



LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 11 AUGUST 2014**

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 11 August 2014

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

Date: 11 August 2014

Time: 1.00 pm

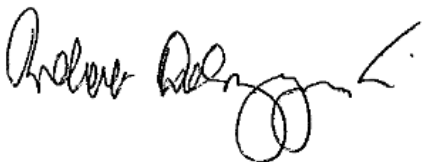
Section 65 Certificate of Qualified Advice

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 28 July 2014 be confirmed as a true and correct record subject to the deletion of the word "Craft Sessions" on Page 19, and the insertion of the words "Crowd Funding".
2. That the Minutes of the meeting of the Launceston City Council held on 28 July 2014 in closed session be confirmed as a true and correct record.

- 4 **DEPUTATION**
 - 5 **ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME**
 - 6 **PUBLIC QUESTION TIME**
-

COUNCIL AGENDA

Monday 11 August 2014

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items 7.1 - 7.2.

7 PLANNING AUTHORITY

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings

FILE NO: DA0210/2014

AUTHOR: Leon Murray

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Urban Design Solutions
Property:	13 Palmerston Avenue, Prospect
Zoning:	General Residential
Receipt Date:	23/05/2014
Validity Date:	14/07/2014
Further Information Request:	30/05/2014
Further Information Received:	14/07/2014
Deemed Approval:	25/08/2014
Representations:	5 plus 1 petition

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0210/2004 for Residential - construct and use of two multiple dwellings at 13 Palmerston Avenue, Prospect subject to the following conditions:

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

AMENDED PLANS REQUIRED

Prior to the commencement of any work and/or use, amended plans must be submitted to the satisfaction of the Council and TasWater to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by the Council and TasWater and will then form part of the Permit. The amended plans must show:

- a. Confirmation that Unit 2 accords with the requirements of TasWater's Submission to Planning Authority Notice (SPAN) TWDA No. 14-155 - N for minimum clearance to the sewer main and location of footings in relation to the zone of influence for the sewer main. Should the current location of Unit 2 not accord with the requirements, it may need to be moved further away from the easement.

FRONT FENCE

Any fence along the frontage must be constructed in accordance with the following requirements, otherwise planning approval is required:

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

LEGAL TITLE

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

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.

HOURS OF CONSTRUCTION

Construction works must only 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.

TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No. 15-155 - N (attached to the Permit).

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

MULTIPLE DWELLINGS - SERVICE FACILITIES

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

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

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.

WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742.

The explicit permission of Council's Roads & Hydraulics Department is required prior to undertaking works where the works:

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

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

All works that involve the opening or breaking of trafficable surfaces within the road reserve must be undertaken by, or under the supervision of, a tradesman/contractor who is registered with Council as a "Registered Contractor".

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

VEHICULAR CROSSINGS

Before the commencement of the use, a new vehicular crossover must be provided to service this development. An application for such work must be lodged on the approved form. All unused crossovers and driveways must be removed prior to the occupation of the development.

No work must be undertaken to construct the new vehicular crossing or to remove the existing driveway outside the property boundary without the prior approval of the works by the Council's Roads and Hydraulics Department.

The new crossing must be constructed to Council standards by a contractor to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and Aurora etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites.

No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant.

The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

CAR PARKING CONSTRUCTION

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

- a. Be designed to comply with the Australian Standards AS 2890.1 Off-street car parking.
 - 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,
-

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

- 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;

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

PROTECTION OF PIPELINES

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5 metres from the outer edge of the pipe,
- b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe,
- c. There must be a minimum clear space between buildings or substantial structures of at least 3 metres in width to allow maintenance along the line of the pipe.
- d. Manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the Director Infrastructure Services pursuant to Section 39 of the *Drains Act 1954*.

AMENITY

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

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Notes**Building Permit Required**

Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000. Section 93. A copy of this planning permit should be given to your Building Surveyor.

Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

General

This permit was issued based on the proposal documents submitted for DA0210/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

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

This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Restrictive Covenants

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

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

Access for People with a Disability

This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

Appeal Provisions

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

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

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

Permit Commencement.

