLE

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

4. NO BURNING OFF

No burning of any waste materials generated by action on this approval to be undertaken on-site. Any such waste materials to be removed by a licensed refuse disposal facility (e.g. Remount Road Refuse Disposal Centre.)

5. HOURS OF CONSTRUCTION

Construction works may be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or Public Holidays.

6. EXTERIOR AND SECURITY LIGHTING

Exterior Lighting and Security lighting must comply with the Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting".

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

7. AMENITY

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.

8. CONSTRUCTION OF CAR PARKING AND ACCESS AREAS

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

- a) Be designed generally in accordance with the Australian Standard AS 2890 Off-street car parking in terms of dimensions and grade,
- b) Be properly constructed to such levels that they can be used in accordance with the plans,
- c) Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d) Be drained to Councils requirements,
- e) Be line-marked or otherwise delineated to indicate each car space and access lanes,
- f) Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas; and
- g) Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site.

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

9. DAMAGE TO COUNCIL INFRASTRUCTURE

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

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10. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

Prior to commencing any works the applicant must prepare a detailed Traffic Management Plan specifying the following:

- a) The nature and the duration of the occupation and may include the placement of skips, building materials or scaffolding in the road reserve and time restrictions for the works,
- b) The traffic management works that are to be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
- c) Any temporary works required to maintain the serviceability of the road or footpath,
- d) Any remedial works required to repair damage to the road reserve resulting from the occupation.

The Traffic Management Plan must be prepared in accordance with the relevant Australian Standard, codes of practice and guidelines. A copy of the Traffic Management Plan must be maintained on the site and presented for inspection upon request by a Council officer.

11. LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

Notes**A. Other Approvals**

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required:

- (a) *Building permit*
 - (b) *Plumbing permit*
-

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

B. Restrictive Covenants

Council does not enforce restrictive covenants that contradict the Launceston Planning Scheme 1996. However, 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

Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

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

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

D. Permit Commencement

This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 53(1b) 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.

REPORT:

1. THE PROPOSAL

The proposal is for the construction of a 24 hour dog washing facility which will consist of a 19m² structure which is open on two sides. The structure will be located in an existing car parking bay and will include two fenced areas each with a washing trough. The proposal also includes three building fascia signs on each side of the structure. The site is currently operating as a 24 hour car wash facility.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is a corner site with frontage to Wellington Street and Thistle Street in the suburb of South Launceston. The site contains an existing car wash, car vacuuming facility and an associated office.

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The site is zoned Commercial with the Commercial zoning extending to the south-west of the site along Wellington Street and over to the opposite side of Wellington Street. The zone directly to the south east of the site is Light Industrial and to the north-west of the site is Local Business along the Wellington Street frontage, with Inner Residential located behind the Local Business zone. There are also residential properties located on the opposite side of Wellington Street within the Commercial zone which have pre-existing use rights.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

COMMERCIAL

23.1.1	<i>To provide for large floor area retailing and service industries</i>
	The main operation of the site is a car wash which is defined as a service industry and therefore is consistent with the zone purpose.
23.1.2	<i>To provide appropriate location(s) for larger format land uses such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility which do not necessarily suit a business zone location.</i>
	The car wash requires a large site and relies on the high volume of passing traffic and therefore is consistent with the zone purpose.
23.1.3	<i>To ensure general retail uses support and do not threaten the established retail and business hierarchy.</i>
	N/A. The car wash is not a retail use.
23.1.4	<i>Local Area Objectives</i>
	There are no local area objectives
23.1.5	<i>Desired Future Character Statements</i>
	There are no desired future character statements

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3.2 Use Standards

The Service Industry use in the zone has a Permitted status.

23.3.1	<p>EMISSIONS <i>To ensure that emissions to air, land and water are reduced to the greatest extent practicable in consideration of proximity to residential uses.</i></p>
A1	<p><i>Discretionary use or development not listed in Clauses E12.6.2 or E12.6.3 must be set back from residential uses a minimum distance of 100m.</i> Complies. The Service Industry use is not discretionary and a car wash is not listed in Table E11.1 Attenuation Distances.</p>
A2	<p><i>All solid waste produced through processing or manufacturing operations on the site must be removed and disposed of:</i> <i>a) by a licensed waste removal operator; or</i> <i>b) in an approved land fill; or</i> <i>c) in accordance with a management plan approved by the Environment Protection Authority.</i> Complies. The only waste produced from the dog wash is water which will be discharged into the sewer main.</p>
23.3.2	<p>STORAGE OF GOODS To ensure that adequate provision is made for storage of goods materials and waste.</p>
A1	<p><i>Storage of goods, materials or waste, other than for retail sale, must not be visible from any road or public place.</i> N/A. There will be no storage of good, materials or waste products from the proposed dog wash.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

3.3 Development Standards

23.4.1	<p>SITING, DESIGN AND BUILT FORM</p> <p><i>To ensure that the site and layout, building design and form is visually compatible with surrounding development</i></p>
A1	<p><i>All buildings are to be orientated to:</i></p> <p><i>a) face a road, mall, laneway or arcade, except where the development is not visible from these locations; and</i></p> <p><i>b) have the primary pedestrian entrance to buildings off the frontage to a road, mall, laneway or arcade.</i></p> <p>Complies. The dog wash will be orientated to face the road and will have a pedestrian access directly from the road.</p>
A2	<p><i>Building height must not exceed</i></p> <p><i>a) 10m; or</i></p> <p><i>b) the average of the building heights on immediately adjoining titles; whichever is greater</i></p> <p>Complies. The dog wash will have a maximum height of 3.5m.</p>
A3	<p><i>Buildings must be set back a minimum distance of 5.5m from a frontage.</i></p> <p>Does not comply as the building will be located 1m from the front boundary. Assessment against the Performance Criteria is required.</p>
P3	<p><i>Frontage setback must be in keeping with, or enhance the streetscape character.</i></p> <p>Complies. The site is located on the corner of Wellington Street and Thistle Street. The setback to Wellington Street is 3.7m and the Thistle Street setback is 1m. The buildings to the north of the subject site on Wellington Street are all located on the front boundary. This is also the case for Thistle Street with the adjoining properties to the west also located on the front boundary. It is consider the reduced front setback is in keeping with the streetscape character.</p>
A4	<p><i>Buildings can be built up to the side and rear boundaries.</i></p> <p>Complies.</p>
A5	<p><i>Where the subject site is located on the boundary of a residential zone, new buildings or alterations to existing buildings must:</i></p> <p><i>a) be set back a minimum distance of 3.0m from the zone boundary; and</i></p> <p><i>b) have solid fencing at least 1.8m high on all boundaries with residential properties.</i></p> <p>N/A. The site is not located on the boundary of a residential zone.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

23.4.2	<p>STREETSCAPE <i>To ensure that buildings have an acceptable impact on the streetscape.</i></p>
A1	<p><i>Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must:</i></p> <ul style="list-style-type: none"> <i>a) have external walls constructed of a minimum of 50% brick, concrete, masonry or glass. Unless brick or glass, external walls must be painted or finished with a texture coat; and</i> <i>b) have a minimum of 50% glazing to the external walls of offices component of the buildings; and</i> <i>c) be designed and orientated to ensure the main pedestrian entrance into the primary building is visible from the road; and</i> <i>d) incorporate a protected (by curb, landscaping, bollards or similar device) pedestrian pathway must be provided from the road to the main entrance to the building.</i> <p>Complies. The dog wash is open on the Wellington Street frontage which is the main entrance and provides a pedestrian pathway from the road.</p>
A2.1	<p><i>Where employee car parking is proposed it must be located behind or to the side of the principal buildings on the site; and</i></p>
A2.2	<p><i>Car parking spaces for visitors and people with a disability must be located as close as practicable to the main entrance to the building.</i></p>
	<p>N/A. There is no employee parking proposed.</p>
23.4.3	<p>TURNING AND ACCESS <i>To ensure that service vehicles can safely and effectively deliver to the site.</i></p>
A1	<p><i>It must be demonstrated that a standard rigid truck of 8.8m can enter, turn, unload and exit the site in a forward direction without impact or conflicting with areas set aside for parking or landscaping.</i></p>
	<p>Complies. The car wash does not rely on delivery vehicles serving the site, however, there is a separate entry and exist point which will provide a rigid truck to enter and exit the site in a forward direction.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

22.4.3.5	<p>SITE LANDSCAPING <i>To ensure that new development provides acceptable levels of site landscaping.</i></p>
A1.1	<p><i>Unless a building is built to the boundary of the lot, a landscaped area with a minimum width of 3.0m must be provided along the frontage of the property (excluding vehicle crossover); or</i></p>
A2.2	<p><i>A minimum of 50% of the area within the frontage setback is to be landscaped; and</i></p>
A2.3	<p><i>A minimum of 1 tree (capable of growing to a minimum of 10.0m in height) per 250m² of lot area must be provided. Trees must be located, within a minimum</i></p>
A2.4	<p><i>3.0m diameter landscaped area; and</i> <i>All security fencing over 1.5m high must be located a minimum of 1.0m back from the frontage and the space between the fence and the boundary must be landscaped.</i></p>
	<p>N/A. No changes are proposed to the existing landscaping.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

3.4 Overlays and Codes

3.4.1 Car Parking and Sustainable Transport Code

E6.6	USE STANDARDS
E6.6.1	<i>CAR PARKING NUMBERS</i> To ensure that an appropriate level of car parking is provided to service use.
A1	<i>The number of car parking spaces:</i> a) <i>will not be less than 90% of the requirements of Table E6.1; or</i> b) <i>will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or</i> c) <i>will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</i> Complies. The facility occupies an area of 313m2 and requires four car parking bays. The site plan indicates that five car parking bays are proposed.
E6.6.2	<i>BICYCLE PARKING NUMBERS</i> To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.
A1.1	<i>Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</i>
A1.2	<i>The number of spaces must be in accordance with a parking precinct plan that has been incorporated into the planning scheme for a particular area.</i> Does not comply. Assessment against the Objective of the Standard and Performance Criteria is required.
P1	<i>Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</i> a) <i>likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</i> b) <i>location of the site and the distance a cyclist would need to travel to reach the site; and</i> c) <i>availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</i> Complies. The site does not have any dedicated bicycle parking and it is not considered necessary as clients using the dog wash will generally be walking or driving to the site. Additionally, only one employee will operate from the site and a bicycle can be safely stored outside the office building if required.

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

E6.6.3	<p><i>TAXI DROP-OFF AND PICK UP</i> <i>To ensure that taxis can adequately access developments.</i></p>
A1	<p><i>One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.</i> N/A. Less than 50 car spaces are provided.</p>
E6.6.4	<p><i>MOTORBIKE PARKING PROVISIONS</i> <i>To ensure that motorbikes are adequately provided for in parking considerations.</i></p>
A1	<p><i>One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</i> N/A. Less than 20 car spaces are provided.</p>
E6.7	<p><i>DEVELOPMENT STANDARDS</i></p>
E6.7.1	<p><i>CONSTRUCTION OF CAR PARKING SPACES AND ACCESS STRIPS</i> <i>To ensure that car parking spaces and access strips are constructed to an appropriate standard.</i></p>
A1	<p><i>All car parking, access strips maneuvering and circulation spaces must be:</i></p> <ul style="list-style-type: none"> <i>a) formed to an adequate level and drained; and</i> <i>b) except for a single dwelling, provided with and impervious all weather seal; and</i> <i>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</i> <p>Complies by condition. The surface of the parking and manoeuvring area is levelled and sealed. A condition will be included on the permit to ensure the new parking bays are line marked.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

E6.7.2	<p><i>DESIGN AND LAYOUT OF CAR PARKING</i> <i>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</i></p>
A1.1	<p><i>Where providing for 4 or more spaces, parking areas must be located behind the building line; and</i></p>
A1.2	<p><i>Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</i></p>
A2.1	<p>Complies. All the car parking bays are located inline or behind the building line.</p> <p><i>Car parking and maneuvering space must:</i></p> <ul style="list-style-type: none"> <i>a) have a gradient of 10% or less; and</i> <i>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</i> <i>c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and</i> <i>d) have a combined width of access and maneuvering space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply:</i> <ul style="list-style-type: none"> <i>(i) there are three or more car parking spaces; and</i> <i>(ii) where parking is more than 30m driving distance from the road; or</i> <i>(iii) where the sole vehicle access is to a category I, II, III or IV road; and</i>
A2.2	<p><i>The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.</i></p> <p>Does not comply as the dog wash car parking bays are only 2.4m wide. Assessment against the Zone Intent, Objective of the Standard and Performance Criteria is required.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

P2	<p><i>Car parking and manoeuvring space must:</i></p> <p>a) <i>be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and</i></p> <p>b) <i>provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.</i></p> <p>Complies. The car parking spaces on the site need to be a minimum width of 2.6m. The spaces are currently 2.4m wide. A condition is recommended to be included on the permit to amend the site plan to provide car parking spaces with a minimum width of 2.6m. The development has oversupplied the car parking by one care parking space, therefore the configuration can be amended to ensure the spaces meet the minimum requirements and the sue can still achieve the required car parking numbers.</p>
E6.7.3	<p>CAR PARKING ACCESS, SAFETY AND SECURITY <i>To ensure adequate access, safety and security for car parking and for deliveries.</i></p>
A1	<p><i>Car parking areas with greater than 20 parking spaces must be:</i></p> <p>a) <i>secured and lit unauthorized cannot enter or;</i></p> <p>b) <i>lit and visible from buildings on or adjacent to the site during the times when parking occurs.</i></p> <p>N/A. Less than 20 car parking spaces are provided.</p>
E6.7.4	<p>PARKING FOR PERSONS WITH A DISABILITY <i>To ensure adequate parking for persons with a disability.</i></p>
A1	<p><i>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</i></p> <p>N/A. Disabled parking not required.</p>
A2	<p><i>One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.</i></p> <p>Complies. Less than 20 parking spaces are provided.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

E6.7.6	<p><i>LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP</i> To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</p>
A1	<p><i>For retail, commercial, industrial, service industry or warehouse or storage uses:</i> a) <i>least one loading bay at must be provided in accordance with Table E6.4; and</i> b) <i>loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.</i></p> <p>Does not comply. Assessment against the Objective of the Standard and Performance Criteria is required.</p>
P1	<p><i>For retail, commercial, industrial, service industry or warehouse or storage uses, adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.</i></p> <p>Complies A loading bay has not been provided on the site. It is considered that the use as a dog wash does not rely on the delivery of goods and therefore, a dedicated loading bay is not required. The site is large enough for a truck to park for the loading and unloading of goods if required.</p>
E6.8	<p><i>PROVISIONS FOR SUSTAINABLE TRANSPORT</i></p>
E6.8.1	<p><i>BICYCLE END OF TRIP FACILTIES</i> <i>To ensure that cyclists are provided with adequate end of trip facilities.</i></p>
A1	<p><i>For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.</i></p> <p>N/A. Bicycle parking is not required.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

E6.8.2	<i>BICYCLE PARKING ACCESS, SAFETY AND SECURITY To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</i>
A1.1	<i>Bicycle parking spaces for customers and visitors must:</i> a) <i>be accessible from a road, footpath or cycle track; and</i> b) <i>include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and</i> c) <i>be located within 50m of and visible or signposted from the entrance to the activity they serve; and be</i>
A1.2	<i>d) available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and</i> <i>Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</i>
	<i>N/A. Bicycle parking is not required.</i>
A2	<i>Bicycle parking spaces must have:</i> a) <i>minimum dimensions of:</i> i) <i>1.7m in length; and</i> ii) <i>1.2m in height; and</i> iii) <i>0.7m in width at the handlebars; and</i> b) <i>unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</i>
	<i>N/A. Bicycle parking is not required.</i>
E6.8.5	<i>PEDESTRIAN WALKWAYS To ensure pedestrian safety is considered in development</i>
A1	<i>Pedestrian access must be provided for in accordance with Table E6.5.</i> Complies. A dedicated pedestrian access has been provided from the road to the dog wash facility.
E6.6.1	<i>PRECINCT 1 – LAUNCESTON CBD PARKING EXEMPTION AREA</i>
E6.6.4	<i>LOCAL AREAS PROVISIONS To remove the need for new use or development to provide onsite car parking within the exemption area.</i> <i>To establish parking maximums within the exemption area</i>
A1	<i>No onsite parking provision.</i> N/A. The site is not located within the Launceston CBD Parking Exemption Area.

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

3.4.2 Signs Code

E18.5	<i>DEVELOPMENT STANDARDS</i>
E18.5.1	<i>INAPPROPRIATE SIGNAGE</i> <i>To prevent inappropriate signage</i>
A1	<p><i>Must not be a:</i></p> <ul style="list-style-type: none"> <i>a) Third Party Sign</i> <i>b) Roof Sign</i> <i>c) Sky Sign</i> <i>d) Bunting (Flag and Decorative Elements)</i> <i>e) Flashing Lights</i> <p>Complies. The signs do not include any of the above.</p>
E18.5.2	<i>DESIGN AND SITING OF SIGNAGE</i> <i>To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.</i>
A1	<p><i>A sign must:</i></p> <ul style="list-style-type: none"> <i>a) meet the requirements for the relevant sign type set out in E.18.6; and</i> <i>b) be located within the applicable zone set out in E18.6</i> <p>Complies. See assessment against the requirements for a building fascia sign located within the Commercial zone at E18.6 of this report.</p>
A2	<p><i>A sign must be a minimum distance of 2m from the boundary of any lot in the Residential Zone.</i></p> <p>Complies. The site does not adjoin a residential zone.</p>
A3	<p><i>A maximum of one of each sign type per building or tenancy unless otherwise stated in E18.6.</i></p> <p>Does not comply. Further Assessment against the Performance Criteria and the intent of the code purpose is required.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

P3	<p><i>A sign must:</i></p> <p><i>a) where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;</i></p> <p><i>b) engage in the repetition of messages or information on the same frontage.</i></p>
	<p>The proposal includes three building fascia signs, with one sign on three of the building frontages. It is not considered that there is existing visual clutter in the streetscape and the proposed signs are unlikely to impact on the streetscape.</p>
A4	<p><i>A sign must not be illuminated or contain; flashing lights, animation, moving parts and moving or changing messages or graphics.</i></p> <p>Complies. The signs will not be illuminated or contain; flashing lights, animation, moving parts and moving or changing messages or graphics.</p>
E18.6	<p>SIGNAGE DEVELOPMENT CLASSIFICATION</p>
Building Fascia Sign	<p><i>a) must not project above or below the fascia of the building;</i></p> <p><i>b) must not exceed two-thirds the depth of the fascia band, and in any case must not exceed 0.95m; and</i></p> <p><i>c) must not project more than 0.2m from the vertical face of the fascia.</i></p>
	<p>Complies. The proposed signs will not project above or below the fascia of the building or project 0.2m from the vertical face of the fascia. The content of the sign does not exceed two-thirds the depth of the fascia and has a maximum depth of 400mm.</p>

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

4. REFERRALS

INTERNAL	
Infrastructure Assets	Standard conditions recommended relating to damage to council infrastructure and works within/occupation of the road reserve.
Environmental Health	Standard conditions recommended relating to Amenity and Exterior and Security Lighting.
Building Control	A building permit is required.
Parks and Gardens	N/A.
Heritage/Urban Design	N/A.
Strategic Planning	N/A.
EXTERNAL	
BLW	N/A.
Heritage Tasmania	N/A.
EPA	N/A.
DIER	N/A.

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

5. REPRESENTATIONS

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period from 20 April 2013 to 6 May 2013. One representation was received.

The issues raised in the table below are a summary of the matters raised within the representation attached to this report.

ISSUE	COMMENTS
The increase in traffic into the facility which also increase engines revving and tyres squealing.	There are currently 1500 cars per week accessing the facility. The applicant has anticipated that the dog wash facility will incur 50-60 visits per week. This is a 4% increase in vehicle movements to the site which is not a considerable increase to the site and is unlikely to impact on the neighbouring properties.
Dogs will bark.	The applicant has contacted a professional dog groomer who has advised that dogs mainly bark during grooming when they are under extreme stress. This occurs more often when the dog is groomed by someone they don't know. It is envisaged that the facility will be mainly used by dog owners. Council's Environmental Services Department also advised that there are currently two existing dog wash facilities (one which is located near residential properties) and there have been no reports of noise issues. It is not anticipated that the dog wash will cause a considerable noise nuisance to the neighbouring properties, however if this does occur the Amenity condition and the controls under the Environmental Management and Pollution Control Act 1994 (EMPCA), can ensure that the issues are dealt with accordingly.

6. CONCLUSION

Subject to the recommended conditions it is considered that the proposal complies with the Launceston Interim Planning Scheme 2012 and is appropriate to recommend for approval.

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 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 2012 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 2012 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 2012

12.2 226-232 Wellington Street, Launceston - Construction of a building for use as a dog wash facility, including signage....(Cont'd)

BUDGET & FINANCIAL ASPECTS:

N/A.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

The following attachments have been distributed separately and includes.

1. Location Map
 2. Plans
 3. Copy of representation
-

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling**FILE NO:** DA0091/2013**AUTHOR:** Catherine Mainsbridge (Senior Development Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for Construction of a single dwelling at 76 - 78 Junction Street, Newstead.

PLANNING APPLICATION INFORMATION:

Applicant -	D Layton
Property number -	104130
Area of Site -	1346m ²
Zoning -	Low Density Residential
Existing Use -	Vacant
Classification -	Residential – Single Dwelling
Date Received -	18 March 2013
Further information -	17 April 2013
Deemed Approval Date -	28 April 2013
Representations -	One

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves application DA0091/2013 for Construction of a single dwelling at 76-78 Junction Street, Newstead subject to the following conditions:

1. ENDORSED PLANS

The use must be carried out as shown on the endorsed plans to the satisfaction of the Planning Authority.

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 Junction Street.

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

3. LANDSLIP

The development must be carried out in accordance with the recommendations in the document entitled Geotechnical Investigation and Landslide Risk Assessment (revised 14 May 2013). A Section 71 agreement is required to address recommendations in this report.

4. SECTION 71 AGREEMENT

Prior to the commencement of the development, the owner, under Section 71 of the *Land Use Planning and Approvals Act 1993*, must enter into an agreement with the Council to the effect that:

- (a) the development and on going use and maintenance of the site and access must accord with the recommendations of the geotech report noted in condition 3.

Such agreement must be registered on the Certificate of Title in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All costs associated with the preparation and registration of the agreement must be borne by the developer.

5. BUSHFIRE HAZARD MANAGEMENT PLAN

The use and development of the site must accord to the Bushfire Hazard Management Plan endorsed as part of this permit.

6. EARTHWORKS

The earthworks must be designed and constructed in accordance with the requirements of a suitably qualified engineer

7. NO BURNING OFF

No burning of any waste materials generated by action on this approval to be undertaken on-site. Any such waste materials to be removed by a licensed refuse disposal facility (e.g. Remount Road Refuse Disposal Centre.)

8. HOURS OF CONSTRUCTION

Construction works may be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or Public Holidays.

9. FINISHES FOR EXTERNAL SURFACE

External surfaces, including the driveway, must be of a non-reflective colour finish, or painted in muted colours to a good trade standard.

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

10. AMENITY

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. EXTERNAL LIGHTING

- a) Any floodlighting or security lights used on the site must not unreasonably impact on the amenity of adjoining land; and
- b) All direct light must be contained within the boundaries of the site.

12. DAMAGE TO COUNCIL INFRASTRUCTURE

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

13. LANDSCAPING

The landscaping must be installed in accordance with the endorsed plan and;

- a) Be provided with convenient taps or a fixed sprinkler system installed for the purpose of watering all lawns and landscaped areas. Redirection of down pipes, on site storage of overland flows and the like are encouraged.
- b) Be installed within 3 months from the completion of the building works.
- c) Be maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

14. WORKS WITHIN THE JUNCTION STREET ROAD RESERVE

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

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

Prior to commencing any works the applicant must prepare a detailed Traffic Management Plan specifying the following:

- a) The nature and the duration of the occupation and may include the placement of skips, building materials or scaffolding in the road reserve and time restrictions for the works,
- b) The traffic management works that are to be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
- c) Any temporary works required to maintain the serviceability of the road or footpath,
- d) Any remedial works required to repair damage to the road reserve resulting from the occupation.

The Traffic Management Plan must be prepared in accordance with the relevant Australian Standard, codes of practice and guidelines. A copy of the Traffic Management Plan must be maintained on the site.

15. SOIL AND WATER MANAGEMENT WORKS

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.

16. STORMWATER CONNECTION FOR DWELLING

All stormwater discharge from the development site is to be conveyed to the existing piped system located in Junction Street in accordance with the requirements of the Tasman Geotechnics Report.

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

To have an existing service connection physically removed/relocated/altered, or to have a new connection installed, application on the approved form and accompanied by the prescribed fee must be lodged with the Council. The applicant is required to engage a Contractor registered with Council to undertake such works and where necessary a plumbing contractor to undertake the works for the disconnection. All costs associated with these contractors are to be borne by the applicant.

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 Council specifications and standard drawing G-01 Trench reinstatement. 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.

17. CONSTRUCTION OF WORKS - DRIVEWAY WORKS IN JUNCTION STREET

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the Director Infrastructure Services.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a) Driveway within unmade section of Junction Street
 - i Provision of a suitably constructed access road/driveway to provide access to the subject property and maintain existing access for all other properties presently using the track passing through the subject site.
 - ii Provision of all necessary drainage works to adequately control stormwater discharge from the constructed access road/driveway including, where necessary, regrading, rock lining and/or piping of existing open drains.
-

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

The design and construction techniques must reflect all relevant requirements detailed in the Tasman Geotechnics. All construction works must be undertaken in accordance with the Council document: *Subdivision – Guidelines*. These Guidelines specify:

- a) Construction requirements,
- b) Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- c) Construction Audit inspections,
- d) Practical Completion and after a 12 months defects liability period the Final Inspection & Hand-Over.

18. 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 Council specifications and standard drawing G-01 Trench reinstatement. 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.

19. LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

Notes**A. Restrictive Covenants**

Council does not enforce restrictive covenants that contradict the Launceston Planning Scheme 1996. However, 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.

B. Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required:

- (a) *Building permit*
 - (b) *Plumbing permit*
-

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

C. Appeal Provisions

Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

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

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

D. Permit Commencement

This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 53(1b) 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.

REPORT:**1. THE PROPOSAL**

The proposal is for construction of a two storey single dwelling on the vacant steep site. The boundaries of the site are not perpendicular and the dwelling is proposed to be parallel to the side boundaries. The nearest the dwelling is proposed to be setback from the front and eastern boundary by a minimum of 20.93m. On the lower floor is an open fronted outdoor area, two bedrooms, a bathroom and laundry. Accessed by both internal and external stairs, the main and upper level is an open plan kitchen, dining and living and main bedroom suite. A garage is proposed to be located at the rear of the dwelling, connected by a covered way. A further car parking space is proposed in front of the dwelling.

The proposed construction is blockwork for the lower level of the dwelling and the garage. Rendered light weight cladding is proposed for the upper level.

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

To address the steepness of the site, and the location of the site within an area of potential landslip, three swale/absorption type trenches are proposed to be installed across the contours of the site. Each trench is to be faced with a freestone retaining wall. Two are located in front of the dwelling at 10m intervals while the third trench is proposed nominally 14m behind and up slope from the dwelling.

The application includes the address of 76 Junction Street, as the vegetation on 76 Junction Street must be managed to provide bushfire protection to the proposed dwelling at 78 Junction Street.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject sites are located in an inner city residential area to the south east of the centre. Junction Street is not a constructed street over part of its length but is located parallel to the east, and just below the ridge formed by High Street/Talbot Road. The subject sites are located at the southern end of the street where access is gained via Atlas Street.

The area is predominantly developed and used for residential purposes in the form of single dwellings. A special care treatment facility is located at the base of the immediate hillside, the site at the corner of McKellar and Amy Roads known as St Giles.

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone purpose

The property is zoned Low Density Residential which has the following purpose:

12.1.1	<p><i>To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development</i></p> <p>Assessment - Complies: The proposal is for development and use of a single dwelling on a site that is limited by its visually prominent position and potential landslip characteristics.</p>
12.1.2	<p><i>To provide for non-residential uses that are compatible with residential amenity.</i></p> <p>Assessment:- Complies. The proposal is for residential use and development.</p>
112.1.3	<p><i>To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.</i></p> <p>Assessment: - Complies. The proposed development includes the provision of landscaping across the contours both above and below the dwelling. The lower level of the dwelling is proposed to be developed on an excavated building platform to minimize the height of the dwelling. A flat roof is also proposed.</p>

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

3.2 USE STANDARDS

12.3.1	<i>AMENITY</i>
<p><i>Objective</i> <i>To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.</i></p>	
A1	<i>If for permitted or no permit required.</i>
<p>Complies. The proposed residential use of a single dwelling does not require a Permit if the use and development standards are met.</p>	
A2	<i>Commercial vehicles for discretionary uses must only operate between 7am and 7pm Monday to Friday and 8am to 6pm Saturday and Sunday</i>
<p>Not applicable The proposal is for a residential use.</p>	
A3	<i>If for permitted or no permit required uses.</i>
<p>Not applicable The application is for a residential use. The standard relates to protection of residential amenity in relation to external and flood lighting.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

12.3.2	<i>RESIDENTIAL CHARACTER - DISCRETIONARY USES</i>
A1	<i>Commercial vehicles for discretionary uses must be parked within the boundary of the property.</i>
<p>Not applicable The proposal is for a residential use.</p>	
A2	<i>Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.</i>
<p>Not applicable The proposal is for a residential use.</p>	
A3	<p><i>Waste materials storage for discretionary uses must:</i></p> <ul style="list-style-type: none"> <i>a) not be visible from the road to which the lot has frontage; and</i> <i>b) use self-contained receptacles designed to ensure waste does not escape to the environment.</i>
<p>Not applicable The proposal is for a residential use.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

3.3 DEVELOPMENT STANDARDS

The following development requirements apply to the development of 78 Junction Street.

12.4.1.1	<i>Site Coverage</i>
<p><i>Objective</i> a) <i>To ensure that the site coverage respects the existing or preferred neighbourhood character: and</i> b) <i>To reduce the impact of increased stormwater runoff on the drainage system; and</i> c) <i>To ensure sufficient area for landscaping and private open space.</i></p>	
A1.1	<i>Site coverage must not exceed 50% of the total site; and</i>
<p>Complies. The proposed footprint of the dwelling is 115.7m², and the site area is 1346m²therefore the site coverage is 8.59%.</p>	
A1.2	<i>Development must have a minimum of 25% of the site free from buildings, paving or other impervious surfaces.</i>
<p>Complies. Only 24.33% of the site is proposed to be utilised for buildings, paving or other impervious surfaces..</p>	
12.4.1.2	<i>Building height</i>
<p><i>Objective</i> <i>To ensure that the building height of dwellings respects the existing or desired future character statements.</i></p>	
A1	<i>Building height must not exceed 8.0m.</i>
<p>Complies The maximum height of the proposed dwelling is 6.8m.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

12.4.1.3	<i>Frontage Setbacks</i>
<p><i>Objective</i></p> <p><i>To ensure that the setbacks of dwellings from the road respect the existing or preferred neighbourhood character and make efficient use of the site.</i></p>	
A1.1	<p><i>Primary frontage setbacks must be a minimum:</i></p> <p><i>a) of 8.0m,.</i></p>
<p>Complies.</p> <p>The dwelling is proposed to be setback a minimum of 20.93m from the front boundary.</p>	
12.4.1.4	<i>Rear and Side Setbacks</i>
<p><i>Objective</i></p> <p><i>To ensure that the:</i></p> <p><i>a) height and setback of dwellings from a boundary respects the existing neighbourhood character and limits adverse impact on the amenity and solar access of adjoining dwellings; and</i></p> <p><i>b) separation of buildings is consistent with the preferred low density character and local area objectives, if any.</i></p>	
A1	<i>Buildings must be set back 5.0m from the rear boundary.</i>
<p>Complies</p> <p>The dwelling is 38m from the rear boundary.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

A2	<p><i>Buildings must be set back from side boundaries 3.0m plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1.0 metre for every metre of height over 6.9m.</i></p>
<p>Does not comply with the acceptable solution. Further assessment against the Objectives of the Standard and the Performance Criteria is required.</p> <p>The southern elevation is an absolute maximum of 6.8m which requires a setback of at least 3.9m. The proposed setback is 4m.</p> <p>However, the northern side is sloping the height of the building adjacent the side boundaries varies. The maximum height is 6.8m but reduces to 4m resulting in an average of 5.4m. This requires a setback is 3.6m, while the proposed setback is 3.4m. Therefore, the proposal does not comply with the acceptable solution and must be assessed against the performance criteria.</p>	
P1	<p><i>Building set back to the side boundary must be appropriate to the location, having regard to the:</i></p> <ul style="list-style-type: none"> <i>a) ability to provide adequate private open space for the dwelling; and</i> <i>b) character of the area and location of dwellings on lots in the surrounding area; and</i> <i>c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and</i> <i>d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and</i> <i>e) locations of existing buildings and private open space areas; and</i> <i>f) size and proportions of the lot; and</i> <i>g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.</i>

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

Complies.

The proposed driveway separates the dwelling from the northern side boundary. The properties to the north of the subject site are vacant with the site immediately to the north under the same ownership as the subject property. Windows in the upper level of the northern elevation provide light and northern views from a sitting area at the end of the kitchen.

The possible impact of the variation for the future dwelling on the adjoining property is unknown. The properties are relatively large and deep and development could be positioned well clear of the proposed dwelling without encroaching on required boundary setbacks. The proposed dwelling is well within both the front and rear setback requirements.

As the dwelling will be south of a future neighbouring dwelling at 76 Junction Street the proposal will not cause any overshadowing while overlooking will be minimised as the neighbouring land is located on the same contour.

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

12.4.1.5	<p>LOCATION OF CAR PARKING <i>Objective</i> <i>To provide convenient parking for resident and visitor vehicles; and</i> <i>To minimise the impacts of garage doors to the neighbourhood.</i></p>
A1	<p><i>A garage or carport must be located:</i> <i>a) within 10m of the dwelling it serves; and</i> <i>b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.</i></p> <hr/> <p>Complies The garage is proposed to the rear of the dwelling.</p>
A2	<p><i>The total width of the door or doors on a garage facing a road frontage must: be not more than 6m; or</i> <i>a) the garage must be located within the rear half of the lot when measured from the frontage.</i></p> <hr/> <p>Not applicable The garage is located behind the dwelling and the garage doors faces the northern side boundary.</p>
12.4.1.6	<p>OUTBUILDINGS AND ANCILLARY STRUCTURES <i>To ensure that:</i> <i>a) outbuildings do not detract from the amenity or established neighbourhood character; and</i> <i>b) dwellings remain the dominant built form within an area.</i> <i>c) earthworks and the construction or installation of retaining walls are appropriate to the site and respect the amenity of neighbouring properties.</i></p>

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

A1	<p><i>Outbuildings must not have a: combined gross floor area of greater than 80m²; and maximum wall height of greater than; 3.5m, and</i></p> <p><i>a) maximum height greater than 4.5m.</i></p>
	<p>Not applicable There are no outbuildings proposed.</p>
A2	<p><i>A swimming pool for private use must be located: behind the primary frontage setback; or</i></p> <p><i>a) in the rear yard.</i></p>
	<p>Not applicable A swimming pool is not proposed.</p>
A3	<p><i>Earthworks and retaining walls must:</i></p> <p><i>a) be located at least 1.5m from each lot boundary, and</i></p> <p><i>b) if a retaining wall be not higher than 1m (including the height of any batters) above existing ground level, and</i></p> <p><i>c) not require cut or fill more than 1m below or above existing ground level, and</i></p> <p><i>d) not redirect the flow of surface water onto an adjoining property, and</i></p> <p><i>e) located at least 1m from any registered easement, sewer main or water main.</i></p>
	<p>Does not comply with the acceptable solution. Further assessment against the Objectives of the Standard and the Performance Criteria is required.</p>

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

P3	<p><i>Earthworks and retaining walls must be designed and located to ensure that:</i></p> <ul style="list-style-type: none"> <i>a) groundwater and stormwater are dealt with appropriately to eliminate any nuisance for adjoining properties; and</i> <i>b) the potential for loss of topsoil or soil erosion are adequately dealt with; and</i> <i>c) the potential visual impact on neighbouring properties including any increased potential for overlooking or overshadowing are adequately addressed.</i>
	<p>Complies.</p> <p>The retaining walls are proposed to address runoff issues because of the slope of the land. Landscaping is proposed in association with the walls to serve as cut off drains to minimise runoff and erosion.</p> <p>The proposed retaining wall system will help address concerns of down slope properties.</p> <p>It is considered that the walls will not impact on adjoining properties as they are located at greater than 10m intervals down the site and will be landscaped to reduce visual intrusion.</p>

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

3.4 OVERLAYS AND CODES

3.4.1 Bushfire Prone Area Code

<i>E1.4</i>	<i>EXEMPT USE AND DEVELOPMENT</i>
<i>E1.4(a)</i>	<i>Any development that the TFS or an accredited person, having regard to the objective of all applicable standards in this Code, certifies there is an insufficient increase in risk to the development from bushfire to warrant any specific bushfire protection measures;</i>
<i>E1.4(b)</i>	<i>a structure, or building, which is not a habitable building;</i>
<i>E1.4(c)</i>	<i>extensions, to habitable buildings, not exceeding a 20m² increase in gross floor area provided that:</i>
<i>E1.4(d)</i>	<i>the extension is located within a building area approved in accordance with this Code; or the extension is located within a building area which has been approved by the TFS, before this Code commenced as part of the planning scheme, as complying with bushfire requirements, if:</i> <ul style="list-style-type: none"> <i>• the extension is not within an area required as a hazard management area; and</i> <i>• the water supply for fire fighting purposes is provided from a fire hydrant and all external parts of the extension that are at ground level are within reach of 120m long hose connected to the hydrant, measured as a hose lay;</i>
<i>E1.4(e)</i>	<i>extensions, to habitable buildings, not exceeding a 20m² increase in gross floor area, where the habitable buildings are not within a defined building area for the purpose of bushfire protection, provided that no part of the extension extends towards the bushfire-prone vegetation;</i>
<i>E1.4(f)</i>	<i>demolition of buildings or structures not marked on a hazard management plan as being required for bushfire protection;</i>
<i>E1.4(g)</i>	<i>habitable buildings that are integral to the agricultural use of the land and are not normally occupied;</i>
<i>E1.4(f)</i>	<i>habitable buildings located on land reserved under Nature Conservation Act 2002, Crown Land Act 1976 or the Forestry Act 1920 where bushfire protection measures are included in a bushfire hazard management plan certified by the TFS or accredited person as being appropriate for the purpose and location of the use and development; and</i>

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

E1.4(g)	<i>adjustment of a boundary in accordance with clause 9.2 of this planning scheme.</i>
Not applicable. The proposal is not exempt from the code.	
E1.5.1.1	STANDARDS FOR VULNERABLE USE
Not applicable.	
E1.5.2	HAZARDOUS USES
Not applicable.	
E1.6	DEVELOPMENT STANDARDS
E1.6.1	FOR SUBDIVISION, WHERE ANY PART OF THAT SUBDIVISION IS IN A BUSHFIRE PRONE AREA.
Not applicable. The application is for the development of a single dwelling.	
E1.6.2	DEVELOPMENT STANDARDS FOR HABITABLE BUILDINGS ON APPROVED LOTS.
Not applicable. The subdivision that created the subject lot was approved prior to the application of the Bush Fire Prone Code and as such is a pre-existing lot.	
E1.6.3	DEVELOPMENT STANDARDS FOR NEW HABITABLE BUILDINGS ON PRE-EXISTING LOTS
E1.6.3.1	<i>Pre-existing lots: Provision of hazard management areas for habitable buildings.</i>

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

A1	<p>a) <i>The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to habitable buildings to warrant the provision of hazard management areas; or</i></p> <p>b) <i>Plans for habitable buildings, showing the location of hazard management areas, are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or</i></p> <p>c) <i>There are, in relation to habitable buildings, hazard management areas that-</i></p> <ul style="list-style-type: none"> <i>i) have widths equal to, or greater than, the separation distances required for BAL 29 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas ; and</i> <i>ii) will be managed in accordance with a bushfire hazard management plan that is certified by the TFS or an accredited person and that demonstrates how hazard management areas will be managed consistent with the objective.</i>
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Complies

Documents included with the application include a plan showing a bushfire hazard management area in accordance with Table 2.4.4 of AS 3959. The plan was referred to Tas Fire and has been certified as complying with point c).

A2	<i>If hazard management areas in relation to a habitable building are to be on land external to the lot where the building is located, the application must be accompanied Bushfire Prone Areas Code by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with a bushfire hazard management plan certified by the TFS or an accredited person.</i>
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Does not comply with the acceptable solution. Further assessment against the Objectives of the Standard and the Performance Criteria is required.

P2	<i>Applications must demonstrate how hazard management areas will be maintained in a minimum fuel condition.</i>
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The land to the north of the site is under the same ownership and is to be maintained in association with the subject site. A condition has been recommended for inclusion in the Permit to require compliance with the management plan. The land adjoining the site, being the rear of 71 Talbot Road, is managed.

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

<i>E1.6.3.2</i>	<i>Pre-existing Lots: Private Access</i>
<i>A1</i>	<p><i>It must be demonstrated in one of the following ways that private access provides safe access to habitable buildings:</i></p> <ul style="list-style-type: none"> <i>a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant specific measures for private access for the purposes of fire fighting; or</i> <i>b) plans showing private access to habitable buildings are included in a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or</i> <i>c) plans demonstrate that private access will be provided to within 30m of the furthest part of a habitable building measured as a hose lay.</i>
<p>Complies The property will have a driveway access off the southern section of Junction Street. The bushfire assessment requires the driveway to the front of the dwelling to be 4.1m and therefore meets the requirement of part b).</p>	
<i>A2</i>	<p><i>Private access to all static water supply points must be provided:</i></p> <ul style="list-style-type: none"> <i>a) as included in a bushfire hazard management plan certified by the TFS or an Bushfire Prone Areas Code accredited person as being in accordance with the objective of the standard; or</i> <i>b) to a hardstand area within 3m of the static water supply point.</i>
<p>Complies The property has a reticulated water supply.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

A3	<p><i>Construction of private access, if required to provide access to habitable buildings and static water supply points, must as appropriate to the circumstances meet the requirements of Table E3 as follows:</i></p> <ul style="list-style-type: none"> <i>a) single lane private access roads less than 6m carriageway width must have 20m long passing bays of 6m carriageway width, not more than 100m apart;</i> <i>b) private access road a longer than 100m must be provided with a driveway encircling the building or a hammerhead "T" or "Y" turning head 4m wide and 8m long, or a trafficable circular turning area of 10m radius;</i> <i>c) culverts and bridges must be designed for a minimum vehicle load of 20 tonnes;</i> <i>d) vegetation must be cleared for a height of 4m, above the carriageway, and 2m each side of the carriageway.</i>
<p>Not applicable. A private access is not required. The 4.1m wide driveway, off the end of Junction Street has been certified.</p>	
E1.6.3.3	<p><i>Pre-Existing Lots: Provision of Water Supply for Fire Fighting Purposes</i></p>
A1	<p><i>It must be demonstrated in one of the following ways that access to a water supply for fire fighting purposes is provided:</i></p> <ul style="list-style-type: none"> <i>a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or</i> <i>b) a bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of the water supply is consistent with the objective; or</i> <i>c) all external parts of habitable buildings that are at ground level, are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200kPa; or</i> <i>d) a minimum static water supply of 10 000 litres per habitable building is provided and that connections for fire fighting purposes are included.</i>
<p>Complies The water supply for the proposed dwelling meets point c) and has been certified by Tas Fire.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

<i>E1.6.4</i>	<i>DEVELOPMENT STANDARDS FOR EXTENSIONS TO PRE-EXISTING HABITABLE BUILDINGS</i>
Not applicable. The application is for the development of a new single dwelling.	
<i>E1.6.5</i>	<i>DEVELOPMENT STANDARDS FOR VULNERABLE USES</i>
Not applicable. The application is for the development of a new single dwelling.	