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

Strata Title Approval

The proposal may be Strata titled. If this is to be staged the Strata plan must be accompanied by a Disclosure Statement for a Staged Development Scheme.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

REPORT:**1. THE PROPOSAL**

The applicant seeks Council approval for the construction and use of two multiple dwellings at 13 Palmerston Avenue, Prospect. The dwellings are proposed as follows:

Unit 1

This dwelling would be located at the front of the property. It would be 134m² in area and comprise two bedrooms and other associated rooms (e.g. kitchen, living room etc.). A single car garage is proposed with a second parking space available in front of the garage. Private open space would be provided on the north-western side of the dwelling and exceed the minimum requirements.

Unit 2

This dwelling would be located at the front of the property. It would be 146m² in area and comprise two bedrooms and other associated rooms (e.g. kitchen, living room etc.). A double garage is proposed with access via the designated driveway. Private open space would be provided on the western side of the dwelling and exceed the minimum requirements.

The dwellings have been designed to reduce the amount of common area by providing a driveway for each dwelling, to reflect the character of two individual dwellings. To do this, the applicant seeks a dispensation in parking rates (non-provision of a visitor parking space). On these bases, discretion is triggered. The applicant has submitted a Traffic Impact Assessment (TIA) to demonstrate compliance with the Scheme with respect to the Road and Rail Assets Code and the Car Parking and Sustainable Transport Code in terms of parking numbers on-site.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The 718m² property is located on Palmerston Avenue, Prospect. It is relatively flat and has a frontage and depth of 17m and 42m respectively. It is a mid-block title that is located on the Western side of the street and abuts a vacant block (subject to DA0211/2014) to the north, a single dwelling to the south and a single dwelling to the west. A 4.0m wide drainage easement runs along the rear of the property in a north-south direction.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

The Hutton Rise subdivision is characterised by single dwellings interspersed with multiple dwellings (Attachment 2). In the wider context, the site is located ~410m from the Prospect shops, 170m from the nearest bust stop and ~640m from the Summerdale Primary School on the corner of Stanley Street and Peel Street West.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 - General Residential Zone

10.1.1 Zone Purpose Statements

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

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

10.1.1.3 Non-residential uses are not to 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.

10.1.1.4 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

Consistent

Clause 8.10.2 of the Scheme states the Zone Purpose must be considered for discretionary uses. As the use is Permitted in the Zone, it is considered consistent with the Zone Purpose and the Zone Purpose need not be considered.

Local Area Objectives - There are no local area objectives

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Desired Future Character Statements - There are no desired future character statements

10.4 Development Standards**10.4.1 Residential Density for Multiple Dwellings**

Objective: To provide for suburban densities for multiple dwellings that:

- (a) make efficient use of suburban land for housing; and
- (b) optimise the use of infrastructure and community services.

Consistent

The acceptable solution is met.

A1 Multiple dwellings must have a site area per dwelling of not less than:

- (a) 325 m²; or
- (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.

Complies

The density of the dwellings is 1 per 359m², which is less dense than the deemed to comply density of one dwelling per 325m².

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

10.4.2 Setbacks and Building Envelope for all Dwellings

Objective: To control the siting and scale of dwellings to:

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

Consistent

The acceptable solution is met.

A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:

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

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Complies

The outermost projection of the porch would be setback 4.1m which only protrudes 400mm into the recommended 4.5m front setback. The main portion of the porch would be setback 4.4m, which only protrudes 100mm into the recommended front setback. The walls of Unit 1 (not including the garage) would be 4.9m.

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

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

Complies

The setback of the garage would be 5.5m.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

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

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

Complies

Unit 1 is contained within the recommended building envelope. The length of the southern wall (within 1.5m of the boundary would be ~2.1m, less than the recommended maximum 9m length.

Unit 2 is contained within the recommended building envelope. The setback to the rear wall would be 4.5m and the southern wall would be at least 1.5m from the boundary.

10.4.3 Site coverage and private open space for all dwellings

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Objective: To provide:

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

Consistent

The acceptable solution is met.