3.4.2 Landslip Code

<i>E3.4</i>	<i>EXEMPT USE AND DEVELOPMENT</i>
<i>E3.4.1</i>	<i>Use without development is exempt</i>
<i>E3.4.1</i>	<i>Development for forestry in accordance with a certified Forest Practices Plan.</i>
Not applicable	
<i>E3.6</i>	<i>DEVELOPMENT STANDARDS</i>
<i>P1</i>	<i>Development must demonstrate that the risk to life and property is mitigated to a low or very low risk level in accordance with the risk assessment in E3.6.2 through submission of a landslip risk management assessment.</i>
<p>Complies.</p> <p>A geotechnical report has been prepared by a suitably qualified person in support of the proposed dwelling. The report concluded that the proposal would have a 'Very Low' to 'Moderate' Risk. The applicant was advised that such an assessment does not meet the requirements of E3.6.2 which indicates that a site must have a 'Very Low' to 'Low' risk.</p> <p>The Geotechnical engineer was approached and a revised Report was submitted that requires changes to the materials for the dwelling which allowed the risk to be reduced to Low subject to additional recommendations for the development to mitigate any future risk. The changes include the requirement for a 'raft' or 'stiffened' slab to allow the structure to "ride" on any regional landslide and additional design considerations for the construction of access/widening of Junction Street.</p> <p>Subject to the recommendations of the Geotech Report the proposed development can be constructed to comply with the requirements of the code. The future use and upkeep of the dwelling are essential to ensure that the Low risk rating is maintained. One of the recommendations suggests that a covenant be applied to the title to make future owners aware of the potential risks of the development and the need for land and water management. This could best be achieved by a Section 71 agreement if the application is approved.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

3.4.3 Car Parking and Sustainable Transport Code

E6.2	<i>APPLICATION OF CODE</i>
E6.2.1	<i>This code applies to all use or development of land.</i>
E6.6	<i>USE STANDARDS</i>
E6.6.1	<i>CAR PARKING NUMBERS</i> <i>To ensure that an appropriate level of car parking is provided to service use.</i>
A1	<i>The number of car parking spaces:</i> <i>a) will not be less than 90% of the requirements of Table E6.1; or</i> <i>b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or</i> <i>c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</i>
Complies. Three bedrooms are proposed for the new dwelling. The application includes a single car garage and a car space out the front of the dwelling.	
E6.6.2	<i>BICYCLE PARKING NUMBERS</i> <i>To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.</i>
A1.1	<i>Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</i>
A1.2	<i>The number of spaces must be in accordance with a parking precinct plan that has been incorporated into the planning scheme for a particular area.</i>
Not applicable The dwelling proposes three bedrooms.	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

E6.6.3	TAXI DROP-OFF AND PICK UP <i>To ensure that taxis can adequately access developments.</i>
A1	<i>One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.</i>
Not applicable The dwelling proposes three bedrooms.	
E6.6.4	MOTORBIKE PARKING PROVISIONS <i>To ensure that motorbikes are adequately provided for in parking considerations.</i>
A1	<i>One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</i>
Not applicable The dwelling proposes three bedrooms.	
E6.7	DEVELOPMENT STANDARDS
E6.7.1	CONSTRUCTION OF CAR PARKING SPACES AND ACCESS STRIPS <i>To ensure that car parking spaces and access strips are constructed to an appropriate standard.</i>
A1	<i>All car parking, access strips maneuvering and circulation spaces must be:</i> <ul style="list-style-type: none"> a) <i>formed to an adequate level and drained; and</i> b) <i>except for a single dwelling, provided with and impervious all weather seal; and</i> c) <i>except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</i>
Not applicable. The proposal is for a single dwelling.	
E6.7.2	DESIGN AND LAYOUT OF CAR PARKING <i>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</i>
A1.1	<i>Where providing for 4 or more spaces, parking areas must be located behind the building line; and</i>
A1.2	<i>Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</i>

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

<p>Not applicable</p> <p>The proposed single dwelling allows for two car spaces..</p>	
<p>A2.1</p>	<p><i>Car parking and maneuvering space must:</i></p> <ul style="list-style-type: none"> a) <i>have a gradient of 10% or less; and</i> b) <i>where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</i> c) <i>have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and</i> d) <i>have a combined width of access and maneuvering space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply:</i> <ul style="list-style-type: none"> i) <i>there are three or more car parking spaces; and</i> ii) <i>where parking is more than 30m driving distance from the road; or</i> iii) <i>where the sole vehicle access is to a category I, II, III or IV road; and</i>
<p>A2.2</p>	<p><i>The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.</i></p>
<p>Complies.</p> <p>The proposed driveway should be 3m to accord with the table, however, it is 4.1m to comply with the Bushfire Prone Area code. The commencement of the drive is over the existing road reserve as the street is not yet made.</p>	
<p>E6.7.3</p>	<p>CAR PARKING ACCESS, SAFETY AND SECURITY</p> <p><i>To ensure adequate access, safety and security for car parking and for deliveries.</i></p>
<p>A1</p>	<p><i>Car parking areas with greater than 20 parking spaces must be:</i></p> <ul style="list-style-type: none"> a) <i>secured and lit unauthorized cannot enter or;</i> b) <i>lit and visible from buildings on or adjacent to the site during the times when parking occurs.</i>
<p>Not applicable</p> <p>The dwelling proposes three bedrooms.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

E6.7.4	<p><i>PARKING FOR PERSONS WITH A DISABILITY</i> <i>To ensure adequate parking for persons with a disability.</i></p>
A1	<p><i>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</i></p>
<p>Not applicable The dwelling proposes three bedrooms.</p>	
E6.7.6	<p><i>LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP</i> <i>To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</i></p>
A1	<p><i>For retail, commercial, industrial, service industry or warehouse or storage uses:</i></p> <ul style="list-style-type: none"> <i>a) least one loading bay at must be provided in accordance with Table E6.4; and</i> <i>b) loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.</i>
<p>Not applicable.</p>	
E6.8	<p><i>PROVISIONS FOR SUSTAINABLE TRANSPORT</i></p>
E6.8.1	<p><i>BICYCLE END OF TRIP FACILTIES</i> <i>To ensure that cyclists are provided with adequate end of trip facilities.</i></p>
A1	<p><i>For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.</i></p>
<p>Not applicable.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

E6.8.2	<p><i>BICYCLE PARKING ACCESS, SAFETY AND SECURITY</i></p> <p><i>To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</i></p>
A1.1	<p><i>Bicycle parking spaces for customers and visitors must:</i></p> <ul style="list-style-type: none"> <i>a) be accessible from a road, footpath or cycle track; and</i> <i>b) include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and</i> <i>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and be</i> <i>d) available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and</i>
A1.2	<p><i>Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</i></p>
<p>Not applicable.</p> <p>It is not mandatory for a bicycle space to be provided.</p>	
A2	<p><i>Bicycle parking spaces must have:</i></p> <ul style="list-style-type: none"> <i>a) minimum dimensions of:</i> <ul style="list-style-type: none"> <i>i) 1.7m in length; and</i> <i>ii) 1.2m in height; and</i> <i>iii) 0.7m in width at the handlebars; and</i> <i>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</i>
<p>Not applicable.</p> <p>It is not mandatory for a bicycle space to be provided.</p>	
E6.8.5	<p><i>PEDESTRIAN WALKWAYS</i></p> <p><i>To ensure pedestrian safety is considered in development</i></p>
A1	<p><i>Pedestrian access must be provided for in accordance with Table E6.5.</i></p>
<p>Not applicable.</p> <p>Proposal is a single dwelling.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

E6.6.1	<i>PRECINCT 1 – LAUNCESTON CBD PARKING EXEMPTION AREA</i>
E6.6.4	<i>LOCAL AREAS PROVISIONS</i> <i>To remove the need for new use or development to provide onsite car parking within the exemption area.</i> <i>To establish parking maximums within the exemption area</i>
A1	<i>No onsite parking provision.</i>
Not applicable.	

3.4.4 Scenic Management Code

E7.4	<i>EXEMPT USE AND DEVELOPMENT</i>
E7.4.1	<i>The following use or development is exempt from this code:</i> <i>a) Use without development, not including plantation forestry; and</i> <i>b) Subdivision for a boundary adjustment.</i> <i>c) Additions or external alterations to an existing building or structure within an envelope formed by projecting the line of the existing external walls any where there is no increase in the maximum height of the building.</i>
The application is for the construction of a single dwelling which is not exempt from this code.	
E7.6	<i>DEVELOPMENT STANDARDS</i>
E7.6.1	<i>SCENIC MANAGEMENT – TOURIST ROAD CORRIDOR</i>
A1	<i>Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.</i>
A2	<i>Subdivision must not alter any boundaries within the areas designated as scenic management – tourist road corridor.</i>
Not applicable The site is not within a tourist road corridor.	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

<i>E7.6.2</i>	<i>LOCAL SCENIC MANAGEMENT AREAS</i>
<i>A1</i>	<i>Development (not including subdivision) must be in accordance with the scenic management criteria for a local scenic management area identified in Table 7.1 – local scenic management areas.</i>
<i>A2</i>	<i>Subdivision is in accordance with a) a specific area plan; or b) a subdivision plan or acceptable development criteria under Table 7.1, if any..</i>
<i>A3</i>	<i>No vegetation is proposed to be removed.</i>
The proposal is within the Central Hills Precinct.	
<i>E7.5.3</i>	<i>SCHEDULE 1 – LOCAL SCENIC MANAGEMENT AREAS</i>
<i>5</i>	<i>CENTRAL HILLS PRECINCT MANAGEMENT OBJECTIVES</i>
	<ul style="list-style-type: none"> <i>a) Maintain and enhance vegetation, particularly with a mix of deciduous and evergreen species consistent with the character of the area. Promote tree planting in existing non treed areas.</i> <i>b) Development will blend in with existing development by its location, form, scale and exterior finishes.</i> <i>c) Discourage development that requires significant earthworks.</i> <i>d) Encourage driveways to be inevent by following contours and being screened by vegetation.</i>
<p>The site is currently covered in low quality grass and is located just below the ridge on the eastern face formed by Talbot Road. The site is relatively prominent. To assist in addressing land stability issues within the site, it is proposed to plant trees to utilize ground water while also providing some vegetative cover to the site. The site is proposed to be excavated to minimize the visual impact of the dwelling however this is confined only to the dwelling itself.</p> <p>Earthworks are required for the purpose of stabilizing the land but these will be accompanied by screen planting. The earthworks must be designed and constructed in accordance with the requirements of a suitably qualified engineer.</p> <p>The driveway is proposed straight up the hillside and, depending on its surface, could be seen from beyond the site. The colour finish of the driveway should be coloured such that it blends into the landscape.</p>	

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

4. REFERRALS

INTERNAL	
Infrastructure Assets	Conditions of approval are required especially in relation to the construction of a drive off the end of Junction Street and stormwater drainage.
Environmental Health	Standard conditions apply.
Building Control	Not applicable
Parks and Recreation	Query was made of species.
Heritage/Urban Design	Not applicable
Strategic Planning	No objection
EXTERNAL	
BLW	Not applicable
Heritage Tasmania	Not applicable
EPA	Not applicable
DIER	Not applicable

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

5. REPRESENTATIONS

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period from 20 April 2013 to 6 May 2013. One representation was received. The concerns

ISSUES	COMMENTS
<ul style="list-style-type: none"> While not against development of the property concerns are raised of the Geotechnical Report and DIER information. 	<ul style="list-style-type: none"> Noted. The advice has been provided by suitably qualified and experienced professionals.
<ul style="list-style-type: none"> Given the extent of water that runs down the hillside through winter, sourced by rain, seepage and underground springs, the stability of the land to sustain a driveway and dwelling is questioned. Failure of water management systems could lead to damage of the drive, and potentially the dwelling, which could cause damage to properties down hill of the site in the future. 	<ul style="list-style-type: none"> The design of the dwelling and the overall site development has considered the limitations of the site. Embankments and plantings are incorporated to manage excess water on site so as to minimise risk. The Geotech report has been reviewed to ensure that the development can meet the requirement of Low Risk in accordance with table E3.6.2.
<ul style="list-style-type: none"> The Geotech report is not considered to contain adequate details or recommendations of what is required to minimize landslide, slippage or other effects of swelling and shrinkage. Land off the northern end of Junction St has had a small cul-de-sac developed below it. The works cause movement at the time and remediation actions were taken. 	<ul style="list-style-type: none"> The Geotechnical report was prepared by a suitably qualified and experienced professional. The report has provided an adequate assessment of the site and has determined that the site has a low landslip risk, subject to specified construction requirements and ongoing maintenance. Conditions had been recommended for inclusion on a Permit.

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

<ul style="list-style-type: none"> Junction Street is not constructed/maintained to the extent of the proposed driveway. 	<ul style="list-style-type: none"> The applicants have been advised by Infrastructure Services that access to the site is possible by the construction of a suitable standard driveway from the extent of the maintained section of the road to the site. A condition has been recommended in the permit to this effect.
<ul style="list-style-type: none"> The design only provides 1 garage for three bedrooms. Is the open area at lower ground level to be a car space? If so it should have a door or similar to prevent a vehicle rolling down the hill. 	<ul style="list-style-type: none"> A garage is proposed along with a tandem space to its rear and constructed car space just forward of the dwelling, (this setback 17m in from the frontage.
<ul style="list-style-type: none"> The estimated cost of the development does not recognize the extent of works that will be necessary to develop and suitable development. 	<ul style="list-style-type: none"> Noted.

6. MEDIATION

Discussions were held between the parties to try and resolve concerns however, agreement was not reached. The recommended conditions of approval will address most of the concerns raised by the representor.

7. CONCLUSION

The proposed development will provide a suitable use for the vacant resident site. The size and scale of the development is minimal.

The main concern over the proposal is land stability and the long term maintenance of the site. Subject to the recommendations of the Geotechnical Report, and ongoing maintenance of water over the site and road, the development is considered acceptable.

The application complies with the requirements of the Interim Planning Scheme and is recommended for approval.

12.3 76-78 Junction Street, Newstead - Construction of a single dwelling...(Cont'd)

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 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 2012 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 2012 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 2012


BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

The following attachments have been circulated separately.

1. Location Plan
 2. Proposal Plans
 3. Geotechnical Report
 4. Copy of Representation
-

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry**FILE NO:** DA0003/2013**AUTHOR:** Julia Allen (Town Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application to operate a level 2 activity quarry at 444, 450 and 480 Lilydale Road, Underwood. The quarry will extract, crush and screen up to 75 000 cubic metres of dolerite per annum.

PLANNING APPLICATION INFORMATION:

Applicant	Hanson Construction Materials
Property	CT Vol 138935 754 Fol 3, Vol 204413 Fol 1 & Vol 204414 Fol 1
Area of the Site	61ha
Zone	Rural Resource
Codes	Scenic Management Area, Environmental Impacts and Attenuation Code, Road and Rail Assets Code
TP Classification	Extractive Industries
Date Received	2 January 2013
Deemed Approval	12 June 2013
Representations	Two

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0003/2013 to operate a Level 2 Activity Quarry at 444, 448 and 450 Lilydale Road, Underwood, subject to the following conditions:

1. ENDORSED PLANS

The development must be carried out as shown on the endorsed plans and documentation to the satisfaction of the Planning Authority.

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

2. EPA PERMIT REQUIREMENTS

The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B, which the Board of the Environment Protection Authority (EPA) has required the planning authority to include in the permit, pursuant to Section 25(5) of the Environmental Management and Pollution Control Act 1994.

3. DIER INFRASTRUCTURE REQUIREMENTS

Prior to the use commencing, the following road works must be completed:

a) Channelised right turn lane is to be provided. The right turn lane is to be designed so that the taper extends beyond the crest to the south in order to mitigate issues associated with sight distance over the crest as outlined in the Traffic Impact Assessment, titled *Proposed Access Launceston Quarry Approx. 443 Lilydale Main Road*, by Terry Eaton dated December 2012 (TIA); and

b) To achieve acceptable sight distances, either one of the two treatments below must be provided:

i) The access be designed with a 'seagull' treatment incorporating an acceleration lane for right turning traffic. The acceleration lane must be designed so that heavy vehicles can accelerate to a speed not more than 30 km/h below that of the 85th percentile speed of through traffic. It is likely that this will extend into the curve north of the access and as such consideration must be given as to how this will affect the road alignment for through traffic; or

ii) The right turn out of the access is banned. This would need to include provision of appropriate signage and construction of an island within the throat of the access to physically restrict the right turn.

c) 'Trucks Entering' warning signs with appropriate distance plates must be provided either side of the access as outlined in the TIA; and

d) Vegetation clearing to the north of the access is to be undertaken in order to achieve the minimum required sight distances to the north as outlined in the TIA; and

e) The access is to be constructed to DIER standards. This includes sealing of the access to the property boundary and installation of driveable headwalls. The access is also to be constructed to a width that allows two-way traffic flow; and

f) An asphalt seal is to be provided 20m either side of the access on Lilydale Road; and

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

g) An Access Works Permit is to be obtained from DIER prior to the works commencing within the state road reserve.

4. CARPARKING REQUIREMENTS

a) Prior to the use commencing, a scaled car parking plan must be submitted showing:

- i) the access strips and manoeuvring and circulation spaces;
- ii) all access strips onto the site from the roads;
- iii) location of all car parking and loading and unloading spaces;
- iv) details of the dimensions, grades and surface treatments for car parking spaces, loading and unloading areas, access strips, and manoeuvring and circulation spaces; and
- v) location of visual amenity design considerations.

b) The plan is to be consistent with Australian Standards 2890. Once approved, the plan will be endorsed and form part of the permit.

c) Prior to the use commencing, areas set aside for parking vehicles, loading and unloading and access lanes as shown on the endorsed plans must;

- i) Be designed to comply with Australian Standard AS 2890;
- ii) Be properly constructed to such levels that they can be used in accordance with the plans,
- iii) Be surfaced with in an all weather surface,
- iv) Be drained to Councils requirements,
- v) Be line-marked or otherwise delineated to indicate each car space and access lanes,
- vi) Be provided with a barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;
- vii) Where necessary, have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas,
- viii) Have appropriate signage to direct visitors to the car parking area

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

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

5. VISUAL IMPACT - VEGETATION BUFFER

To minimise the visual impact of the development, the following is required:

- a) Vegetation clearance is only permitted to what is required to carry out the development; and
- b) Vegetation is to be retained and maintained, especially in the following areas:
 - i) Retention as a screen the existing vegetation on the edges of the quarry boundaries including the *Eucalyptus amydalina* trees;
 - ii) Retention of a shoulder in the south east corner created by the natural surface and bushland on the southern face of the benches as quarrying proceeds;
 - iii) Progressive revegetation in accordance with the recommendations of the Development Proposal and Environmental Management Plan dated November 2012 by John Miedecke & Partners Pty Ltd
 - vi) Retention of a vegetation buffer of a minimum of 20 metres wide along the Lilydale Road frontage. Prior to the commencement of the development, at least 3 rows of local native species are to be planted to supplement the existing vegetation. These species are to be a combination of shrub and trees species.

6. VISUAL IMPACT - QUARRY OPERATIONS AND INFRASTRUCTURE

a) The siting of onsite infrastructure and sequencing of the quarrying operation are to be done to minimise the visual impact of the development in accordance with the Final Development Proposal and Environmental Management Plan dated November 2012 by John Miedecke & Partners Pty Ltd.

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

7. LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

Notes

Other Approvals

A. *This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:*

- (a) Building permit*
- (b) DIER Access Works Permit*

Objections to Proposal

B. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*

Appeal Provisions

C. *Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:*

A planning appeal may be instituted by lodging a notice of appeal with the Clerk 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.

Permit Commencement.

D. *This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. 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.*

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

REPORT:

1. THE PROPOSAL

The proposal is for a quarry on a former quarry area on the property. The quarry will extract, crush and screen up to 75 000 cubic metres of dolerite per annum. To create a marketable product, the quarrying requires drilling, blasting, crushing and screening. The material is a fundamental component of road pavements, aggregates and concrete which are required for road works and civil construction.

An office/crib room, weighbridge and product stockpile area will be located near the existing access road entrance. The access and road junction with Lilydale Road will require modification to accommodate the use.

Trucks accessing the site are anticipated to be up to 39.5 tonne capacity.

Production is anticipated to commence at about 15 000m³ increasing to 75 000m³ as the market requires.

The operation of the quarry is expected to require between 3 to 10 personnel. The hours of operation will be 7am to 7pm Monday to Friday and 8am to 4pm Saturday.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject land comprises 3 titles totalling about 61ha. The land is forested with *Eucalyptus amygdalina* sclerophyll and *Eucalyptus obliqua*. The vegetation is regarded as being in good condition.

The subject land adjoins Lilydale Road to the west. It is a major traffic route to the north east of the state.

The land contains an old quarry site that operated for approximately 20 years prior to 1990. There is an existing access off Lilydale Road and a shed located in the south western part of the property which is just visible from Lilydale Road.

The area is hilly, rural and forested. The nearest residences are located on the North and West over Lilydale Road about 600m and 400m respectively.

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

The application is classified as a Level 2 Activity pursuant to Schedule 2 of the Environmental Management and Pollution Control Act 1994. Section 25 of that act requires the Environment Protection Authority (EPA) to be notified and outlines the assessment process required.

The process is different from a standard discretionary planning application process.

Once notified, the EPA Board undertake a comprehensive assessment of the proposal covering the following issues:

- Effects on biodiversity and conservation values;
- Effects on liquid waste emissions;
- Effects on ground water;
- Effects on marine and coastal matters;
- Effects on noise emissions;
- Effects on local and regional air environment;
- Solid and controlled waste management issues;
- Dangerous Goods management issues;
- Environmental effects associated with hazard events;
- Environmental effects of infrastructure and off-site ancillary facilities including the environmental effects of traffic movements (ie. noise, dust, vibration) directly related to the activity; and
- Physical aspects of Aboriginal and European cultural heritage.

Any land use planning matters included in the EPA Board's assessment falls under the jurisdiction of the local planning authority to consider within their assessment of the proposal. These matters include:

- Land use
- Streetscape and built character
- Scenic and visual impacts
- Any other non-environmental effects of infrastructure and off-site facilities
- State policies

The Council must make a decision on the application within 42 days of the EPA Board making its decision.

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

3.1 Zone Purpose

The property is zoned Rural Resource. The purposes of the Rural Resource zone are:

ZONE PURPOSE	
26.1.1	<p><i>To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.</i></p> <p>Complies. The subject site contains a strategic reserve of dolerite close to Launceston that has the capacity to provide up to 100 years (nearly 8 million tonnes) supply of road construction material and construction aggregate to Launceston and the region.</p> <p>Environmental considerations of the extraction and distribution of this product has been thoroughly considered by the Environmental Protection Authority and a permit has been issued. Therefore the proposal is considered to be consistent with the zone purpose.</p>
26.1.2	<p><i>To provide for other use or development that does not constrain or conflict with resource development uses.</i></p> <p>Not applicable.</p>
26.1.3	<p><i>To provide for economic development that is compatible with primary industry, environmental and landscape values.</i></p> <p>Complies. The subject site is surrounded by a large tract of native forest. Some of this forest is utilised for forestry. Mainly to the north and west are existing forested rural properties that contain residential dwellings. The closest is 400m.</p> <p>The quarrying operation is proposed to be screened by retaining a buffer of vegetation and also retaining a 'shoulder' at the quarry face.</p>
26.1.4	<p><i>To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.</i></p> <p>Not applicable.</p>

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

LOCAL AREA OBJECTIVES	
26.1.5	<p><i>a) Primary Industries:</i> <i>Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.</i></p> <p><i>The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.</i></p> <p><i>Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.</i></p>
<p>Complies. The proposal is a primary industry in resource extraction, which is dependant on the location of its resource. The size of the resource is sufficient to provide a long term supply of an essential building material for roads and building constructed which is needed in both the rural and urban areas.</p>	
	<p><i>b) Tourism</i> <i>Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.</i></p> <p><i>The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape.</i></p> <p><i>The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.</i></p>

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

<p>Complies. Lilydale Road is part of a significant tourist route linking Launceston to Lilydale and the Wine districts in the east. Furthermore the Fingerpost is a significant hillside which forms the background of the northern suburbs of Launceston. According to the documentation between the existing vegetation and topography, the quarry operations should be screened when the land is viewed from the city and mostly screened from Lilydale Road.</p>	
	<p><i>c) Rural Communities</i> <i>Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.</i></p>
<p>Not applicable.</p>	
<p>DESIRED FUTURE CHARACTER</p>	
26.1.6	<p><i>The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.</i></p>
<p>Complies. The land within the mining lease is situated on a ridge, rising just over 310 metres in elevation. Its ridgeline location means that the site could be seen from extensive areas within the greater Launceston area.</p> <p>The vegetation is open dry sclerophyll forest dominated by Eucalyptus amydalina and Eucalyptus oblique forest. The forest has an estimated average canopy of 25m. On the northern slopes of the site, the Eucalyptus species become sparse and smaller species of <i>Allocasuarina</i> and <i>Acacia</i> dominant.</p> <p>The location of the quarry and associated plant and facilities, the progression of mining, site characteristics have been considered to minimise the visual impact of the proposal. The concluding remarks from Landscape Impressions are:</p> <p><i>The potential visual impact of the quarry has been addressed through various design considerations. Progressing the development of the quarry from the east to the west means that the close-proximity views (from Lilydale Road) into the quarry will be effectively blocked by vegetation and the natural surface of the land. From more distant vantage points to the south and south-west (from parts of Launceston and suburbs) are also minimised due to the shape and progression of the quarry. The retention of remnant vegetation around the quarry will mean that the main visual impact from distant vantage points will be a 'lowering' of the vegetated skyline.</i></p>	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

The visual impacts are proposed to be minimised by (pp 55-56 of the DPEMP):

- Retaining as a screen existing vegetation to the edges of the quarry boundaries including the tall trees; and
- Retaining a 'shoulder' in the south-east corner created by natural surface and bushland on the southern face of benches as quarrying proceeds (potentially visible from the distant south). The shoulder will maintain a significant curvature in shape in both the plan and in elevation and with the retained vegetation.

Operations:

- Revegetation of the upper eastern benches after construction;
 - Minimising clearance of existing vegetation;
 - Maintaining a 2m 'bund' around the perimeter of the quarry working area at each bench (12-15m) level;
 - Removal of the height of the bund would be sequence so that where practical quarry surface revealed on the rear wall would have been already removed with views through to the surrounding bushland;
 - Particular attention has been given to the silhouette in views from the south and distant views from this direction;
 - Locating the quarry access road through established vegetation to provide screening; and
 - Maintaining a visual vegetation screen between stockpile areas, office and facilities and Lilydale Road.
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12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

3.2 Use Standards

The use class that best describes the proposal is Extractive Industries which is classified as discretionary for a level 2 activity.