A1 Dwellings must have:

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

Complies

Site coverage of both dwellings would total 277m² or 39%. Units 1 and 2 would have 73m² and 135m² of private open space (POS) respectively and ~241m² or 33% of the site would be free from impervious surfaces.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A2 A dwelling must have an area of private open space that:

- (a) is in one location and is at least:
 - (i) 24 m²; or
 - (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (b) has a minimum horizontal dimension of:
 - (i) 4 m; or
 - (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and
- (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and
- (e) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north; and
- (f) has a gradient not steeper than 1 in 10; and
- (g) is not used for vehicle access or parking.

Complies

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Compliance is achieved as follows:

- a. Units 1 and 2 would have POS of 135m² and 73m² respectively;
- b. The POS of each dwelling would have a minimum dimension of 4m;
- c. The POS of each dwelling would be directly accessible from living rooms;
- d. The minimum required area of POS would be located on the north-western side of each dwelling;
- e. N/A;
- f. The POS for each dwelling would have a grade of less than 1 in 10; and
- g. The POS for each dwelling would not be used for vehicle access or parking.

10.4.4 Sunlight and overshadowing for all dwelling

Objective: To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Consistent

The acceptable solution is met.

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

Complies

The living room windows for Units 1 and 2 would be located within 30° west of north.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

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

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):
 - (i) at a distance of 3 m from the window; and
 - (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.
- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4 m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Not Applicable

Unit 1 would be located to the north-east of Unit 2. Moreover, any overshadowing to Unit 2 would be onto its garage.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):
 - (i) at a distance of 3 m from the northern edge of the private open space; and
 - (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.
- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4 m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Not Applicable

Unit 1 would be located to the north-west of Unit 2. Moreover, it would not overshadow the main portion of POS for Unit 2 (that is compliant with Clause 10.4.3 A2).

10.1.5 Width of openings for garages and carports for all dwellings

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

Consistent

The acceptable solution is met.

A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Complies

Unit 1's garage door would be ~2.5m which is less than 6m and less than half the frontage width. Unit 2's garage door would be greater than 12m from the frontage.

10.1.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.

Consistent

The acceptable solution is met.

A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m:
 - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
 - (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.

Complies

The proposed parking space in front of Unit 1 would be at grade (at ground level). Therefore, it can be located closer than 3m from the side boundary.

10.4.7 Frontage fences for all dwellings

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Objective: To control the height and transparency of frontage fences to:

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

Consistent

The acceptable solution is met.

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

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

Complies

The side Colorbond fence (within 4.5m of the frontage) on the southern boundary is pre-existing and meets the acceptable solution. Whilst no front fence is proposed on the plans, it is recommended to impose a condition restricting any front fence on the boundary to be compliant with this acceptable solution.

10.4.8 Waste storage for multiple dwellings

Objective: To provide for the storage of waste and recycling bins for multiple dwellings.

Consistent

The acceptable solution is met.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations:

- (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or
- (b) in a communal storage area with an impervious surface that:
 - (i) has a setback of at least 4.5 m from a frontage; and
 - (ii) is at least 5.5 m from any dwelling; and
 - (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.

Complies

Each dwelling would be provided with waste servicing areas that meet A1 a).

10.4.9 Storage for Multiple Dwellings

Objective: To provide adequate storage facilities for each multiple dwelling.

Consistent

The acceptable solution is met.

A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.

Complies

Unit 1 has sufficient area to provide 6m³ internal storage within the garage.

Unit 2 has sufficient area to provide 6m³ internal storage within the garage.

10.4.10 Common Property for Multiple Dwellings

Objective: To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.

Not Applicable

No communal open space, car parking or access areas are proposed.

10.4.12 Site services for dwellings

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Objective: To ensure that:

- a) site services for dwellings can be installed and easily maintained; and
- b) site facilities for dwellings are accessible, adequate and attractive.

Consistent

The acceptable solution is met.

A1.1 Provision for mailboxes must be made at the frontage.

Complies

Letterboxes are proposed for each dwelling at the front of the lot.