USE STANDARDS	
26.3.1	DISCRETIONARY USES IF NOT A SINGLE DWELLING
<i>A1</i>	<i>If for permitted or no permit required uses.</i>
<p>The use is discretionary. The relevant performance criteria states:</p> <p><i>P1.1 It must be demonstrated that the use is consistent with the local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</i></p> <p><i>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m² over the site.</i></p> <p>The proposal is considered compliant as described by section 3.1 of this report.</p>	
<i>A2</i>	<i>Use or development is not located on prime agricultural land.</i>
<p>The land is not prime agricultural land.</p>	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

A3	<p><i>Non-prime agricultural land is not converted from an agricultural use.</i></p> <p>The land is non prime agricultural land. The use is not agriculture. The relevant performance criteria states:</p> <p><i>P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:</i></p> <p><i>a) the amount of land converted is minimised having regard to:</i></p> <p><i>i) existing use and development on the land; and</i> <i>ii) surrounding use and development; and</i> <i>iii) topographical constraints; or</i></p> <p><i>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as:</i></p> <p><i>i) limitations created by any existing use and/or development of the site; and</i> <i>ii) topographical features; and</i> <i>iii) poor capability of the land for primary industry; or</i></p> <p><i>c) the location of the use on the site is reasonably required for operational efficiency.</i></p> <p>The land has limited utility for agriculture due to the topography and capability of the land. At best it could allow for forestry and some limited pastoral activities. The land however contains a significant reserve of stone. The site's attributes and significant size and quality of the reserve justifies its utilisation over what limited agricultural opportunities maybe possible on the land.</p>
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12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

<i>A4</i>	<i>If for permitted or no permit required uses.</i>
<p>The use is discretionary. The relevant performance criteria states:</p> <p><i>P4 It must demonstrate that:</i></p> <ul style="list-style-type: none"> <i>a) emissions are not likely to cause an environmental nuisance; and</i> <i>b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</i> <i>c) the capacity of the local road network can accommodate the traffic generated by the use.</i> <p>Complies. Environmental emissions and impacts have been considered by the EPA and a permit has been issued.</p> <p>The main primary industry uses in the area are forestry operations. Forestry and quarrying co exist without conflict in other areas, and no conflict between those uses is anticipated in this location.</p> <p>The site will access Lilydale Road. Traffic volumes are about 3 000 vehicles per day. Estimates for 2030 are low traffic growth with the volume increasing to 3 600 vehicles per day.</p> <p>The proposal is predicted to have a daily cartage of 1 200 tonnes which equates to about 40 truck loads. Site employment is not likely to exceed more than 5 movements.</p> <p>The Traffic Assessment Report by Terry Eaton does not identify any road capacity issues from traffic generated from the site.</p> <p>The Department of Infrastructure, Energy and Resources requires modifications to the junction and road to improve road safety. This can be addressed by permit condition.</p>	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

A5	<p><i>The use must:</i> <i>a) be permitted or no permit required; or</i> <i>b) be located in an existing building.</i></p>
<p>The use is discretionary. The relevant performance criteria states:</p> <p><i>It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</i></p> <p><i>a) the impacts on skylines and ridgelines; and</i> <i>b) visibility from public roads; and</i> <i>c) the visual impacts of storage of materials or equipment; and</i> <i>d) the visual impacts of vegetation clearance or retention; and</i> <i>e) the desired future character statements.</i></p> <p>Complies. The land within the mining lease boundary is located on a ridge, rising to just over 310 metres in elevation. The quarry site will effectively be screened by vegetation both from Lilydale Road and from distant vantage points. The main effect from distant vantage points will be a lower of the vegetation line. The shape and progression of the quarrying activities have been designed to minimise the visual impact as well.</p> <p>Lilydale Road is the primary road that could be affected by the proposal. The quarry site will be screened. The main potential visible element is the stockpiled material near the entrance. It is identified that it will be visible for a small section along Lilydale Road.</p> <p>The Visual Assessment report by Landscape Impressions submitted with the proposal recommends the following (p 12):</p> <p><i>The retention of a wide vegetation buffer along the Lilydale Road is also important. This buffer may needs to be supplemented with additional planting of indigenous trees and shrubs to assist in the screening of stockpiles on the site.</i></p> <p><i>The design of access roads and their alignment, especially in the proximity of Lilydale Road, needs to take into considering the potential opening up of vistas to the stockpile area form the main road.</i></p> <p>Density of vegetation is generally regarded as more important in this context. A 20m wide buffer of 3 or 4 rows of planted local native shrubs and trees in addition to the existing vegetation is likely to achieve an effective screen within 5 years.</p> <p>The visual impact of the stockpile area and access can be addressed sufficiently with an appropriate vegetation buffer. Permit conditions are recommended to address this issue.</p>	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

26.3.1	DWELLINGS
A1.1	<i>Development must be for the alteration, extension or replacement of existing dwellings; or</i>
A1.2	<i>Ancillary dwellings must be located within the curtilage of the existing dwelling on the property.</i>
Not applicable, this is not for a dwelling.	
26.3.2	IRRIGATION DISTRICTS
A1	<i>Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the Water Management Act 1999.</i>
Not applicable, there are no irrigation districts located in the area.	

3.3 Development Standards

DEVELOPMENT STANDARDS	
26.4.1	BUILDING LOCATON AND APPEARANCE
A1	<i>Buildings must not exceed: a) 8m for dwellings; and b) 12m for other purposes.</i>
Complies. The site office, will be a single storey prefabricated building about 10m by 3m which is compliant with the acceptable solution.	
A2	<i>Buildings must be set back a minimum of: a) 50m where a non sensitive use or extension to existing sensitive use buildings is proposed; or b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling.</i>
Complies. 50 m setback is proposed.	
26.4.2	SUBDIVISION
Not applicable.	
A1	<i>Lots must be: a) for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or b) for the consolidation of a lot with another lot with no additional titles created; or c) to align existing titles with zone boundaries and no additional lots are created.</i>
Not applicable.	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

3.2 Overlays and Codes

E4.0 Road and Rail Asset Code

The code applies since the proposal will intensify the use of an existing access.

E4.6	USE STANDARDS
E.4.6.1	USE OF ROAD AND RAIL INFRASTRUCTURE
	<i>To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</i>
A1	<i>Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.</i>
	Not for a sensitive use. Not applicable.
A2	<i>For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day</i>
	The speed limit is 100km/hr. Not applicable.

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

A3	<p><i>For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.</i></p> <p>The traffic movements from the junction will increase by greater than 10%. The relevant performance criteria states:</p> <p><i>For limited access roads and roads with a speed limit of more than 60km/h:</i></p> <p><i>a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and</i></p> <p><i>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</i></p> <p><i>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</i></p> <p>Complies by condition. DIER have recommended works to the junction to improve traffic safety. These works will provide for an access that is safe and efficient for all road users. Permit conditions are recommended.</p>
E4.7	DEVELOPMENT STANDARDS
E4.7.1	<p>DEVELOPMENT ON OR ADJACENT TO EXISTING AND FUTURE ARTERIAL ROADS AND RAILWAYS</p> <p><i>To ensure that development on or adjacent to class 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:</i></p> <p><i>ensure the safe and efficient operation of roads and railways; and</i></p> <p><i>allow for future road and rail widening, realignment and upgrading; and</i></p> <p><i>avoid undesirable interaction between roads and railways and other use or development.</i></p>

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

A1	<p><i>The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</i></p> <ul style="list-style-type: none"> <i>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</i> <i>b) building envelopes on new lots; and</i> <i>c) outdoor sitting, entertainment and children's play areas</i>
<p>The proposal is greater than 50m from a railway. Not applicable.</p>	
E4.7.2	<p>MANAGEMENT OF ROAD ACCESSES AND JUNCTIONS <i>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</i></p>
A1	<p><i>For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.</i></p>
<p>Not applicable.</p>	
A2	<p><i>For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</i></p>
<p>Complies by condition. The existing driveway is anticipated to be satisfactory subject to changes requested by DIER to the road.</p>	
E4.7.3	<p>MANAGEMENT OF RAIL LEVEL CROSSINGS <i>To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.</i></p>
A1	<p><i>Where land has access across a railway:</i></p> <ul style="list-style-type: none"> <i>a) development does not include a level crossing; or</i> <i>b) development does not result in a material change onto an existing level crossing.</i>
<p>Not applicable.</p>	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

E4.7.4	SIGHT DISTANCE AT ACCESSES, JUNCTIONS AND LEVEL CROSSINGS <i>To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</i>
A1	<i>Sight distances at</i> a) <i>an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</i> b) <i>rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices – Railway crossings, Standards Association of Australia; or</i> c) <i>f the access is a temporary access, the written consent of the relevant authority has been obtained.</i>
Complies subject to works to the road. See DIER comments.	

E6.0 Car Parking and Sustainable Transport Code

The car parking code applies to all use and development.

E6.6	USE STANDARDS
E6.6.1	CAR PARKING NUMBERS <i>To ensure that an appropriate level of car parking is provided to service use.</i>
A1	<i>The number of car parking spaces:</i> a) <i>will not be less than 90% of the requirements of Table E6.1; or</i> b) <i>will not exceed the requirements of Table E6.1 by more than 2 spaces or c) 5% whichever is the greater; or</i> d) <i>will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</i>
<p>An extractive industry requires 1 space per 2 employees, therefore since there are up to 5 employees anticipated, 3 spaces are required. No detailed car parking plan has been supplied however the applicant indicated that at least 5 spaces will be provided for onsite. The relevant performance criteria states:</p> <p><i>The number of car parking spaces provided must have regard to:</i></p> <ul style="list-style-type: none"> a) <i>the provisions of any relevant specific car parking plan;</i> b) <i>the availability of public car parking spaces within reasonable walking distance;</i> c) <i>any reduction in demand use to sharing of spaces by multiple users either because of variations in peak demand or by efficiencies gained by consolidation;</i> d) <i>the availability and frequency of public transport within reasonable walking distance of the site;</i> e) <i>site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</i> f) <i>the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other users in the vicinity;</i> g) <i>an empirical assessment of the car parking demand;</i> 	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience;

i) the recommendations of a traffic impact assessment for the proposal

j) any heritage values of the site

k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:

i) the size of the dwelling and the number of bedrooms;

ii) the pattern of parking in the locality;

iii) any existing structure on the land; and

l) the performance criteria contained within a relevant parking precinct plan.

a) Complies. Additional parking onsite is proposed above that which is required by the interim scheme. At least 5 spaces are proposed. The site does not have suitable off site parking opportunities, so all parking requirements need to be provided for onsite. As a result additional parking is proposed. The submitted documentation details the general location of key infrastructure and uses onsite however it does not drill down into the specifics. A plan that details the specifics for parking and access is required. A condition is recommended for inclusion on the permit.

b) No public parking available within reasonable walking distance.

c) No multiple uses onsite. This is a single destination only and this is why additional parking above what the interim scheme requires is proposed.

d) Public transport not readily available.

e) There is a reasonably level area in the vicinity of Lilydale Road before the hill starts to the east. There is sufficient land to provide a parking area that can be used onsite. A permit condition is recommended to show the final location of this parking area onsite;

f) On- road parking not recommended in this location, all parking should be contained onsite.

g) Not specifically covered in the TIA submitted other than up to 5 trucks per hour can be anticipated at peak times. There is sufficient room onsite to cater for this demand. A condition requiring a plan to show details is required.

h) A vegetation buffer along Lilydale Road is required. In addition vegetation clearance should be minimised onsite. Visual amenity considerations can be adequately addressed whilst meeting infrastructure requirements onsite. A plan detailing the final car parking and access design that takes these matters into account is recommended.

i) The TIA focuses on the junction design only.

j) Not applicable

k) Not applicable

l) Not located within a parking precinct plan.

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

E6.6.2	BICYCLE PARKING NUMBERS <i>To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.</i>
A1.1	<i>Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</i>
A1.2	<i>The number of spaces must be in accordance with a parking precinct plan that has been incorporated into the planning scheme for a particular area.</i>
Complies. 1 space per 10 employees is required. Therefore, since there will be up to 5 employees, no bicycle parking or facilities are required.	
E6.6.3	TAXI DROP-OFF AND PICK UP <i>To ensure that taxis can adequately access developments.</i>
A1	<i>One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.</i>
Not required since there are insufficient numbers. Not applicable.	
E6.6.4	MOTORBIKE PARKING PROVISIONS <i>To ensure that motorbikes are adequately provided for in parking considerations.</i>
A1	<i>One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</i>
Not required since there are insufficient numbers. Not applicable.	
E6.7	DEVELOPMENT STANDARDS
E6.7.1	CONSTRUCTION OF CAR PARKING SPACES AND ACCESS STRIPS <i>To ensure that car parking spaces and access strips are constructed to an appropriate standard.</i>

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

A1	<p><i>All car parking, access strips maneuvering and circulation spaces must be: formed to an adequate level and drained; and</i></p> <p><i>a) except for a single dwelling, provided with and impervious all weather seal; and</i></p> <p><i>b) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</i></p>
<p>Complies by condition. Details of the levels and surface finish of the parking and access areas have not been submitted. It's likely however that the surface finish will be gravel. The relevant performance criteria states:</p> <p><i>All car parking, access strips, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.</i></p> <p>The plan shows the general area for the location of various aspects of the use however the specifics are not clearly detailed. The site has sufficient room to be capable of achieving the performance criteria. The entrance to the site will be sealed however the remaining car parking and access areas are likely to be gravel. This surface finish is deemed appropriate in this rural setting. A condition requiring the final design of the car parking area is recommended to be submitted to demonstrate compliance.</p>	
E6.7.2	<p>DESIGN AND LAYOUT OF CAR PARKING</p> <p><i>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</i></p>
A1.1	<p><i>Where providing for 4 or more spaces, parking areas must be located behind the building line; and</i></p>
A1.2	<p><i>Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</i></p>
<p>Complies by condition,. Whilst not clearly shown, the parking is likely to be located behind the building line. A permit condition is recommended to request plans to verify this.</p>	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

A2.1	<p><i>Car parking and maneuvering space must:</i></p> <ul style="list-style-type: none"> <i>a) have a gradient of 10% or less; and</i> <i>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</i> <i>c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and</i> <i>d) have a combined width of access and maneuvering space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply:</i> <i>e) there are three or more car parking spaces; and</i> <i>f) where parking is more than 30m driving distance from the road; or</i> <i>g) where the sole vehicle access is to a category I, II, III or IV road; and</i>
A2.2	<p><i>The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.</i></p>
<p>Complies by condition. Whilst not clearly shown, there is sufficient room onsite to meet the acceptable solution. A permit condition is recommended to request plans to demonstrate compliance.</p>	
E6.7.3	<p>CAR PARKING ACCESS, SAFETY AND SECURITY <i>To ensure adequate access, safety and security for car parking and for deliveries.</i></p>
A1	<p><i>Car parking areas with greater than 20 parking spaces must be:</i></p> <ul style="list-style-type: none"> <i>a) secured and lit unauthorized cannot enter or;</i> <i>b) lit and visible from buildings on or adjacent to the site during the times when parking occurs.</i>
<p>Not applicable.</p>	
E6.7.4	<p>PARKING FOR PERSONS WITH A DISABILITY <i>To ensure adequate parking for persons with a disability.</i></p>
A1	<p><i>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</i></p>
<p>Not applicable.</p>	
A2	<p><i>One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.</i></p>
<p>Not applicable.</p>	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

E6.7.6	LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP <i>To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</i>
A1	<i>For retail, commercial, industrial, service industry or warehouse or storage uses: a) least one loading bay at must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.</i>
<p>Whilst not clearly shown in the submitted plans, there is sufficient room to be able to comply with the acceptable solution. A permit condition to require plans to demonstrate compliance is recommended.</p>	
E6.8	PROVISIONS FOR SUSTAINABLE TRANSPORT
E6.8.1	BICYCLE END OF TRIP FACILITIES <i>To ensure that cyclists are provided with adequate end of trip facilities.</i>
A1	<i>For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.</i>
Not applicable.	
E6.8.2	BICYCLE PARKING ACCESS, SAFETY AND SECURITY <i>To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</i>
A1.1	<i>Bicycle parking spaces for customers and visitors must: be accessible from a road, footpath or cycle track; and include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and be located within 50m of and visible or signposted from the entrance to the activity they serve; and be available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and</i>

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

A1.2	<i>Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</i>
Not applicable.	
A2	<i>Bicycle parking spaces must have: minimum dimensions of: 1.7m in length; and 1.2m in height; and 0.7m in width at the handlebars; and unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</i>
Not applicable.	
E6.8.5	PEDESTRIAN WALKWAYS <i>To ensure pedestrian safety is considered in development</i>
A1	<i>Pedestrian access must be provided for in accordance with Table E6.5.</i>
Not applicable.	
E6.6.1	PRECINCT 1 – LAUNCESTON CBD PARKING EXEMPTION AREA
E6.6.4	LOCAL AREAS PROVISIONS <i>To remove the need for new use or development to provide onsite car parking within the exemption area.</i>
	<i>To establish parking maximums within the exemption area</i>
A1	<i>No onsite parking provision.</i>
Not applicable.	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

E7 Scenic Management Code

The site is located within the Eastern Hills precinct therefore the code applies.

E7.6	DEVELOPMENT STANDARDS
E7.6.1	SCENIC MANAGEMENT – TOURIST ROAD CORRIDOR
A1	<i>Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.</i>
No tourist corridor is identified. Not applicable.	
A2	<i>Subdivision must not alter any boundaries within the areas designated as scenic management – tourist road corridor.</i>
Not for a subdivision. Not applicable.	
E7.6.2	LOCAL SCENIC MANAGEMENT AREAS
A1	<i>Development (not including subdivision) must be in accordance with the scenic management criteria for a local scenic management area identified in Table 7.1 – local scenic management areas.</i>
<p>The proposal is located within the Eastern Hillside Precinct. The Management Objectives are:</p> <p><i>a) Maintain and enhance vegetation, particularly local native vegetation consistent with the vegetation community present within that setting.</i></p> <p><i>b) Development must be designed to have minimal visual impact from major public view points. Development should be encouraged adjacent to existing development and avoid key ridgeline and skyline areas.</i></p> <p><i>c) Subdivision is to be located within infill sites and areas that are not steep or located on the skyline. Steeper visually prominent lots are to have sufficient size to enable development to be screened by vegetation while also achieving bushfire safety requirements.</i></p> <p>Complies by condition. The development has been designed to minimize the visual impact of the proposal as detailed in the Visual Assessment report by Landscape Impressions submitted with the proposal.</p> <p>Provided the works are carried out as per the recommendations of that report, the objectives will be met. Conditions to that effect are recommended.</p>	
A2	<i>Subdivision is in accordance with</i> <i>a) a specific area plan; or</i> <i>b) a subdivision plan or acceptable development criteria under Table 7.1, if any.</i>
Not applicable.	

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

A3	<i>No vegetation is proposed to be removed.</i>
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Vegetation removal will be required for the development to proceed. The relevant performance criteria states;

The visual impact of removal, destruction or lopping of trees or the removal of vegetation should:

- a) be consistent with maintaining the character and precinct objectives;*
- b) be minimized through:*
- c) consideration of the design and location of buildings to facilitate the retention of trees;*
- d) a preference for management of trees through pruning rather than removal; and*
- e) the desirability of replanting of vegetation when the impact of vegetation removal is unavoidable; and*
- f) not result in an unacceptable impact on threatened species and/or wildlife habitats/corridors.*

The vegetation and visual impacts of the proposal have been assessed and taken account in the design of the proposal. See earlier sections of this report for further details.

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

E11.0 Environmental Impacts and Attenuation Code

This code applies because it is for a quarry, which is a use identified in table E11.6.2 of the code.

E11.6	USE STANDARDS
E11.6.1	ATTENUATION DISTANCES
P1	<p><i>Sensitive use or subdivision for sensitive use within an attenuation area to an existing activity listed in Tables 11.1 and E11.2 must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm, having regard to the:</i></p> <ul style="list-style-type: none"> <i>a) degree of encroachment; and</i> <i>i) nature of the emitting operation being protected by the attenuation area; and</i> <i>ii) degree of hazard or pollution that may emanate from the emitting operation; and</i> <i>iii) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.</i>
<p>These issues have been assessed by the Environmental Protection Authority and are beyond the jurisdiction of Council to assess in this application. The EPA have issued a permit with conditions which is to be attached to Council's decision.</p>	
A2	<p><i>Uses listed in Tables E11.1 and E11.2 must be setback from any existing sensitive use, or a Residential , Environmental Living, Urban Mixed Use, Village, Local Business, General Business, Central Business, Commercial zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.</i></p>
<p>See above comment.</p>	

4. REFERRALS

The application was referred to the following:

Department of Infrastructure, Energy and Resources - does not object to the proposal provided that conditions are put on the permit to require an upgrade to the junction. The works required includes channelized right turn land, erection of 'truck entering signage', vegetation clearance to achieve sight distances and sealing of the access.

Infrastructure Services - no issues. Lilydale Road is a DIER maintained road.

Environmental Services - environmental issues are covered by EPA assessment.

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

5. REPRESENTATIONS

The application was advertised from the 19 January 2013 to the 17 February 2013. Two representations were received during that period. All issues raised have been considered in a supplementary DPEMP from the applicant which is attached to this report. The EPA have considered all environmental issues. The issues raised within Council's jurisdiction to assess are as follows:

ISSUE	COMMENTS
Traffic	The proposal has been considered by DIER and they have not raised any issues with the proposal in regards to traffic safety and efficiency provided that works are undertaken to improve the junction. This has been addressed by permit condition.
Visual Impact	<p>A visual assessment report has been submitted with the proposal. The report concludes that:</p> <p>The Quarry is well planned from a visual perspective.....However, in some light situations colour contrast caused by the exposed west facing quarry side may render small sections of the quarry visible.</p> <p>The main visual impact within close proximity (less than 100m) of the site will be the crushing plant, stockpile area and associated loading plant and equipment. Retaining a vegetation buffer between Lilydale Rd and the processing area will be important.</p> <p>Any clearance of roadside vegetation associated with the entrance of the quarry will need to be compensated by establishment of new vegetation. It will also be important to ensure that they do not open up views into the quarry or materials stockpile areas.</p> <p>A combination of retention of existing vegetation, where possible, buffer planting, progression of the quarry extraction and location and alignment of access roads and stockpile areas will minimise the visual impacts of the proposal. This issue can be addressed by permit condition.</p>
Loss of property values in the surrounding area.	<p>For over a decade, the surrounding properties have been subject to an identified buffer area under the planning scheme highlighting this stone reserve.</p> <p>There are many factors that affect the value of a property and they cannot be considered as a planning matter.</p>
Not a planning issue.	This is an industry that provides critical materials for the road and construction industries. The extraction of this material will support those industries.

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

6. CONCLUSION

The proposal is for the establishment of a quarry at 444, 448 and 450 Lilydale Road. The proposal is identified as a level 2 activity under EMPCA requiring the environmental assessment to be completed by the EPA. The EPA has issued a permit with conditions. The matters within Council's jurisdiction to assess are primarily visual amenity, parking and traffic. These matters have been assessed and are all deemed to be able to meet the scheme requirements through conditions.

Therefore the proposal to construct a quarry at 444, 448 and 450 Lilydale Road is recommended for approval subject to conditions.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 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 2012 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 2012 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 2012

12.4 444,448 and 450 Lilydale Road, Underwood - Operate a Level 2 Quarry...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Michael Stretton: Director Development Services

ATTACHMENTS:

The following attachments have been distributed separately

1. Location Map
 2. Site Plan
 3. DPEMP Final, DPEMP appendix, DPEMP supplement
 4. DIER comments
 5. EPA report and permit
 6. Representations
-

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage**FILE NO:** DA0079/2013**AUTHOR:** Maria Chledowska (Town Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for construction of a garage at 15 Osborne Avenue, Trevallyn

PLANNING APPLICATION INFORMATION:

Applicant: Adams Building Design
Property: 15 Osborne Avenue, Trevallyn
Area of Site: 746m²
Zoning: General Residential
Existing Uses: Single Dwelling
Classification: Construction of a building
Date Received: 12/03/2013
Deemed Approval: Extension until 27/05/2013
Representations: Two

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0079/2013 for construction of a garage at 15 Osborne Avenue, Trevallyn subject to the following:

1. ENDORSED PLANS

The development and use must be carried out as shown on the Endorsed Plans to the satisfaction of the Planning Authority.

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 Osborne Avenue.

3. NO COMMERCIAL USE

No process of industry, or the sale of goods or materials from the subject land or premises unless all relevant permits have been issued by the Council.

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

4. NO HUMAN HABITATION

No human habitation is permitted unless all relevant permits have been issued to the satisfaction of the Council.

5. NO BURNING OFF

No burning of any waste materials generated by action on this approval to be undertaken on-site. Any such waste materials to be removed by a licensed refuse disposal facility (e.g. Remount Road Refuse Disposal Centre).

6. HOURS OF CONSTRUCTION

Construction works may be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or Public Holidays.

7. AMENITY

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.

8. DAMAGE TO COUNCIL INFRASTRUCTURE

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

9. LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

Notes

Restrictive Covenants

- A. *Council does not enforce restrictive covenants that contradict the Interim Launceston Planning Scheme 2012. However, 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.*
-

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

Other Approvals

- B. *This permit does not imply that any other approval required under any other by-law or legislation has been granted.*

Representations to Proposal

- C. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*

Appeal Provisions

- D. *Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:*

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

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

Permit Commencement

- E. *This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 53(1b) 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.*
-

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

REPORT:**1. PROPOSAL**

The applicant seeks an approval to allow the construction of a garage at the rear of the property at 15 Osborne Avenue, Trevallyn. The garage is to be 15.5m x 8.0m area (124m²) with a maximum max height of 4.5m and clad in 'Hardie' FCS weatherboards, with colorbond steel custom orb roof. It is proposed to have a rear setback of 0.8m (to south-west) and side setbacks of 0.8m (to south east) and 1.0m (to north-west). A retaining wall is proposed along the rear and both sides of the garage.

The proposed garage is similar to that approved in 2012 when a planning permit DA0324/2012 was granted for construction of a garage of an area of 84m² and height of 4.0m.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is an irregular shaped title with an area of 746m² and a 18m frontage to a laneway parallel to Osborne Avenue. The site is accessed via an unsealed driveway with a total width of 2.65m along the south eastern boundary. The site has been a subject to substantial excavation and is flat at present. Prior to excavation the land had an average 15% slope uphill to the south-west.

The subject site is located within the established area with two storey dwellings being the predominant style of development. The Trevallyn local shops are located within 100m to the south of the site.

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone purpose

10.1.1	<i>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.</i>
	The proposal is associated with a single dwelling within fully serviced area and it is consistent with this zone purpose.
10.1.2	<i>To provide for compatible non-residential uses that primarily serve the local community.</i>
	N/A. The proposal is associated with the residential use of the site.
10.1.3	<i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off site impacts.</i>
	N/A. The proposal is for associated with the residential use of the site.
10.1.4	<i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i>
	Design features such as the gable roof, hardies weatherboard cladding, reduced the height of the roller doors and increased area 'soft' landscaping will result in an appearance similar to the surrounding development. Therefore it is considered that the proposal is consistent with this purpose of the zone.
10.1.5	<i>To ensure that multiple dwellings and other forms of residential development are interspersed with single dwellings in a manner that ensures that single dwellings remain the primary form of dwellings in a road or neighbourhood.</i>
	N/A. The proposal is associated with a single dwelling.

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

3.2 Use

3.2.1 Use table

The proposal is associated with a single dwelling within the Residential class which has permitted (not permit required) status.

3.2.2 Use standards

10.3.1	AMENITY <i>To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.</i>
A1	<i>If for permitted or no permit required uses.</i>
N/A. The development is for a residential use.	
A2	<i>Commercial vehicles for discretionary uses must only operate between 7am and 7pm Monday to Friday and 8am to 6pm Saturday and Sunday.</i>
N/A. The development is for a residential use.	
A3	<i>If for permitted or no permit required uses.</i>
N/A. The development is for a residential use.	
A1	<i>Commercial vehicles for discretionary uses must be parked within the boundary of the property</i>
N/A. The residential use is not discretionary.	
A2	<i>Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public</i>
N/A. The residential use is not discretionary.	
A3	<i>Waste materials storage for discretionary uses must:</i> <i>(a) not be visible from the road frontage</i> <i>(b) use self-contained receptacles designed to ensure waste does not escape to the environment</i>
N/A. The residential use is not discretionary.	

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

3.3. Development Standards

Clauses 10.4.1.1 - 10.4.1.6 only apply to development with the Residential Use Class which is a single dwelling	
A1	<i>Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback to a frontage that is:</i> a) <i>a minimum 4.5m from primary frontage; and a minimum 3m to a frontage other than primary frontage; or</i> b) <i>a distance which is not more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or</i> c) <i>not less than the existing dwelling setback if less than 4.5m; or</i> d) <i>if the development is on land that abuts a road specified in the following table, the setback specified from the road:</i>
N/A. The application is for a garage at the rear of the site.	
A1	<i>A maximum site coverage of 50% excluding building eaves and access strips where less than 7.5m wide</i>
Complies. The site has an area of 746m ² , proposed garage equals 123m ² and existing house equals 150m ² . The site coverage would be 36%.	
A2	<i>A minimum rear setback of 4m</i>
Does not comply. A proposed rear setback is 0.8m. Accordingly, an assessment against the performance criteria is required.	

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

P2	<p><i>The location of buildings in relation to the rear boundary must: allow for adequate visual separation between neighbouring dwellings; and maximise solar access to habitable rooms; and facilitate provision of private open space.</i></p>
<p>Compiles. The location of the proposed garage in relation to the rear boundary has the following impacts:</p> <ul style="list-style-type: none"> a) the existing vegetation on the adjoining property and fence provide separation between the neighbouring dwellings. b) the garage is not expected to impact on solar access to habitable rooms because the dwelling behind is approximately 10 m from the proposed garage, separated by tall trees and is located on higher ground; and c) the unsealed area between the dwelling and the garage plus the patio is considered sufficient for the purposes of the private open space. 	
A1	<p><i>Building envelope for single dwellings</i> <i>All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes:</i> <i>determined by a minimum setback of 3m from side boundaries and minimum 4m from the rear boundary and maximum building height of 5.5m; or</i> <i>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 maximum building height of 8.5m above natural ground level (see diagrams 1 and 2); and walls are setback:</i> <i>(i) a minimum of 1.5m from a side boundary; or</i> <i>(ii) less than 1.5m provided the wall is built against an existing boundary wall or the wall or</i> <i>(iii) walls have a maximum total length of 9m or one third of the boundary with the adjacent property, whichever is the lesser.</i></p>
<p>Does not comply. The proposed garage will not be contained within a prescribed building envelope due to a rear setback proposed to be less than 4m. Accordingly, an assessment against the performance criteria is required.</p>	

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

P1	<p><i>The siting and scale of single dwellings must be designed to: ensure there is no unreasonable loss of amenity on adjoining lots by:</i></p> <ul style="list-style-type: none"> <i>a) overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00am and 5.00pm on June 21 or by increasing existing overshadowing where greater than above; and</i> <i>b) overlooking and loss of privacy; and</i> <i>c) visual impacts when viewed from adjoining lots; and</i> <i>d) pedestrian areas caused by excessive building bulk; and</i> <i>e) take into account steep slopes and other topographical constraints; and</i> <i>f) have regard to streetscape qualities or be consistent with the statements of desired future character.</i>
<p>Compiles. The proposed garage would not have an impact on access to sunlight to habitable rooms or loss of privacy. It would be viewed from adjoining properties because of its height. As the garage is proposed at the rear of the site its impact on the streetscape would be minor.</p>	
<p>Once established the proposed landscaping along the north-western boundary would provide some screening.</p>	
A2	<p><i>For Internal lots, all single dwellings must be contained within a building envelope determined by a minimum 3m setback to all boundaries</i></p>
<p>N/A. The subject site is not located on an internal lot.</p>	
A1	<p><i>Garages or carports within 12m of the frontage whether free-standing or part of the dwelling:</i></p> <ul style="list-style-type: none"> <i>a) must have a maximum total width of openings facing the primary frontage of 6m or half the width of the frontage, whichever is the lesser and must have:</i> <i>a) a setback to frontage measured to the door, post or supporting column not less than that required for a single dwelling in Standard 1 A1; or</i> <i>b) a setback to the primary frontage of a minimum 0.5m if the ground slopes up or down for 10m from the frontage at more than 1:5.</i>
<p>N/A. The proposed garage is approximately 32 from the frontage.</p>	
A1	<p><i>Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level more than 1m above natural ground level must have a minimum side setback of 3m and minimum rear setback of 4m</i></p>
<p>N/A. There are no balconies, decks, roof gardens, car parking spaces and carports proposed in this application.</p>	

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

A2	<p><i>Windows of habitable rooms which have a floor level more than 1m above natural ground level must:</i></p> <ul style="list-style-type: none"> <i>a) have a minimum side setback of 3m; or</i> <i>b) be offset a minimum 1.5m from the window of habitable rooms on adjacent lots where on the same horizontal plane; or</i> <i>c) have a minimum window sill height of 1.7m</i>
N/A. There are no windows of habitable rooms proposed in this application.	
A1	<p><i>The maximum building height of fences on and within 4.5m of a frontage must be:</i></p> <ul style="list-style-type: none"> <i>a) 1.2m if solid; or</i> <i>b) 1.8m provided that the part of the fence above 1.2m has openings which provide a minimum 50% transparency</i>
N/A. There are no front fences proposed in this application.	

3.4 Overlays and Codes.

3.4.1 Car Parking and Sustainable Transport

The car parking code applies to all development, however for residential use the application of this code is directly related to bedroom intensification. Thus a 3 bedroom house requires 2 car parking spaces. The proposal will not provide additional bedrooms and therefore further assessment is not required.

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

4.0 REFERRALS

The proposal was referred to the following departments and their responses are included below:

Infrastructure Assets

Recommended a condition relating to 'Damage to Council Infrastructure'.

Environmental Services

Recommended the following conditions: (1) No burning and removal of waste to licensed waste facility; and (2) Amenity.

5.0 MEETING ON THE SITE

An onsite meeting took place on 26 April 2013 and it was attended by all parties including a representative of the representor. The applicant was advised that the garage as it was initially proposed was likely to be recommended for a refusal because of its bulky and oversized appearance. The applicant agreed that some changes were necessary to bring the proposal into greater consistency with the zone and the surrounding area. The applicant provided revised plans that include the following changes:

- lowered the roof pitching point on the south western wall by 500mm;
- converted the roof from a skillion to a gable;
- reduced the height of the roller doors by 600mm;
- changed cladding to 'Hardie' FCS weatherboards;
- reduced the hardstand (concrete driveway); and
- increased garden beds & included planting to help soften/screen the north western wall of the shed.

It is considered that the revised proposal is reasonable and the overall impact of the garage on the character of the area is acceptable. The amended proposal was then re-advertised.

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

6.0 REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the original application was advertised for a 14 day period from 16th March 2013 to 3rd April 2013. One representation was received. The revised proposal was advertised between 4th May 2013 and 17th May 2013 and two representations were received.

The table below represents a summary of the major issues contained on their representations. This should be read in conjunction with the full representations.

Issue	Comments
<p>The location and size of the proposed garage is out of character in a quiet residential area. 'The revised DA is a token effort.' It looks like a light industrial development and should be located elsewhere.</p> <p>'Destructive site preparation must not be accepted as an argument for allowing this DA'.</p> <p>Why the roller door is to be 3.4m high. The proposed vegetation screening is insufficient to conceal this 'monstrosity'.</p>	<p>It is considered that the amended proposal complies with the character of the surrounding area which included predominantly weatherboard dwellings with gabled roof. The applicant also agreed to reduce the height of the garage doors to eliminate would apply is such circumstances. Additionally, the reduced hardstand area will allow providing landscaping and increasing residential amenity.</p> <p>A retaining wall is proposed around the shed and sealed area to prevent any instability. The industrial use of the garage is not permitted within the zone. A condition is recommended for inclusion on the permit.</p>
<p>The current plans were changed without notice.</p> <p>The willow tree was removed.</p> <p>Concern about the future use of the shed.</p>	<p>The proposal was advertised and readvertised and in both cases the adjoining neighbours were notified.</p> <p>The site is not in a scenic management area and tree removal does not require planning approval.</p> <p>A condition is recommended that the shed is not to be used for either commercial or industrial uses.</p>

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

7.0 CONCLUSION

It is considered that the proposal has been amended to comply with the provisions of the planning scheme and therefore the application is recommended for approval.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 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 2012 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 2012 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.

12.5 15 Osborne Avenue, Trevallyn - Construction of a garage...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2012

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

The following attachments have been circulated separately.

1. Site Location Map
 2. Site Plan
 3. Site/Drainage Plan
 4. Floor Plan
 5. Elevation Plans
 6. Sun/Shade Diagrams
 7. 3D View from Neighbouring property
 8. Representations
-

13 NOTICES OF MOTION - FOR CONSIDERATION

DIRECTORATE AGENDA ITEMS**14 DEVELOPMENT SERVICES****14.1 Tamar NRM Contribution****FILE NO:** SF3419**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider a request from Tamar NRM for a three year funding commitment from the Council.

PREVIOUS COUNCIL CONSIDERATION:

The Council considered this matter at its meeting on Monday 29 April 2013 and resolved to:

Undertake a review of the roles, responsibilities and expectations of both Tamar NRM and the Council during 2013/14 to ensure that there are synergies between the two organisations that are providing the Council with sufficient benefits and value to justify the Council's ongoing contribution.

Consideration of the funding request was deferred for discussion at a Strategic Planning and Policy Committee meeting.

RECOMMENDATION:

That the Council increase its contribution to Tamar NRM by 3% to \$137,100 for the 2013/14 financial year

REPORT:

The Council has received a request from the Tamar NRM Management Committee for it to enter into a 3 year funding agreement for the period 2013 to 2016 (Attachment 1). Under the agreement it is proposed to increase the Council's contribution by 3% each year amounting to \$137,100 in 2013/14; \$141,200 in 2014/2015 and \$145,450 in 2015/2016.

14.1 Tamar NRM Contribution...(Cont'd)

Tamar Natural Resource Management (Tamar NRM) is an independent not-for-profit natural resource management group which brings together a wide range of community, landcare, education, business, local and state government representatives and is built upon a strong history of landcare and grass-roots involvement in environmental and agricultural issues in the Tamar Region.

The group was formed in 1998 to prepare the Tamar Region Natural Resource Management Strategy ('the Strategy') as a case-study for the development of a regional approach to natural resource management in Tasmania. The Strategy was first developed in 1999 and has subsequently been updated in 2001, 2007 and 2012. A copy of the current strategy is appended to this report (Attachment 2).

Tamar NRM focuses on co-ordination, pooling of resources and working together in addressing the priority issues and actions defined in the Strategy. The activities are principally aimed at enhancing rural and urban community involvement in natural resource management and forming positive community, government, business and industry partnerships in a pro-active, non-confrontational and non-political manner. This includes practical activities in the areas of ecological sustainable development, agricultural sustainability, environmental management and community capacity building.

Since the end of 2000 Tamar NRM has attracted over \$6M of funding into the Region to implement a range of projects. Some projects are directly managed by Tamar NRM or as part of a consortium. This includes activities in the areas of:

- On-ground landcare works;
- Community and landholder education, awareness and training;
- Knowledge (resource condition studies and management planning);
- Co-ordination, management, monitoring and evaluation; and
- Support to the wider NRM network in the Northern Tasmanian region.

There is currently no formal funding agreement between the Council and Tamar NRM, despite the fact that the Council has housed and funded the group since its formation in 1998. A review of Council's records has identified that:

- The original hosting arrangements were developed during the original NHT Grant that enabled the formation of the Tamar Region Natural Resource Strategy and catered for the housing of the project manager for the development of the strategy; and
 - In 2000 the Tamar NRM management committee developed a MOU which was intended to be signed by the 3 member Councils, however, this never occurred.
-

14.1 Tamar NRM Contribution...(Cont'd)

In recognition of this fact the Tamar NRM Management Committee is currently seeking to develop a Memorandum of Understanding (MOU) between the group and the Council to provide more certainty and clarity around the roles, responsibilities and expectations of the two organisations. Given that there are many groups and organisations operating within the NRM sphere in Northern Tasmania, including the Council, it is important to ensure that there is no duplication of efforts, that each organisation is operating in a complementary manner and that the Council is receiving sufficient benefits and value to justify its ongoing contribution to Tamar NRM. Accordingly, the MOU between Tamar NRM and the Council is considered to be a significant step forward and it is recommended that as part of this process, that the Council undertake a review of the roles, responsibilities and expectations of both Tamar NRM and the Council to ensure that there are synergies between the two organisations that are providing the Council with sufficient benefits and value to justify the Council's ongoing contribution.

The Council has resolved to undertake a review of the roles, responsibilities and expectations of both Tamar NRM and the Council during 2013/14. Given the late stage of the 2013/14 budget process and the fact that the Council has provided funding to the organisation annually since 2000/01 it would be inappropriate not to fund Tamar NRM in 2013/14. However, at this stage it is appropriate to commit to funding for 2013/14 only and then to undertake the review prior to considering any future funding of the organisation.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

Tamar NRM makes a valuable contribution to the preservation and/or enhancement of the environment through its various natural resource management activities.

SOCIAL IMPACT:

Tamar NRM facilitates community involvement in natural resource management and provides valuable community and landholder education, awareness and training.

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan Priority Area 1: Natural Environment - Goal: Sustainable management of natural resources, parks and recreational areas.

14.1 Tamar NRM Contribution...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

The Council has housed and funded Tamar NRM since its inception in 1998. In 2012/13 the Council's contribution included direct funding of \$133,100 and a further \$39,500 of in-kind support for housing the organisation including human resource management, Information technology, records management, risk management and Workplace Health and Safety costs (etc). The Council also allocates vehicles to Tamar NRM, however, there is no net cost to the Council for this allocation.

There is no apparent basis for the current structuring of the Local Government contribution to Tamar NRM. The Council has contributed around 75% of the Local Government contribution since 2003, while the West Tamar Council has contributed between 12-14.4% and Georgetown Council between 9.16 -10.89%.

Prior to 2003 the funding levels were 55%, 25% and 20% respectively, however, in 2003 the Council resolved to increase its contribution from \$27,000 to \$90,000 on the basis that the two other Councils in the Tamar make the same commitment. A review of the records indicate that while the Council's contribution increased by \$27,000 to \$90,000 in 2003/04, the West Tamar Council's contribution only increased from \$10,000 to \$15,000 and Georgetown Council's contribution increased from \$7,500 to \$12,000.

Each Council's contribution has steadily increased from the 2003 base (refer table).

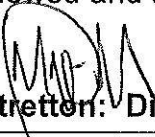
	<u>Launceston</u>	<u>West Tamar Council</u>	<u>Georgetown</u>
2000/2001	\$22,000	\$10,000	\$8,000
2001/2002	\$22,000	\$10,000	\$7,500
2002/2003	\$27,000	\$10,000	\$7,500
2003/2004	\$90,000	\$15,000	\$12,000
2004/2005	\$90,000	\$15,000	\$12,000
2005/2006	\$90,000	\$15,000	\$12,000
2006/2007	\$90,000 (+\$19,137 in kind)	\$15,000	\$12,000
2007/2008	\$100,000 (+\$19,137 in kind)	\$19,000	\$12,000
2008/2009	\$100,000 (+\$31,794 in kind)	\$19,000	\$12,000
2009/2010	\$100,000 (+\$31,794 in kind)	\$19,000	\$12,000
2010/2011	\$110,000 (+\$37,234 in kind)	\$20,900	\$16,000
2011/2012	\$121,000 (+\$38,351 in kind)	\$22,990	\$17,600
2012/2013	\$133,100 (+\$39,500 in kind)	\$25,289	\$19,360

14.1 Tamar NRM Contribution...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

14.2 Launceston - Tasmania's First Child Friendly City**FILE NO:** SF5547, SF2916, SF0135, SF3804**AUTHOR:** Leanne Hurst - Manager of Community, Tourism and Events**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider a report on the provision of in-principle support for and participation in a project to establish Launceston as a Child Friendly City.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.1 - Strategic Planning and Policy Committee - 4 March 2013 - *Received a Deputation from Anglicare Tasmania Inc. on the Child Friendly Cities Concept.*

Item 13.4 - Council Meeting - 25 March 2013 - *Considered a Notice of Motion from Alderman Ball on Launceston becoming Tasmania's First Child Friendly City.*

RECOMMENDATION:

That Council:

1. Gives in-principle support to Launceston pursuing Child Friendly City status as recognised by UNICEF.
 2. Partners with Communities for Children to convene a Child Friendly Working Group to develop a strategic pathway to achieving Child Friendly City status and identify the stakeholders and resources required to successfully embark on the process most likely to achieve this end.
 3. Allocate up to \$5,000 in the 2013/14 Community Development budget towards this project.
-

REPORT:

At its meeting on 25 March Council considered a Notice of Motion to support an initiative proposed by the Communities for Children Council (CFC) to undertake a process for Launceston to achieve UNICEF recognised Child Friendly status. The motion followed a deputation of representatives from Anglicare (the CFC facilitating partner in northern Tasmania) in support of the initiative.

14.2 Launceston - Tasmania's First Child Friendly City...(Cont'd)

It was resolved:

That Council request that officers provide a report considering:

- 1. In-principle support to Launceston becoming the first Child Friendly City in Tasmania through achieving Child Friendly City status as recognised by UNICEF.*
- 2. Identifies and works with key partners to convene a Child Friendly City Working Group to develop a strategic pathway to achieving Child Friendly City status and identify the resources and organisational commitment necessary from all stakeholders to successfully embark on the process most likely to achieve this end.*
- 3. Reviewing the impact on other activities of Council.*

Council officers have since met with representatives from Communities for Children and the Northern Early Years Group to discuss roles and resourcing implications of proceeding with the project. The Child Friendly City status is an identified project of the Communities for Children Council and, as a consequence, Anglicare (as facilitating partner) has undertaken to provide a convening role, in partnership with the Launceston City Council. This arrangement would be in place for at least the initial twelve months while the project is being scoped and research undertaken.

It is envisaged that this partnering relationship would take the form of joint invitations to participate on a 'Leadership Group', sourcing of data and development of baseline surveys, and promotion of the Child Friendly City message. Anglicare will assist with secretarial support and meeting space in that initial twelve months, with a view to reverting to a stakeholder role once a project team and plan was established. This is partly necessitated by the timelines associated with the funding for the Communities for Children program, but also consistent with Anglicare's preference to not be the dominant driver of what is seen as a whole of community aspiration and therefore responsibility.

The commitment from the Council towards the initial twelve months would take the form of officer time to participate on a Working Group, potentially an Aldermanic representative on a Leadership Group (if convened) and a financial contribution of up to \$5,000 for any associated project costs which would be sourced from the Community Development budget. Much baseline data is available from the Tasmanian Government's 'Kids Come First' project, which produces and publishes data about the health and wellbeing of Tasmanian children. One of the tasks of the Launceston Child Friendly City working group will be to identify any gaps in that data and to seek means to collect the additional information.

14.2 Launceston - Tasmania's First Child Friendly City...(Cont'd)

The project to become a recognised Child Friendly City is a separate initiative to those activities associated with promoting Launceston as a Family Friendly community. In the inaugural Suncorp Family Friendly City report, Launceston was identified as the most family friendly of the thirty largest cities in Australia. Council officers have been developing a marketing strategy to ensure wide distribution of the message of Launceston being friendly for families who choose to visit or relocate to the region. This marketing campaign differs from the Child Friendly City accreditation which is primarily about monitoring how well our children are fairing and identifying any gaps in policy and strategies to ensure the rights and wellbeing of children who live in Launceston. Although separate projects, if the steps taken to achieve Child Friendly City status are successful, that activity should support the promotional messages that are delivered as a part of our tourism and settlement strategies to attract families to Launceston.

Without the project having yet been fully scoped it is difficult to estimate how much Council officer time will need to be allocated to the initial phase of the project. However, it is beyond the first twelve months that the bulk of the activity is likely to occur and a more detailed report on the project would come back to Council in early 2014 in advance of the 2014/15 budget. It is therefore recommended that the Council provide in-principle support for the initiative and agree to partner with the Communities for Children Council to convene a working group to investigate the steps necessary for Launceston to achieve UNICEF recognised Children Friendly City status.

ECONOMIC IMPACT:

Consideration contained in Report.

ENVIRONMENTAL IMPACT:

Not applicable.

SOCIAL IMPACT:

Consideration contained in Report.

STRATEGIC DOCUMENT REFERENCE:

Launceston Community Plan, preferred future two - A Community for All.

14.2 Launceston - Tasmania's First Child Friendly City...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Project costs of up to \$5,000 would be drawn from within the Community Development - Children and Families - 2013/14 budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

14.3 Signature Celebration Events

FILE NO: SF0984

AUTHOR: Angie Walsh (Grants & Sponsorship Officer)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider events identified as 'Signature Celebration' events under the Event Sponsorship Policy.

PREVIOUS COUNCIL CONSIDERATION:

Council Item 14.1 – 29 April 2013 - To consider a review of the Event Sponsorship Policy to include a new 'Signature Celebration' Event funding tier. Decision: That the revised Event Sponsorship Policy (05-PI-012) be approved.

RECOMMENDATION:

That Council approve 3 year funding to those events identified as 'Signature Celebration' events to take effect in the 2013/2014 financial year as follows:

- | | | |
|--------------------------------|----------|----------|
| • Launceston Competitions | \$3,750 | per year |
| • Launceston Festival of Dance | \$5,000 | per year |
| • Launceston Henley Regatta | \$1,500 | per year |
| • Royal Launceston Show | \$10,000 | per year |
| • Launceston Xmas Parade | \$5,000 | per year |
| • Carols by Candlelight | \$5,000 | per year |
-

REPORT:

The events identified for the 'Signature Celebration' category are existing proven celebration events held in the Launceston Municipal Area that deliver a memorable community experience resulting in social and community capacity building outcomes.

Launceston Competitions - \$3,750 per year

Launceston Competitions event sits within sponsorship package level 1 (SPL1) - that being an event primarily for the local community, and attracting predominately local or regional audiences and/or having a relatively small budget.

14.3 Signature Celebration Events...(Cont'd)

2012/2013 Sponsorship

An application was not submitted for sponsorship in the 2012/2013 financial year, however an application was assessed (Round 2 2011/2012) and received a score of 64% against the assessment criteria and was therefore recommended to receive \$3,750.

Based on the assessment criteria and the event format, it is likely that it would score within the 61% - 80% range against the assessment criteria in any future application and therefore, it is appropriate to maintain its recommended level of funding at \$3,750.

Launceston Festival of Dance - \$5,000 per year

Launceston Festival of Dance sits within sponsorship package level 1 (SPL1) - that being an event primarily for the local community, and attracting predominately local or regional audiences (60%) and/or having a relatively small budget.

2012/2013 Sponsorship

The application budget submitted as part of Round 1 2013/2014 shows a projected profit of \$8,566.

Whilst it is acknowledged that the event does attract visitors from outside the region, at this stage visitor numbers and demonstrable economic benefits are not at a level to warrant funding at a higher level. The application recently submitted shows entry/participant numbers are at the same level as for the 2012/2013 event.

An application was assessed (Round 1 2012/2013) and received a score of 74% against the assessment criteria and was therefore recommended to receive \$3,750. The recommended \$5,000 per annum (3 years) recognises the event's contribution in terms of additional visitor numbers compared to the local Launceston Competitions event.

Launceston Henley Regatta - \$1,500 per year

The Launceston Henley Regatta event sits within sponsorship package level 1 (SPL1) - that being an event primarily for the local community, and attracting predominately local or regional audiences and/or having a relatively small budget.

2012/2013 Sponsorship

An application was assessed (Round 2 2012/2013) and received a score of 93% against the assessment criteria and was therefore recommended to receive the requested amount of \$1,500.

14.3 Signature Celebration Events...(Cont'd)

Based on the assessment criteria and the event format, it is likely that it would score within the 81% - 100% range against the assessment criteria in any future application and therefore, it is appropriate to maintain its recommended level of funding at \$1,500.

Royal Launceston Show - \$10,000 per year

The Royal Launceston Show event sits within sponsorship package level 2 (SPL2) - that being an event that attracts a larger audience, including from outside the region, and/or have a demonstrable economic benefit to the community and may include significant events that have a community benefit and that may attract additional infrastructure or venue hire costs.

2012/2013 Sponsorship

An application was assessed (Round 1 2012/2013) and received a score of 89% against the assessment criteria and was therefore recommended to receive SPL2 funding of \$10,000.

Based on the assessment criteria and the event format, it is likely that it would score within the 81% - 100% range against the assessment criteria in any future application and therefore, it is appropriate to maintain its recommended level of funding at \$10,000.

Launceston Xmas Parade - \$5,000 per year

Launceston Xmas Parade event sits within sponsorship package level 1 (SPL1) - that being an event primarily for the local community, and attracting predominately local or regional audiences and/or having a relatively small budget.

2012/2013 Sponsorship

An application was assessed (Round 1 2012/2013) and received a score of 83% against the assessment criteria and was therefore recommended to receive the requested amount of \$5,000.

Based on the assessment criteria and the event format, it is likely that it would score within the 81% - 100% range against the assessment criteria in any future application and therefore, it is appropriate to maintain its recommended level of funding at \$5,000.

14.3 Signature Celebration Events...(Cont'd)

Carols by Candlelight - \$5,000 per year

Carols by Candlelight event sits within sponsorship package level 1 (SPL1) - that being an event primarily for the local community, and attracting predominately local or regional audiences and/or having a relatively small budget.

2012/2013 Sponsorship

An application was assessed (Round 1 2012/2013) and received a score of 99% against the assessment criteria and was therefore recommended to receive SPL1 funding of \$5,000.

Based on the assessment criteria and the event format, it is likely that it would score within the 81% - 100% range against the assessment criteria in any future application and therefore, it is appropriate to maintain its recommended level of funding at \$5,000.

It should be noted that the event will not be required to pay Place of Assembly or Temporary Occupancy permit fees which equates to additional in-kind support of \$328.

ECONOMIC IMPACT:

Events provide significant economic benefits to Launceston.

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

Events provide significant social benefits to the Launceston community.

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council's Events Strategy.

BUDGET & FINANCIAL ASPECTS:

The recommended allocation of \$30,250 to 'Signature Celebration' events will be redirected from the 2013/2014 Event Sponsorship budget request currently under consideration.

14.3 Signature Celebration Events...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

15 FACILITY MANAGEMENT AND GOVERNANCE SERVICES**15.1 Proposed Launceston City Council Annual Plan 2013/14****FILE NO:** SF5910**AUTHOR:** Louise Foster (Manager Corporate Strategy)**DIRECTOR:** Rod Sweetnam (Director Facility Management and Governance Services)

DECISION STATEMENT:

To approve the release of the proposed Launceston City Council Annual Plan 2013/14 for public information.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.4 - Strategic Planning and Policy Committee - 4 March 2013 - *proposed Annual Plan 2013/14 Actions considered and agreed that the item to go to Council for a decision.*

RECOMMENDATION:

That Council approves the release of the Proposed Annual Plan 2013/14 for public information, in conjunction with the 2013/14 Proposed Statutory Estimates including the proposed budget.

REPORT:

In accordance with the provisions of the *Local Government Act 1993*, Council is required to prepare an Annual Plan.

The Proposed Annual Plan 2013/14 is to be released to the public along with the 2013/14 Proposed Statutory Estimates, including the proposed budget.

It is intended to present the Annual Plan 2013/14 for adoption at the Council meeting of 24 June 2013.

The Proposed Launceston City Council Annual Plan 2013/14 details the major high level actions Council will undertake in the 2013/14 financial year to work toward achieving the strategies outlined in Council's 5-Year Strategic Plan 2008 - 2014 (*note: Council's Strategic Plan was extended by Council on 26 November 2012, to expire on 30 June 2014*).

15.1 Proposed Launceston City Council Annual Plan 2013/14...(Cont'd)

Actions are categorised into five priority areas.

The first four priority areas match those outlined in Vision 2020 which are:

- 1) Natural Environment - Goal: Sustainable management of natural resources, parks and recreational areas.
- 2) Built Environment - Goal: Managing and enhancing Council and community assets, including buildings, roads and other above and below ground Infrastructure.
- 3) Social and Economic Environment - Goal: Promoting a healthy, prosperous and positive community (utilising through a range of specific programs including utilising tourism and events activities).
- 4) Cultural Environment - Goal: Supporting and developing arts and cultural activities.

The fifth priority area is Governance Services - Goal: Engaging our community and delivering responsible management. This strategic priority guides Council in its operations to ensure that service delivery is strategically driven and efficient and underpinned by an engagement culture.

ECONOMIC IMPACT:

The actions contained in the Proposed Annual Plan arise from the *Vision 2020* goals: supporting Launceston as a place to invest, developing tourism, marketing of the city, and supporting strategies for the region.

ENVIRONMENTAL IMPACT:

'Natural Environment' actions in the Proposed Annual Plan address the Strategic Plan 2008 - 2014 goal of *Sustainable Management of Natural Resources, Parks and Recreational Areas*.

SOCIAL IMPACT:

'Social and Economic Environment' and 'Cultural Environment' actions in the Proposed Annual Plan address Strategic Plan 2008 - 2014 goals of *Promoting a Healthy, Prosperous and Positive Community* and *Supporting and Developing Arts and Cultural Activities*.

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council Strategic Plan 2008 - 2014 (*note: Council's Strategic Plan was extended by Council on 26 November 2012, to expire on 30 June 2014*).

15.1 Proposed Launceston City Council Annual Plan 2013/14...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

The Proposed Launceston City Council Annual Plan 2013/2014 is deliverable within the proposed 2013/2014 budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.	
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 Rod Sweetnam: Director Facility Management & Governance Services	
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ATTACHMENTS:

1. Proposed Annual Plan 2013/14 (distributed electronically)
-

18 CORPORATE SERVICES**18.1 Proposed 2013/14 Budget****FILE NO:** SF5899**AUTHOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

The Council considers the approval of the release for public comment of the 2013/14 proposed budget.

PREVIOUS COUNCIL CONSIDERATION:

Workshop 6 May 2013 - *Draft Budget presented*
Workshop 20 May 2013 - *Draft Budget presented*

RECOMMENDATION:

That Council -

1. Approves the release of the attached 2013/14 Proposed Statutory Estimates (ECM Ref 2929910), including the proposed budget.
 2. Invites submissions from the community on the 2013/14 proposed budget.
 3. Determines to close the submissions period at 12.00 noon on 12 June 2013.
 4. Determines to consider submissions at its SPPC meeting on 17 June 2013.
 5. Determines to set aside time on 17 June 2013 at the SPPC meeting to receive any presentations in support of written submissions.
 6. Notes that the Council meeting of 24 June 2013 is the intended date on which the rate will be set.
-

REPORT:

The Council has determined to initiate a community consultation process prior to the final determination of the annual budget and rating resolution. This process involves the Council formally proposing a budget to the community for comment.

The proposed Statutory Estimates document includes the budget and supporting information. The recommendation is to authorise the release of this document to the community for the consultation period.

18.1 Proposed 2013/14 Budget...(Cont'd)

The proposed structure of the community information and consultation process is:

27 May 2013	Council resolves to approve the release of the proposed statutory estimates for comment. Two week period for comment.
5 June 2013	Community information session to be held at 6.00pm in the Town Hall Reception Room.
12 June 2013	Submissions close at 12.00 noon.
17 June 2013	Submissions to be presented to aldermen for consideration.
24 June 2013	Council formally adopts the 2012/2013 budget. Council determines rating resolution.

ECONOMIC IMPACT:

Council has a significant economic impact in the region through its revenue raising and spending.

ENVIRONMENTAL IMPACT:

The budget contains specific projects and ongoing programs to improve environmental outcomes.

SOCIAL IMPACT:

The budget contains specific projects and ongoing programs to improve social outcomes.

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services
5.4 Ensure the City is managed in a financially sustainable manner

BUDGET & FINANCIAL ASPECTS:

As per the estimates.

18.1 Proposed 2013/14 Budget...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

ATTACHMENTS:

1. Proposed Statutory Estimates (distributed separately)
-

18.2 Quarterly Financial Report to Council**FILE NO:** SF5724**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider Council's financial performance for the nine months to 31 March 2013.

PREVIOUS COUNCIL CONSIDERATION:

Audit Committee 9 March 2013 - *The quarterly financial review for the quarter ended 31 March 2013 was noted.*

RECOMMENDATION:

That the Council adopt the financial reports for the nine months to 31 March 2013 which discloses:

	2012/13 Actual \$'000	2012/13 Budget \$'000
Operating Summary		
Revenue	64,154	63,996
Less Expenses	64,583	68,299
Operating Deficit	<u>(429)</u>	<u>(4,333)</u>
Add Capital Grants	2,018	1,932
Comprehensive Result	<u>1,589</u>	<u>(2,401)</u>

18.2 Quarterly Financial Report to Council...(Cont'd)

	2012/13 Actual \$'000	2011/12 Actual \$'000
Financial Position		
Equity	<u>1,450,840</u>	<u>1,424,321</u>
Assets		
Current	64,940	68,725
Non-Current	<u>1,433,590</u>	<u>1,402,215</u>
	<u>1,498,530</u>	<u>1,470,940</u>
Liabilities		
Current	15,073	19,747
Non-Current	<u>32,617</u>	<u>28,872</u>
	<u>47,690</u>	<u>46,619</u>
Net Assets	<u>1,450,840</u>	<u>1,424,321</u>

REPORT:

Detailed quarterly financial reports have been reviewed in the Audit Committee meeting on 9 May with all Aldermen receiving copies of the agenda and detailed papers. The purpose of this item is for Aldermen to formally review the Council's financial position and the third quarter's performance as a Council.

This report provides an overall summary of the operations for the third quarter of the 2013 financial year. The key issues arising from the quarter to 31 March 2013 are:

Operations

- Overall the Operations result is \$3.99m better than budget after the third quarter.
- The projected year end result is a \$1.8m favourable variance, principally due to rate growth and interest revenue.
- Other variances of note were:
 - \$0.34m unfavourable variance resulting from Financial Assistance Grant allocation for 2012/13 further compounded by the prepayment of 50 per cent of the grant in 2011/12 which has the effect of adding a further \$0.18m to the unfavourable variance making a total of \$0.52m unfavourable.

18.2 Quarterly Financial Report to Council...(Cont'd)

Capital Works

- Overall - A significant proportion of the Capital Works is in progress at 31 March 2013, careful project management will continue to ensure that the program is completed by 30 June 2013.

Financial Position

- Overall - The Council's balance sheet and cash reserves continue to be in accordance with current and long term budgets.
- Loan balances are in accordance with budget.
- Cash balances remain in accordance with long term strategy and are consistent with budgeted project requirements.

Thus at the end of the third quarter Council is in a positive operating position compared to budget.

ECONOMIC IMPACT:

No economic impact

ENVIRONMENTAL IMPACT:

No environmental impact

SOCIAL IMPACT:

No social impact

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services

5.1.4 Ensure the city is managed in a financially sustainable manner

BUDGET & FINANCIAL ASPECTS:

As per report

18.2 Quarterly Financial Report to Council...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

ATTACHMENTS:

1. Quarterly Income Statement to 31 March 2013
 2. Balance Sheet as at 31 March 2013
-

LAUNCESTON CITY COUNCIL Quarterly Statement of Comprehensive Income For Period ended 31 March 2013		
	2012/13 Actual YTD \$	2012/13 Budget YTD \$
REVENUES FROM ORDINARY ACTIVITIES		
Rates	41,989,024	41,050,637
Fees and Charges	12,832,226	13,679,760
Grants and Contributions		
- Revenue Purposes	3,146,432	3,555,413
Interest	2,249,477	1,941,750
Interest Committed	198,200	-
Other	3,738,646	3,739,011
	<u>64,154,006</u>	<u>63,966,571</u>
EXPENSES FROM ORDINARY ACTIVITIES		
Maintenance of Facilities and Provision of Services	43,893,858	46,757,484
Borrowing Costs	910,070	910,070
Depreciation and Amortisation	14,761,251	15,661,040
State Government Fire Levy	4,376,807	4,376,807
Rate Remissions and Abatements	640,725	594,067
	<u>64,582,711</u>	<u>68,299,468</u>
OPERATING SURPLUS (DEFICIT)	(428,704)	(4,332,898)
Other Comprehensive Income		
Capital Grants	2,018,157	1,931,665
Comprehensive Result	<u>1,589,452</u>	<u>(2,401,233)</u>

UNAUDITED - COUNCIL USE ONLY

LAUNCESTON CITY COUNCIL QUARTERLY STATEMENT OF FINANCIAL POSITION As at 31 March 2013			
	YTD 2012/13	YTD 2011/12	YTD 2010/11
	\$	\$	\$
EQUITY			
Capital Reserves	150,070,241	136,413,132	128,086,782
Revenue Reserves	855,201,796	853,327,419	866,746,326
Asset Revaluation Reserves	442,388,835	416,303,930	273,495,560
Trusts and Bequests	1,590,011	1,504,251	1,404,634
Operating Surplus	1,589,452	8,386,225	9,184,462
TOTAL EQUITY	1,450,840,336	1,424,321,182	1,288,102,226
<i>Represented by:-</i>			
CURRENT ASSETS			
Cash at Bank and on Hand	981,426	1,462,680	1,845,283
Rate and Sundry Receivables	16,112,098	20,489,513	36,759,784
Less Rates not yet Recognised	(13,610,195)	(12,976,120)	(12,517,074)
Short Term Investments	60,777,221	59,076,336	34,388,917
Inventories	680,287	672,582	601,730
	<u>64,940,838</u>	<u>68,724,991</u>	<u>61,078,640</u>
NON-CURRENT ASSETS			
Deferred Receivables	230,639	234,082	234,047
Investments	257,388,000	255,800,000	269,650,000
Employee Benefits	-	-	-
Intangibles	4,327,975	3,725,015	-
Infrastructure and Other Assets	939,729,958	910,543,041	763,681,562
Museum Collection	231,913,206	231,913,206	231,913,206
	<u>1,433,589,778</u>	<u>1,402,215,344</u>	<u>1,265,478,815</u>
TOTAL ASSETS	1,498,530,616	1,470,940,335	1,326,557,455
CURRENT LIABILITIES			
Deposits and Prepayments	1,907,925	7,827,067	1,594,381
Employee Provisions	6,210,088	5,788,481	5,356,604
Interest-bearing Liabilities	2,572,853	2,335,882	1,754,020
Sundry Payables and Accruals	4,382,486	3,796,133	3,433,283
	<u>15,073,351</u>	<u>19,747,564</u>	<u>12,138,287</u>
NON-CURRENT LIABILITIES			
Employee Provisions Non Current	772,082	781,954	734,983
Superannuation Obligation	9,559,664	3,623,027	2,666,955
Interest-bearing Liabilities Non Current	11,500,704	11,655,223	12,334,504
Sundry Provisions	10,784,476	10,811,385	10,580,500
	<u>32,616,926</u>	<u>26,871,589</u>	<u>26,316,942</u>
TOTAL LIABILITIES	47,690,277	46,619,153	38,455,229
NET ASSETS	1,450,840,336	1,424,321,182	1,288,102,226

UNAUDITED - COUNCIL USE ONLY

18.3 2012/13 Budget Amendments**FILE NO:** SF5724**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To approve budget amendments relating to various expenditure, capital and revenue estimates and thereby amending the Operations budget to a \$6.205m deficit and the Capital budget to \$18.142m for 2012/13.

This decision requires an absolute majority vote of Council in accordance with Section 82(4) of the Local Government Act 1993.

PREVIOUS COUNCIL CONSIDERATION:

Item 9.5 - Audit Committee - 9 May 2013 - *It was resolved that the report go to Council for a decision*

RECOMMENDATION:

That the Council, pursuant to Sections 82(2) and (4) of the Local Government Act 1993, approve the budget transfers as follows.

1. To reallocate funding relating to accounting treatment changes from Capital to Operations for 2012/13 in the amount of \$267,715.

• Tamar St (York-Brisbane)	13,500
• Salisbury Cr Non Skid Surface	23,400
• Major Plant Asphalt Crew Review	15,000
• Murphy Street Roadworks	51,565
• Tamar St/Trevallyn Rd Paver Replacement	20,000
• Windermere Road Contribution	11,000
• Windermere Road Contribution	8,250
• University Way/Brooks Road	65,000
• Invermay Rd Centre Median Planning	60,000
	<u>267,715</u>

18.3 2012/13 Budget Amendments...(Cont'd)

2. To reallocate funds relating to accounting treatment changes from Operations to Capital for 2012/13 in the amount of \$206,950.

• Glen Dhu Street Blackspot	30,000
• Amy/Penquite Intersection	121,300
• Penquite Rd (Dapple-Norwood)	55,650
	<u>206,950</u>

3. To adjust the 2012/13 budget to reflect the net result of external funds not granted partially offset by some additional funds granted in the amount of \$1,000,000 unfavourable.

• Aurora Stadium Lighting Upgrade	1,000,000
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REPORT:

The budget amendments are changes to budget estimates that require a Council decision even though most of the items result from a reclassification of projects between capital and operations.

The decision on whether an item of expenditure should be treated as capital (creating an asset) or expensed is quite complex. The final assessment is not always possible until the project is specific in detail. These transfers are necessary to correctly classify projects between operations and capital.

Senior Finance Department staff have prepared an Asset Capitalisation Framework that should assist in developing a better understanding of the criteria and a more consistent approach when the budget is being drafted.

ECONOMIC IMPACT:

Not applicable to this report

ENVIRONMENTAL IMPACT:

Not applicable to this report

SOCIAL IMPACT:

Not applicable to this report

18.3 2012/13 Budget Amendments...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Not applicable to this report

BUDGET & FINANCIAL ASPECTS:

The budget adjustment consideration of this item has been approved by the Director Corporate Services.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

18.4 Rating Exemptions and Remissions for Charitable Organisations Policy (23-PI-002)**FILE NO:** SF0991 / SF0523**AUTHOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To review the existing Rating Exemptions and Remissions for Charitable Organisations Policy as part of the regular review of policies.

PREVIOUS COUNCIL CONSIDERATION:

Item 16.2 - Council 31 March 2008 - *The Council endorsed revisions to the policy*

RECOMMENDATION:

That Council's Rating Exemptions and Remissions for Charitable Organisations Policy (23-PI-002) as set out below be confirmed.

Rating Exemptions and Remissions for Charitable Organisations Policy (23-PI-002)***PURPOSE:***

To set out the manner of rating certain properties owned by churches, charitable organisations and others.

SCOPE:

This policy applies to all rates and charges levied under the Local Government Act 1993. Applies to organisations, not to individuals.

POLICY:**Statutory Exemption**

Section 87 (d) of the Local Government Act 1993 provides exemption of the General Rate and Fire Levy for land or part of land **owned** and **occupied exclusively** for charitable purposes.

In determining if a ratepayer is eligible for an exemption the answer to each of the following questions must be yes:

18.4 Rating Exemptions and Remissions for Charitable Organisations Policy (23-PI-002)...(Cont'd)

1. Is the ratepayer a charitable organisation?

How to Assess

- They must hold Australian Taxation Office certification that they are a charity with Deductible Gift Recipient (DGR) status.
- Examples of Charities that may be eligible include:
 - Religious institutions;
 - Aged persons homes;
 - Homeless hostels;
 - Organisations relieving the special needs of people with disabilities;
 - Non-profit child care services; and
 - Societies that promote the fine arts.
- Refer to the ATO Endorsed DGRs - Gift Pack for deductible gift recipients and donors. More information available on the ATO website www.ato.gov.au, under non-profit organisations.
- What is not a charity?
 - An entity that is primarily for sporting, recreation or social purposes.
 - An entity that is primarily for political, lobbying or promotional purposes.
 - An entity that's purpose is illegal or against public policy.
 - An entity is carrying on a commercial enterprise to generate surpluses.
 - Government departments and instrumentalities carrying out the ordinary functions of government are unlikely to be charities.

AND

2. Is the ratepayer using the property exclusively for charitable purposes?

How to Assess

- The property cannot be used for non-charitable, commercial or for-profit activities in addition to charitable activities, unless part of the land can be separated by a tenancy and isolated exclusively for charitable use. (i.e. a church and a minister's house).
 - Examples of charitable activities include:
 - Relief of poverty
 - Relief of needs of the aged
 - Relief of sickness or distress
 - The advancement of religion
 - The advancement of education
 - Provision of child care services on a non-profit basis; and
 - Other purposes beneficial to the community.
-

18.4 Rating Exemptions and Remissions for Charitable Organisations Policy (23-PI-002)...(Cont'd)

- Examples of non-charitable activities include:
 - Private halls or halls that are leased or hired out.
 - Residential properties and manses owned by Religious institutions even when occupied by a minister.
 - Commercial activities that support other charitable work.
- The DGR Endorsement Certificate from the ATO will specify the reason it was given. Assess if this meets the charity definitions. The Organisation should also have ATO endorsement for charitable tax exemption to support this.

AND

3. Is the charitable organisation the owner of the property?
 - A lessee or tenant is not eligible for an exemption.

Properties which are eligible for an exemption from the General Rate and Fire Levy shall be liable for applicable service rates and charges.

Discretionary Remission

Organisations that are not eligible for an exemption under Section 87(d) of the Local Government Act 1993, may apply to Council for a rates remission.

Council will provide a remission of the General Rate to those ratepayers that are:

- Charitable organisations that would otherwise be eligible for an exemption, except that they do not own the property that they occupy, where they are liable for the rates and charges.
- Religious institutions that own residential properties that are occupied solely by the church minister and his/her family.
- A combination of the above.

Council may provide a remission (in full or in part) of the General Rate to those ratepayers where:

- A charitable organisation would otherwise be eligible for an exemption, except that they conduct minor or incidental commercial activities, provided that the organisation is a non-profit and all funds raised contribute to their charitable purpose (that has been endorsed by the ATO).

In determining the remission the factors considered would include whether the benefit from the organisations activities are within the municipality.

18.4 Rating Exemptions and Remissions for Charitable Organisations Policy (23-PI-002)...(Cont'd)

Benefits to the community would include activities such as health promotion, advancement of education, relief of poverty, relief of needs for the aged, relief of sickness or distress and the advancement of religion. This needs to be assessed in the context of what has already been assessed as charitable by the Australian Taxation Office.

For example where an organisation has charitable DGR endorsement from the Australian Taxation Office, is the ratepayer, occupies the property partially or fully for commercial activities to raise funds to support the activities endorsed by the ATO and those activities provide a benefit to the Launceston community (as opposed to activities focused towards other communities) then a remission would be granted.

Applications for a remission are to be made in writing. Eligibility for a remission will be reviewed annually.

Properties which receive a discretionary remission from the General Rate shall be liable for the Fire Levy and applicable service rates and charges.

If an organisation's charitable status changes or the purposes for which the property is used changes, it must notify Council.

Remissions processed under this policy will be taken to Council for endorsement on an annual basis.

PRINCIPLES:

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

RELATED POLICIES & PROCEDURES:

Properties Management and Operation Diagram 23-HLPr-011

RELATED LEGISLATION:

Local Government Act 1993 - Part 9.

REFERENCES:

N/A

DEFINITIONS:

N/A

REVIEW:

This policy will be reviewed no more than 5 years after the date of approval.

18.4 Rating Exemptions and Remissions for Charitable Organisations Policy (23-PI-002)...(Cont'd)

REPORT:

The policy has been revised to ensure discretionary remissions are considered or where there are minor or incidental commercial activities and not where there are normal commercial activities.

ECONOMIC IMPACT:

Not applicable

ENVIRONMENTAL IMPACT:

Not applicable

SOCIAL IMPACT:

The provision of discretionary remissions for charitable activities provides a community benefit.

STRATEGIC DOCUMENT REFERENCE:

Priority Area 3: Social and Economic Environment

BUDGET & FINANCIAL ASPECTS:

The policy is consistent with existing budget provisions.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

COUNCIL AGENDA

Monday 27 May 2013

19 GENERAL MANAGER

19.1 87 Lindsay Street

FILE NO: 14030

AUTHOR: Robert Holmes (Property Coordinator)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To determine matters relating Section 73 of the Land Acquisition Act 1993.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.3 SPPC 4 February 2013

Item 19.1 Council 11 February 2013

Item 6.1 SPPC 20 May 2013

RECOMMENDATION:

1. That Council accepts the offer by Roberts Limited pursuant to Section 73 of the Land Acquisition Act 1993 to purchase all that property situate and known as 87 Lindsay Street being CT 114352 folio 1 and CT 202442 folio 1.
 2. That the General Manager be authorised to enter into a contract of sale with Roberts Limited at a figure to be determined by the General Manager after having regard to the latest valuation advice.
-

REPORT:

At a Council meeting 11 February 2013 it was decided that the silo complex at 87 Lindsay Street was no longer required for any purpose. Accordingly the land was offered to Roberts Limited pursuant to the provisions of Section 73 of the Land Acquisition Act 1993. The report by the General Manager of 11 February is attached for background information.

Upon acceptance of a notice issued under Section 73 of the Land Acquisition Act there is provision for a further 30 days to enable the parties to reach agreement as to price or other consideration. In the absence of agreement the parties can elect to have the matter determined in the same manner as a disputed claim for compensation.

19.1 87 Lindsay Street...(Cont'd)

Section 177 of the Local Government Act 1993 provides that Council before disposing of land is required to have obtained valuation advice. The valuation firm engaged by Council in the original acquisition from Roberts Limited has reinspected the property and provided a valuation report. The report notes that value is dependent on the prospect of rezoning and necessarily indicates two figures both of which allow for "risk". The valuation report was completed in February prior to any conclusion being available from the North Bank Precinct Plan.

Roberts Limited have accepted the offer to purchase 87 Lindsay Street subject to agreement as to price and general conditions of contract. It is recommended that the General Manager be authorised to enter into a contract of sale with Roberts Limited at a figure to be determined by the General Manager after having regard to the latest valuation advice.

ECONOMIC IMPACT:

As stated in agenda item 19.1 11 February 2013 use or development of this site has the potential to contribute to the local economy.

ENVIRONMENTAL IMPACT:

Use or development of the North Bank Precinct has the potential to contribute to an upgrade of the immediate environment

SOCIAL IMPACT:

Any use or development associated with the Silos will be a key element of the rejuvenation of the North Bank Precinct.

STRATEGIC DOCUMENT REFERENCE:

Priority Area: 3 Social & Economic Environment

Goal: 3.1 Promoting a healthy, prosperous and positive community.

BUDGET & FINANCIAL ASPECTS:

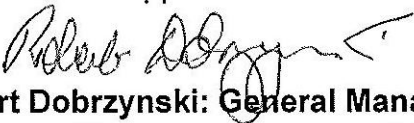
Income should be returned to flood levee project Land Acquisition Task 16892

19.1 87 Lindsay Street...(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.


Robert Dobrzynski: General Manager

ATTACHMENTS:

1. Agenda Item 19.1 Council February 2013
-

TITLE: 87 Lindsay Street

FILE NO: 14030

GENERAL MANAGER: Robert Dobrzynski

DECISION STATEMENT:

To undertake consideration upon a proposal received relating to Council owned land.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.3 - SPPC 4 February 2013

RECOMMENDATION:

That in response to a proposal received from Mr Errol Stewart, Managing Director of Old Launceston Seaport, for an option to purchase 87 Lindsay Street Invermay, comprising the silos development currently existing on the site, together with a total area of land of approximately 6500m², the Council determines in the following manner:

1. In relation to 87 Lindsay Street, acquired by the Council pursuant to the Land Acquisition Act 1993:
 - i) That the land known as 87 Lindsay Street Invermay (as contained within Certificate of Title Volume 1143521 Folio 1, Certificate of Title Volume 202442 Folio 1 and Certificate of Title Volume 84957 Folio 1) is no longer required by the Council for any purpose;
 - ii) The Council makes offer by notice in writing to sell the land to Roberts Limited from whom the fee simple estate in the land was acquired, as required by the provisions of the Land Acquisition Act 1993;
 - iii) The offer to purchase to Roberts Limited is based on the current status of the land, including its location on the unprotected side of the Launceston Flood Protection Levees, and upon the current zoning of the land as Open Space.

 2. The North Bank Master Plan project be broadened to include the potential development of 87 Lindsay Street Invermay, and in consideration of the proposal from Mr Errol Stewart, together with such further development uses for the site as considered appropriate. Further, the North Bank Master Plan be broadened to incorporate the Bunnings land (former Gunns site) in order to provide an overall strategic direction for the precinct area from a land use planning perspective. Outcomes from this process should be aimed to provide precinct based strategic urban land use considerations upon:
-

19.1 87 Lindsay Street...(Cont'd)

- i) The appropriateness of the proposed development of a hotel, restaurant and convention facility at the silos;
 - ii) The influence and value proposition to the North Bank Master Plan developments proposed;
 - iii) The appropriate zoning in the precinct to maximise proper and orderly urban planning outcomes related to amenity, functionality and maximising contributions to the community both socially and economically;
 - iv) The strategic justification of any planning scheme amendment to change the zoning of the area.
 3. In the event that Roberts Limited decline to purchase 87 Lindsay Street Invermay, the Council, in consideration of the strategic work undertaken in 2. above undertake the following:
 - i) Advertise indicating the Council has received a proposal for the purchase and development of the silos site located at 87 Lindsay Street Invermay.
 - ii) Indicate that the land is no longer required by the Council for any purpose;
 - iii) Describe the development proposal for the site;
 - iv) Indicate that the Council is proposing to call Expressions of Interest (EOI) for the sale and development of the site;
 - v) Seek public comment.
 4. Subject to consideration of the outcomes from the process in Clause 3 above, the Council may:
 - i) Determine to sell the land pursuant to compliance with Section 177 of the Local Government Act 1993. It should be noted that this does not compel the Council to sell the land, it does however provide the statutory authority for the Council to do so if it so determines;
 - ii) Call for Expressions of Interest for the purchase and development of the land consistent with the urban planning principles within the precinct planning undertaken;
 - iii) Determine on the Expressions of Interest received
 5. That Mr Errol Stewart be formerly communicated the process proposed by the Council in this matter.
-
-

19.1 87 Lindsay Street...(Cont'd)

REPORT:

1. Introduction

The Council has received a proposal to purchase the land and buildings located at 87 Lindsay Street, Invermay (see attachment 1). In making a decision on the proposal, the Council is required to take into consideration a variety of matters. This report endeavours to consider an appropriate process on matters relating to statutory compliance, community interest and a high standard of urban planning.

2. Proposal to Purchase

A proposal has been received from Mr Errol Stewart the Managing Director of Old Launceston Seaport to purchase 87 Lindsay Street Invermay, comprising the silos development currently existing on the site, together with a total area of land of approximately 6500m². Mr Stewart has sought an option for 1 year to purchase the land and buildings for a figure of \$250,000. The option would be subject to the Council agreeing to sell the land and rezoning of the land being undertaken to enable development to proceed.

The proposed development of the site by Mr Stewart involves converting the silo structures to comprise a 64 room hotel and convention centre, with a restaurant on the top floor. Mr Stewart has indicated the development proposal will also consider construction of two apartments immediately below the restaurant depending upon cost and viability.

I understand that various schematics prepared by ARTAS Architects have been forwarded to all Aldermen providing a diagrammatic representation of the proposed development along with concept designs.

3. Land Acquisition Act 1993

87 Lindsay Street Invermay comprising the silos development was purportedly acquired by the Launceston City Council under the authority contained within Regulation 37 (ea) of the Local Government (General) Regulations 2005 which states (inter alia):

37. Compulsory acquisition of land

A Council may acquire land under section 176 of the Act for the following purposes:

(ea) the undertaking of work, or the provision of access for the undertaking of work, for the prevention, control or mitigation of a flood;

19.1 87 Lindsay Street...(Cont'd)

The Land Acquisition Act 1993 deals with the disposal of land taken within Section 73 which states (inter alia):

73. Disposal of land taken

(2) Subject to this section, if land that has been taken by an acquiring authority, other than the Crown, under this Act or a corresponding previous enactment is no longer required by the authority for any purpose, the authority –

(a) may sell the land, if authorized to do so by its special Act –

(3) Where –

(b) an acquiring authority proposes to sell land in accordance with subsection (2)(a)

the Minister or authority shall first offer, by notice in writing, to sell the land –

(e) where the land was not so severed and if it is practicable to do so, to the person from whom the fee simple estate in the land was acquired under this Act or to that person's personal representatives or another person entitled to that person's estate under the law of succession.

(5) A person who receives a notice referred to in subsection (3) offering land for sale may, within the period of 60 days after the service of the notice or the period determined under section 78, accept that offer in writing.

(6) A person who accepts an offer in accordance with subsection (5) may make that acceptance subject to agreement on the price or other consideration.

In reference to 87 Lindsay Street Invermay, land compulsorily acquired by the Council, the following matters are relevant to deliberations:

- 87 Lindsay Street containing the silos was one of 3 freehold properties compulsorily acquired from Roberts Limited (Roberts) by Launceston City Council.
 - The intention of the acquisition was for the purposes specified under the Local Government (General) Regulations 2005 "for the authorised purpose of undertaking work for the prevention control or mitigation of a flood."
 - Compulsory acquisition becomes effective upon the gazettal of the notice of acquisition which occurred 23 April 2008.
-

19.1 87 Lindsay Street...(Cont'd)

- Section 73 of the Land Acquisition Act 1993 provides that an acquiring authority, if the land is no longer required for any purpose may sell the land. The Land Acquisition Act specifies that a "relevant period" is applied to the disposal process.
- The relevant period is 7 years from the date the acquisition was published in the Gazette. In this case gazettal of the acquisition occurred 23 April 2008. The relevant period will expire 24 April 2015.
- If in the period prior to 24 April 2015 Council proposes to sell 87 Lindsay, Section 73 subsection (3) of the Land Acquisition Act requires Council to first offer the land to the party from whom the land was acquired, being Roberts Limited.
- Roberts Limited then have 60 days (or such extension of time as is agreed) to consider the proposal. Council on its part in making the decision to sell is required under the Local Government Act to be advised of the value of the land. Roberts Limited if they were to exercise their right to purchase, can elect to have the price determined in the same manner as a disputed claim under the Land Acquisition Act 1993.
- If Roberts Limited were not interested in purchase they can waive their rights in which case disposal would proceed in accordance with the Local Government Act 1993.

In my view the appropriate sequence would be as follows should Council wish to proceed with the sale of 87 Lindsay Street, Invermay:

1. Council to make a decision that 87 Lindsay Street is no longer required for flood protection purposes or for any purpose.
 2. Roberts Limited to be offered the opportunity to purchase.
 3. Council receives decision of Roberts Limited.
 4. If decision is to purchase then negotiations proceed with Roberts Limited.
 5. If decision of Roberts Limited is not to purchase then the property can be offered for sale.
-

19.1 87 Lindsay Street...(Cont'd)

4. Local Government Act 1993

In the event that land that has been taken by an acquiring authority (the Launceston City Council in this instance) is no longer required for any purpose, the Council may sell the land, subject to compliance with Section 177 of the Local Government Act 1993. Section 177 indicates as follows:

(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.

(2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practice as a land valuer under section 4 of the Land Valuers Act 2001.

(3) A council may sell –

(a) any land by auction or tender; or

(b) any specific land by any other method it approves.

(4) A council may exchange land for other land –

(a) if the valuations of each land are comparable in value; or

(b) in any other case, as it considers appropriate.

(5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.

(6) A decision by a council under this section must be made by absolute majority.

5. Legal Advice

Legal advice has been sought regarding the present proposal to develop the acquired Roberts titles (silos and wool store) into a 64 room hotel and restaurant, with a possible addition of 2 penthouse residential apartments.

19.1 87 Lindsay Street...(Cont'd)

The advice was sought in relation to the provisions of Section 73 of the Land Acquisition Act 1993, particularly in relation to the requirement for the Council to first offer, by notice in writing to sell the land to the person from whom the fee simple estate in the land was acquired under the provisions of the Act. Given the relatively narrow interpretation afforded by Regulation 37 (ea) of the Local Government (General) Regulations 2005 the advice sought specifically focused on the matter of acquisition being undertaken within the provisions of the Land Acquisition Act 1993, or rather was the acquisition effectively a more conventional land sale and purchase with willing seller and buyer.

In the event, the legal advice has indicated that Section 73 (3) of the Land Acquisition Act 1993 imposes a mandatory obligation on the Council, if it determines to sell, to first offer to sell the land comprised in the relevant titles to Roberts before it embarks on any sale to a developer.

The legislation provides the Council with a discretion to sell the land, and once the Council has determined to exercise that discretion, it must make the offer to Roberts. There is nothing in the manner of the Council's acquisition of the silos and wool stores areas that provides circumstances which detract from or negatives the Council's obligations in this manner.

6. Statutory / Strategic Planning and Heritage Considerations**Use of Land:**

The proposed development will primarily be a hotel, with conference facilities, a restaurant and potentially permanent apartments. The development will need to have multiple use classes - apartments are not generally "directly associated with and subservient" to a hotel so should not be classified in the same use class. This would apply to the restaurant and function centre also.

Giving use classes of:

- Hotel - Visitor accommodation
- Residential development - Multiple dwelling
- Restaurant - food services
- Conference centre - community meeting and entertainment

The optimal approach would be to provide for all likely uses.

19.1 87 Lindsay Street...(Cont'd)

Zoning

The site is currently zoned Open Space in which visitor accommodation and residential are prohibited uses. Accordingly it would be necessary to re-zone the land, or alternatively to develop a Specific Area Plan to incorporate the development into the existing zone

In order to be able to justify and support an application to the Tasmanian Planning Commission (TPC) to re-zone the site or to insert a Specific Area Plan, it will be necessary to provide a sound strategic land use planning basis. To achieve this, the following actions would be proposed:

- Broaden out the current North Bank Master Plan project to include this potential development, and desirably the Bunnings land, to provide an overall strategic direction for the precinct area from a land use planning perspective;
- The Master Plan would then be used as the basis for initiating/justifying the changes to the Planning Scheme for both the silo site and the Bunnings site to facilitate the desired land use outcomes.

It would be proposed that should Council wish to proceed with the proposal, an early meeting be facilitated with the TPC and the proposed developer to describe what is intended and receive feedback at the earliest appropriate opportunity. This meeting would identify the TPC's preferred approach for progressing with the proposal. It may be desirable to seek a Specific Area Plan if there is a risk that the Tasmanian Planning Commission may determine that the type of re-zoning is a 'spot zoning' and not support it.

In these circumstances, the developer could wait until the Master Plan is completed to enable its use as a strategic justification to support the application to the Council/TPC. The required timeframe would accord with the proposed 12 months for TPC approval.

Process to alter the scheme:

The process for altering the Planning Scheme will depend upon the timing of the Development Application. If it were to be submitted under the Interim Planning Scheme it would need to be handled as a Dispensation. If the application comes in once the Planning Scheme has been declared, a Section 43A would be the most appropriate application. Both processes are detailed below:

19.1 87 Lindsay Street...(Cont'd)

Dispensation:-

1. An application is made to the Tasmanian Planning Commission (TPC) for a dispensation to the Interim Planning Scheme to allow the development;
2. The TPC will request the Council's opinion on whether to grant the Dispensation. If the Council refuses to support the dispensation the TPC must refuse the application;
3. If the Council consents to the application then it must advise the TPC;
4. The TPC will then determine to either reject the application or to place the application on public exhibition for two weeks;
5. Hearings are conducted by the TPC if required to consider any representations
6. Decision handed down by the TPC on the dispensation.

Section 43A:-

Section 43A of the Land Use Planning and Approvals Act allows the Council to consider this process for a Permit and consequential scheme amendment, (for development which is not ordinarily permitted unless the Planning Scheme is first amended).

1. Application is received or the Council decides to initiate an amendment
2. A report on the Combined Amendment / Application is to be considered by the Council.
3. If approved, the draft permit, amendment Plan and the report are submitted to TPC within 7 days.
4. Amendment and draft permit are placed on exhibition for 3 weeks.
5. If there are any representations received these are reported to the next available Council meeting for consideration. The Council then reports to TPC on the combined amendment application and any representations received.
6. Hearings are conducted by the TPC if required.
7. Decision handed down by TPC on amendment and permit and applicant and representors advised of the decision.
8. Decision advertised in local paper as required.

Matters within proposal to be addressed:

Known issues to be addressed - flooding, emergency management, traffic and parking, access, servicing, visual impact, food business construction requirements, Building Code of Australia;

19.1 87 Lindsay Street...(Cont'd)

Permanent residential units - if it is proposed to include units which are to be permanent residences the multi-unit development standards would apply including (provision of daylight to habitable rooms, common property, storage, location of car parking, Private Open space, and active ground floors);

Investigations will be required to rule out any site contamination concerns;

Heritage - The silos are not listed on the Tasmanian Heritage Register. Unless the Heritage Council determines to list the building in the meantime there would be no need to refer an application to the Heritage Council.

7. Flooding and Emergency Management Considerations

Advice has been sought from the Launceston Flood Authority in regard to the development proposal in its current form.

In regard to the provision of services to the proposed building, if the levees were overtopped and Invermay was inundated, in such an instance it is possible that both power and sewerage services to Invermay would be out for several weeks, if not months. As such the building could be uninhabitable during this period unless contingency arrangements are incorporated into the building's design and construction. i.e. sewage storage and backup power supply.

It is intended the portion of the existing levee facing the Tamar River will be retained to "quieten" the flow, with the levee facing the North Esk River being reduced to some level above high tide (nominally 3.0m AHD). The land upon which the silo is located would therefore flood above a 1 in 25 year ARI flood without any protective infrastructure being provided.

In regard to the hydrological effects of the design, modelling would be required to evaluate the impacts of the building and associated infrastructure. The provision of an oval podium around the building to above a 1 in 200 ARI flood height would not be expected to have a large impact on the floodplain or levees beyond that of the existing silo building, due to the retention of the Tamar River side levee and consequential slow water flow that would result. It would be prudent for the design to be modelled or at least have an expert opinion on the likely hydrological impacts.

The Authority would not allow any construction on or near (within 10m) of any levee without specific approval subject to detailed engineering assessment of potential impacts (ground subsidence, etc).

19.1 87 Lindsay Street...(Cont'd)

Services to/from the building (power, water, sewer) must not penetrate any levee. They may be arranged to go over the levee or go under the levee by horizontal directional drilling. In both instances the design would need to meet the Authority's standard to ensure the levees are not compromised. Excavation of any levee is not allowable.

From an emergency management perspective, there would need to be an understanding that business continuity could not be guaranteed during times of flood or potentially, even flood threat. This would particularly apply in relation to access to the proposed car park as part of the development, as the flood gate would be closed.

There would need to be clear understanding that the length of time the flood gate was closed would be at the Council's and others (TAS Police, SES) discretion. The proposed installation of a sliding gate at a point near the development would minimise closure times due to the ease of operation.

It is understood from the concept plans that pedestrian access from the development is proposed to be available via the flood levee. In the event that this is the case, then parking of patrons at the development could be undertaken in Lindsay Street and access to the car park may not be an issue.

It would be envisaged that these matters would be part of the conditions attached to any development application permit.

Additionally, in the event that the area is inundated, there would be a time (perhaps considerable) required for clean up operations to ensure the area is functional again. Such activity may not be a high priority for emergency services depending on damage to other areas. In any event it would be expected that the developer would undertake activities to clear any debris from the development car park area.

The remaining issue relates to the possibility of the Invermay area being evacuated. In the event this occurred, then the proposed development would also be evacuated.

8. Traffic Management Considerations

Calculations of expected traffic flows resulting from the 64 rooms, restaurant and ancillary activities (staff / trade / other customers) have been undertaken.

It is not anticipated that the traffic load from the proposed development would clash with any development located along Lindsay Street. However traffic flows from the development may overlap Bunnings traffic given they undertake late night trading. It would be anticipated that this impact would be low.

19.1 87 Lindsay Street...(Cont'd)

Whilst it is difficult to estimate the North Bank traffic arising from development of this site following the master plan. It is unlikely to have a marked impact even at its peak.

Calculations of likely vehicles per day volumes, the timing of the volumes and intersection capacity do not suggest that there are significant concerns regarding the capacity of existing infrastructure to cope with the proposed development.

9. Council Policy relating to the Sale of Land

87 Lindsay Street Invermay was compulsorily acquired by the Launceston City Council from Roberts in association with a proposal to construct the Launceston Flood Protection Levee project. The land is not public land, and freehold title to the land is held by the Council.

In the case of Council land that is not public land, the prescribed process under the Local Government Act 1993 (the Act) is limited to the necessity to obtain a qualified valuation and to determine a decision under the section by an absolute majority (Section 177 of the Act).

However it is considered important that the Council process relating to the management of proposals for the sale of substantial parcels of Council land includes public consultation, where the community can make comment on any proposal.

It is anticipated that the Council would not consider a proposal for the sale of Council owned land unless it was aware of the use to which the Council owned land was to be put. Any development contemplated as part of a proposal for the purchase of Council owned land should require consideration by the Council on a range of matters including:

- Is the development appropriate in scale and nature for the site.
 - Can the development be built in a manner that does not pose risks from flooding.
 - Does the development demonstrably add positively to the economic and social prosperity and quality of life enjoyed within the City.
 - A Precinct or Sub-Precinct Plan which comprehensively considers all aspects relating to the proper planning of the area and its integration with the central area planning within the Greater Launceston Plan.
 - Community views on the proposal.
-

19.1 87 Lindsay Street...(Cont'd)

It would be important that strategic planning considerations were based on an integrated strategic land use planning framework. This framework should require consideration of a broader area than merely the proposed site. This ensures that any proposal for the development of the Council owned land is consistent with strategic planning objectives in the broader precinct rather than potentially creating conflicts and blighting future development prospects in the precinct. Any planning undertaken would need to be cognisant of a requirement for integration with adjacent precinct planning to ensure consistency and value adding to superordinate strategic planning goals in the area.

In the event that following consideration of all the strategic planning matters, the Council is of the view the proposal should proceed to the next stage of deliberation, there are a range of statutory and public interest matters which would need to be addressed. These have been indicated previously in this report.

Whilst there is a limited prescribed statutory process regarding Council owned land, it is clear that there would be community interest in any proposal for the sale of Council owned land. Accordingly, a public process is contemplated which provides the opportunity for community comment on any proposal to sell Council owned land which is not public land. This process would include:

- A public process similar to that indicated within Section 178(4) of the Local Government Act 1993, notifying that objections to the proposal may be made.
- Consideration of any objections received.
- Compliance with the requirements of Section 177 of the Local Government Act 1993 relating to the requirement to obtain a qualified valuation of the land and to determine any decision under the Section by an absolute majority.

The strategic planning and statutory processes that Council would undertake would engage significant community input regarding both any proposal for the sale of Council land, and any development proposed on the land. In this instance requiring a rezoning of the land would also involve an attendant public process.

Following consideration of strategic and statutory matters relating to a proposal for the purchase of Council owned land and the proposed development on such land, in the event that the Council determines to proceed further in consideration of a proposal, an Expression of Interest process (EOI) should be pursued to ensure transparency and equality of participation for any individual or organisation within the community who may be interested in undertaking development on the Council owned land.

19.1 87 Lindsay Street...(Cont'd)

Essentially at this point, the Council has considered strategic and statutory requirements, and taken into consideration community comment on a proposal to purchase Council owned land and proposed development on the land. In the event that the Council believes it is in the community interest that the proposal proceeds, the EOI process then ensures that the Council is considering all potential development proposals for the land which may be forthcoming from the community. The EOI process will publicly invite proposals for the development of the site, consistent with the objectives of any precinct planning that has been undertaken, together with other objectives established by the Council for development of the site.

It would be envisaged that the public process seeking comment on the proposal to sell public land would precede any Council decision on the sale of the land. In the event that the Council decided to sell the Council owned land, it would be strongly recommended that an expression of interest process be undertaken exploring interested parties in the development.

Whilst it is acknowledged that often an initiative from an individual developer with a proposal for the development of Council owned land, for example the Errol Stewart proposal for 87 Lindsay Street Invermay, initiates the Council's consideration of the sale of Council owned land, the Council as a public authority needs to ensure its processes can withstand public scrutiny and meet the standards of good stewardship, by acting transparently and providing the opportunity for all interested parties to make submissions through an expression of interest process.

10. Conclusions

1. The Council has received a proposal from Mr Errol Stewart, the Managing Director of Old Launceston Seaport to purchase 87 Lindsay Street Invermay, comprising the silos development currently existing on the site, together with a total area of land of approximately 6500m². Mr Stewart has sought an option for 1 year to purchase the land and buildings for a figure of \$250,000. The option will be subject to the Council agreeing to sell the land and rezoning of the land being undertaken to enable development to proceed.
 2. The Council needs to determine whether it wishes to proceed with consideration of the proposal. In the event that Council does wish to proceed with consideration of the proposal there are a number of legislative and strategic urban planning issues that would need to be considered.
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19.1 87 Lindsay Street...(Cont'd)

3. In any event, it would be appropriate for the Council to address its requirements under the Land Acquisition Act 1993. This will provide the flexibility for the Council to consider the Stewart proposal or any other proposals interested in the purchase and development of the silos. These requirements are:
 - The Council to determine that the land is no longer required.
 - The Council to first offer to sell the land to Roberts, from whom the land was originally acquired.
4. In the event that Roberts wished to purchase the land, they would do so within its current condition on the "wet" side of the flood levees, therefore liable to inundation from a 1:25 year flood, and with the current zoning of Open Space in place.
5. The Council and TPC could only consider an amendment to the zoning based upon the strategic justification of a Precinct Plan which considers in an integrated manner a development proposal from Roberts. Absent a development proposal, there would be no logical basis upon which the Council could consider a zoning change, unless the Council itself was proposing the site as a development opportunity.
6. Disposal of land surplus to the requirements of Bunnings on the former Gunns site will commence imminently. The current zoning of the former Gunns land is commercial. This enables the following nature of uses:

No Permit Required - Use Class

- Passive recreation
- Natural and cultural values management

Permitted - Use Class

- Bulky goods sales
 - Equipment and machinery sales and hire
 - Recycling and waste disposal
 - Service industry
 - Storage
 - Transport depot and distribution
 - Utilities
 - Vehicle fuel sales and service
-

19.1 87 Lindsay Street...(Cont'd)

Discretionary - Use Class

- Bulky goods sales
- Business and professional services
- Community meeting and entertainment]
- Educational and occasional care
- Emergency services
- Food services
- General retail and hire
- Hotel industry
- Manufacturing and processing
- Research and development
- Sport and Recreation
- Vehicle parking
- Visitor accommodation

If a high value use such as a hotel, restaurant, conference centre is to be viable at the silos site, the use to which the balance of the former Gunns site is put will need to be compatible, or at the least not incompatible with the proposed development on the silos site.

7. Accordingly, the window of opportunity to influence these matters could potentially close quickly. A possible outcome could then be that development of the silos for the proposed use is no longer feasible because of proposals for incompatible land uses operating across the road which comply with current Council zoning on the land on the former Gunns site.
 8. The Council should broaden out the North Bank Master Plan project to include the potential development of the silos site. The proposal from Errol Stewart should be used as the basis of consideration, however further uses may also be contemplated if appropriate. The North Bank Master Plan should also be broadened to incorporate the Bunnings land (former Gunns site), in order to provide an overall strategic direction for the precinct area from a land use planning perspective. This will provide precinct based strategic urban land use considerations upon:
-

19.1 87 Lindsay Street...(Cont'd)

- i) The appropriateness of the proposed development of a hotel, restaurant and convention facility at the silos;
 - ii) The influence and value proposition to the North Bank Master Plan developments proposed;
 - iii) The appropriate zoning in the precinct to maximise proper and orderly urban planning outcomes related to amenity, functionality and maximising contributions to the community both socially and economically;
 - iv) These matters would provide the strategic justification of any planning scheme amendment to change the zoning of the area enabling the proposal to proceed to development application stage.

 9. To maximise the Council's policy flexibility in order to seriously consider the Errol Stewart proposal, the Council should take immediate action to:
 - i) Determine the land the subject of the silo development proposal (to be specifically identified) is no longer required by the Council for any purpose, as required by Section 73(2) of the Land Acquisition Act 1993 (the Act);
 - ii) Offer by notice in writing to sell the land to Roberts from whom the land was acquired (Section 73(3) of the Act);
 - iii) The offer to purchase to Roberts would be based on the current status on all matters relating to the site.

 10. Upon receipt of a response from Roberts within the statutory period (Section 73(5) of the Act) the Council could then determine the appropriateness of taking the action contemplated in Clause 8 above.

 11. If Roberts decline to purchase the land, the Council would consider the strategic work undertaken in Clause 8 above, and may determine to:
 - i) Advertise indicating it has a received a proposal for the purchase and development of the silos site (to be defined specifically);
 - ii) Indicate that the land is no longer required by the Council for any purpose;
 - iii) Describe the development proposal for the site;
 - iv) Indicate that the Council is proposing to call Expressions of Interest (EOI) for the sale and development of the site;
 - v) Seek public comment.
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19.1 87 Lindsay Street...(Cont'd)

12. Subject to consideration of the outcomes from the process in Clause 11 above, the Council may:
- i) Determine to sell the land pursuant to compliance with Section 177 of the Local Government Act 1993. It should be noted that this does not compel the Council to sell the land, it does however provide the statutory authority for the Council to do so if it so determines;
 - ii) Call for Expressions of Interest for the purchase and development of the land consistent with the urban planning principles within the precinct planning undertaken;
 - iii) Determine on the Expressions of Interest received.

ECONOMIC IMPACT:

The development proposal received from Mr Stewart would have a positive economic impact on the City through employment and purchases associated with both the construction and operation of the hotel, restaurant and convention facility. The development would also add to the tourism product and economic yield of the City.

Advice currently to hand indicates a construction cost for the proposed Silos development of approximately \$14 million.

In a construction project there are two types of economic multipliers that can be calculated:

- Primary multipliers which estimate the business-to-business effects of the development project. Utilising a commonly accepted multiplier of 0.74 for these effects is considered attributable to such projects. On the basis of a project having a construction value of \$14m, then the primary multiplier effect is $0.74 \times \$14m$, which equals approximately \$10.4m;
- Secondary multipliers, which estimate the subsequent effects of beneficial flows to the economy from the construction project arising from the spending of wages in the initial construction project and in the participating businesses effected in the first round of multipliers. The additional effect of second round multipliers is approximately 0.32 of the original construction value. Based on a project construction value of \$14m then the secondary multiplier effect is $0.32 \times \$14m$, which equals approximately \$4.5m.

Thus a project with a construction value of \$14m will have total multiplier effects on the economy of approximately \$14.9m and the total impact on the economy is approximately \$28.9m arising from the construction.

19.1 87 Lindsay Street...(Cont'd)

In terms of the ongoing operation of the facility, it is anticipated that 40 fulltime and 10 part time positions will be employed.

Total wages are anticipated at \$2m annually. The annual turnover of the facility is estimated at approximately \$5 million.

In relation to accommodation and hospitality businesses, there are two types of economic multipliers that can be calculated during the operational (post construction) phase:

- Primary multipliers which estimate business-to-business effects of the project in operation. Application of a multiplier of 0.4 to account for the first round multiplier effects of a new tourism precinct is appropriate. Based on a forecast annual turnover of approximately \$5m per annum, then the primary multiplier effect is $0.4 \times \$5m$ equals \$2m. That is, in a hotel type project an amount equal to about 40% of the estimated direct turnover of the hotel will be additionally generated through purchase of business supplies and services;
- Secondary multipliers which estimate the subsequent effects of beneficial flows to the economy from the project in operation. These will arise through the spending of wages from the initial project operation and wages from other businesses benefiting from the initial project operation. This is often termed the consumption effect and is approximately equal to 0.3 of the estimated turnover of the particular project. Once again if the project has a forecast annual turnover of \$5m per annum then the secondary multiplier effect is 0.3 multiplied by \$5m equals \$1.5m. In a hotel type project an amount equal to 30% of the estimated direct turnover of the hotel will be additionally generated through wages and subsequent expenditure effects;
- So, the project with a forecast annual turnover of \$5m per annum could be expected to generate a further \$2m through business-to-business effects and a further \$1.5m through wages (expenditure) effects. The total economic benefit to the economy of the hotel would therefore be approximately \$8.5m a year to the regional economy.

The cumulative contribution of the Silos development proposal to the regional economy is therefore calculated as \$28.9 million in the first year and \$8.5 million in following years.

ENVIRONMENTAL IMPACT:

The development proposal received from Mr Stewart would improve the environment of the silo location and would result in the removal of asbestos laden buildings. The environment of the locality would be enhanced as a major adjunct to the quality of life enjoyed in the City.

19.1 87 Lindsay Street...(Cont'd)

SOCIAL IMPACT:

The development proposal received from Mr Stewart would have a major positive social impact through the upgrade of a derelict area of the City in a prominent visual location transformed into a modern function facility as a major anchor development for the North Bank rejuvenation.

STRATEGIC DOCUMENT REFERENCE:

Priority Area: 3 Social and Economic Environment

Goal: 3.1 Promoting a health, prosperous and positive community

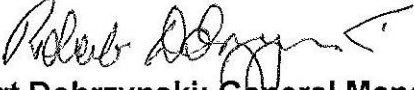
BUDGET & FINANCIAL ASPECTS:

Funding would be sourced from existing budgets to expand the North Bank Master Plan and to undertake the associated statutory processes required.

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.


Robert Dobrzynski: General Manager

ATTACHMENTS:

1. Email from Errol Stewart re: Silo Development dated 2nd January 2013
 2. Silo Proposal North Bank January 2013 (to be distributed separately)
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Robert Dobrzynski

From: Errol Stewart [errol@jmc.com.au]
Sent: Wednesday, 2 January 2013 4:35 PM
To: Robert Dobrzynski
Cc: Alison Plunkett
Subject: Silo Development.

Hi Robert,

Hope this finds you well and looking forward to 2013. What a great year it will be.

I thought to start the year off I wish to formally make an offer to buy the silos from Council. The total area of land I seek is roughly 6000m². It might vary slightly but not substantially.

To date I have had discussions with several engineers the flood authority Chairman Alan Birchmore and CEO Andrew Fullard. All people I have spoken to are very enthusiastic about the idea of a reuse of the silos.

I have talked at length with Jack Edwards the Senior Port Engineer who piled the silos and Jim Gandy the senior Engineer at Gandy and Roberts who was responsible for the design changes of the Hobart Silos when redeveloped a few years ago.. Jack Edwards informed me that the construction of each of the grain silo's at Hobart ,Launceston and Devonport was identical so this will aid future engineering parameters in the design.

All in all I am very confident that the silos can be engineered to be structurally sound for redevelopment. In addition to this we have had preliminary talks about flood protection and we have identified that constructing a football shaped concrete levee on piles around the silos at the same height of the new levee we can adequately protect the silos in the event of a catastrophic flood. We will make provision for an exit on to the existing levee for pedestrians. In essence all development will take place above the flood levee height to ensure we have no flood issue in the future.

Given the demise of Gunn's and the closure of the Mill site opposite this now opens the door to consider the Silo's for a redevelopment. The proposal I wish to put forward is to build 64 room Hotel and convention centre along with a restaurant on the top floor. We could incorporate two apartments immediately under the restaurant and we will consider the cost of this before we submit final plans. The silos are an adequate size for single Hotel room accommodation however they are not suited for general residential living in my view because the viewing aspect is South rather than North.

In any event I wish to formally make an offer to council to buy the silos and 6000M² of land surrounding the structure. Indicative costs are that we will need to spend around \$10 million plus the cost of the flood protection wall and the car park and the convention centre. These have yet to be costed but we believe are important elements to the viability of the project.

The silo's themselves do not offer much in terms of value but they exist in terms of height. The new venture is about the same height perhaps a metre or two higher and I think this will make the process of approval more acceptable to the community. In essence I see land as the asset and would like to make a formal offer of \$250,000 for the land and buildings. Obviously when completed it will be a significant rate generator for the city.

If council agree to sell the property I would seek an option for one year which is a reasonable time to rezone the land which I now think is very achievable. Obviously providing council support the proposal. This is a very exciting proposal and not without some risk. Hotels are a very challenging business particularly new ventures however Peppers who manage our Hotel at Seaport are very excited about the opportunity to offer a new experience in Launceston. The rooftop restaurant will need to be outstanding as will the rooms but it will attract some new business particularly given the investment in a great conference space.

I will prepare a package for all councillors outlining detailed drawings and elevations for their consideration and get them to you by mid next week.

Kind Regards

Errol Stewart

20 URGENT BUSINESS

That Council pursuant to Clause 8(6) of the Local Government (Meeting Procedures) Regulations 2005,

21 WORKSHOP REPORT(S)**21.1 Workshop Report****FILE NO:** SF4401**AUTHOR:** Michael Tidey (Director Corporate Services)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a report on any Council workshop held since the last meeting in accordance with Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2005.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council notes the workshops as outlined in the table below:

Date	Topic	Purpose
13 May 2013	<ul style="list-style-type: none">• Draft Budget 2013/2014	<ul style="list-style-type: none">• The draft budget was discussed.
20 May 2013	<ul style="list-style-type: none">• Rate Modelling	<ul style="list-style-type: none">• The rate modelling was presented.
	<ul style="list-style-type: none">• Draft Budget 2013/2014	<ul style="list-style-type: none">• The draft budget was discussed.

REPORT:

There is a legislative requirement to report to the community the date and purpose of any Council workshop held since the last Council meeting.

ECONOMIC IMPACT:

There is no economic impact on the community.

21.1 Workshop Report...(Cont'd)

ENVIRONMENTAL IMPACT:

There is no environmental impact on the community.

SOCIAL IMPACT:

There is no social impact on the community.

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council Strategic Plan 2008-2013 -
5.5 Implement enhanced community engagement

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION

22.1 Information / matters requiring further action

FILE NO: SF3168

AUTHOR: Daniel Gray (Committee Clerk / Administration Officer)

This report outlines requests for information by Aldermen when a report or agenda item will be put before Council or a memorandum circulated to Aldermen.

It will be updated each Agenda, with items removed when a report has been given.

ATTACHMENTS:

1. Information / matters requiring further action - 27 May 2013
-

MATTERS ARISING FROM COUNCIL - REQUIRING FURTHER ACTION - AT 27 MAY 2013

Meeting Date, Item # & File No.	Outstanding Items & Action Requested	Officer Responsible & Officer Comment	Due Date
<p>27 June 2011 Council 12.1 SF5547 / SF5445</p>	<p>Notice of Motion - Rating System Analysis That Council;</p> <ol style="list-style-type: none"> 1. Presents modelling undertaken on the implementation of a rating system based on Unimproved Capital Value (Land) and the impacts, positive and negative that this would have on ratepayers; 2. Provides written advice on the advantages and disadvantages of the implementation of such a system and presents the advice to the public; 3. That, more importantly, Council undertakes a major public review of the current rating system and determines, in consultation with the community, the fairest, most progressive and simplest rating system available in Australia; and 4. Implements the system agreed upon, for the rating period beginning 2012-13 	<p>Michael Tidey</p> <p>Project will have a number of phases.</p> <p>First presentation occurred in December 2011.</p> <p>Further action deferred pending the State Government review.</p> <p>The preparatory work for the State Government report is currently being finalised with the report expected by the end of August.</p> <p>It is now expected that the analysis and modelling will be completed during October with a presentation in early November.</p> <p>State Government report was received on 19 October 2012 and listed for discussion at SPPC on 6 November 2012.</p> <p>Item listed for discussion at the SPPC meeting on 17 December 2012.</p> <p>Information will be presented as part of the budget consultation process.</p>	<p>April 2012 August 2012</p> <p>Nov 2012</p> <p>May 2013</p>
<p>13 March 2012 Council 14.1 SF0841</p>	<p>Duck Reach Redevelopment</p> <p><u>Resolution at Council Meeting 13/03/2012: additional point 4</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Consider the report outlining recent investigation into a redevelopment of the Duck Reach site. 2. Endorse the investigation of third-party investment opportunities for the redevelopment of the Duck Reach Site. 3. On finalisation of the 	<p>Rod Sweetnam</p> <p>Correspondence has been received from Hydro Tasmania indicating their agreement to enter into a MoU with Council. The MoU is being drafted in consultation with Hydro.</p> <p>The MoU will be presented to Council for consideration.</p> <p>Finalisation of the MOU will allow the business case analysis to proceed.</p> <p>The draft MoU has been sent to Hydro Tasmania for review and comment prior to report to Council.</p> <p>Awaiting formal response to the draft MoU as presented. This includes a binding agreement on water supply.</p>	<p>Nov 2012</p> <p>Dec 2012</p>

MATTERS ARISING FROM COUNCIL - REQUIRING FURTHER ACTION - AT 27 MAY 2013

Meeting Date, Item # & File No.	Outstanding Items & Action Requested	Officer Responsible & Officer Comment	Due Date
	<p>business case analysis outlined in the report, and identification of potential third party development opportunities, Council review the redevelopment options for the Duck Reach site based on a future report.</p> <p>4. Agree that further investigation by Council is predicated upon Hydro Tasmania formally committing to a minimum base flow of 2.5 cumecs which is the current voluntary release by Hydro Tasmania.</p>	<p>A response has been received from Hydro Tasmania with changes to the document that was presented by Council. Council Officers are reviewing the proposed changes to the draft MoU made by Hydro Tasmania. Further information will be provided to Aldermen, when the review has been completed.</p>	<p>July 2013</p>

23 **ADVICE OF FUTURE NOTICES OF MOTION**

24 **REPORTS BY THE MAYOR**

25 **REPORTS BY THE GENERAL MANAGER**

26 CLOSED COUNCIL ITEM(S)

RECOMMENDATION:

That pursuant to the provisions of Regulation 15(2) of the Local Government (Meeting Procedures) Regulations 2005, Council move into Closed Session to discuss those items nominated as Closed Session items, for the following reasons:

26.1 Write off of Non Recoverable, Non-Rating Debts - 30 June 2013

15(2)(a) as it concerns personnel matters.

26.2 Annual Write Off of Infringement Debts

15(2)(j) as it concerns the personal affairs of a person/company.

26.3 Declaration of Interest - Council Employee

15(2)(a) as it concerns personnel matters

27 MEETING CLOSURE