10.4.13 Location of Car Parking

Objective:

- a) To provide convenient parking for resident and visitor vehicles; and
- b) To avoid parking and traffic difficulties in the development and the neighbourhood; and
- c) To protect residents from vehicular noise within developments.

Consistent

The location of car parking is currently regulated by Code E6 or the standards in this Clause are overridden by the standards in Clause 10.4.1 - 10.4.10 or they are not applicable to the proposal or the acceptable solutions are met.

A1 Shared driveways or car parks of residential buildings (other than dwellings) must be located at least 1.5m from the windows of habitable rooms.

Not Applicable

There are no shared driveways proposed.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

<p>P1 Shared driveways or car parking spaces (other than for dwellings) must be designed to protect the amenity of the adjoining habitable rooms having regard to the:</p> <ul style="list-style-type: none"> a) width of the driveway; and b) location of the existing dwellings; and c) number of car spaces served by the driveway; and d) need for physical screening and/or landscaping.
<p>Not Applicable</p>
<p>A2.1 The layout of car parking for residential development must provide the ability for cars to enter and leave the site in a forward direction, except that a car may reverse onto a road if it has a dedicated direct access or driveway no greater than 10m from the parking space to the road; and</p>
<p>Not Applicable This development issue is regulated by Code E6.</p>
<p>A2.2 A tandem car space may be provided in a driveway within the setback from the frontage; and</p>
<p>Not Applicable</p>
<p>A2.3 Provision for turning must not be located within the front setback.</p>
<p>Complies Vehicular turning would not be located within the front setback.</p>
<p>P2 The layout of car parking must be demonstrated to be safe for user of the development and pedestrians on adjacent footpaths.</p>
<p>Not Applicable</p>
<p>A3 A garage or carport (other than for dwellings) must be located at least 5.5m from a frontage.</p>
<p>Not Applicable</p>

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

P3 Car parking facilities (other than for dwellings) must be:

- a) reasonably close and convenient to the use it serves; and
- b) located to minimise visual impact to the streetscape; and
- c) be sited to allow safe movement onto and off the road or internal driveway.

Not Applicable

A4 The total width of the door or doors on a garage facing a road frontage (other than for dwellings) must:

- a) be not more than 6m; or
- b) the garage must be located within the rear half of the lot when measured from the frontage.

Not Applicable

This development element is regulated by PD4.1.

P4 The width of garage doors facing a road (other than for dwellings) should not be a visually dominant element in the streetscape and must be designed having regard to the:

- a) existing streetscape and the design and locations of garages in the area; and
- b) location of existing buildings on the site; and
- c) be sited to allow safe movement onto and off the road or internal driveway.

Not Applicable

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

E4.1.1 The purpose of this provision is to:

- a) ensure that use or development on or adjacent to a road or railway will not compromise the safety and efficiency of the road or rail network; and
- b) maintain opportunities for future development of road and rail infrastructure; and
- c) reduce amenity conflicts between roads and railways and other use or development.

Consistent

The applicant has submitted a Traffic Impact Assessment (TIA) that has been deemed adequate by the Road Authority. The TIA demonstrates compliance with the relevant performance criteria.

E4.6 Use Standards

E4.6.1 Use of road or rail infrastructure

Objective

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.

Consistent

The acceptable solutions of this Clause are met or the standards are not relevant.

A1 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%.

Not Applicable

The proposed use would not be within 50m of a Category 1 or 2 road.

A2 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

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Complies

The anticipated number of trips (per dwelling) for units is 4 to 5 per day. Therefore, the acceptable solution is met. Should the anticipated number be nine to 10 (the accepted number for single dwellings) the vehicle trips per day is well under 40 per day.

P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.

Not Applicable

E4.7.2 Management of Road Accesses and Junctions

Objective

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

Consistent

The applicant's TIA demonstrates the safety and efficiency of the road would not be reduced by the addition of a second crossover.

A1 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.

Does Not Comply

As the applicant proposes two driveways, there would be two entry and exit points on the site.

P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.

Complies

The applicant's TIA demonstrates the site accesses would maintain an appropriate level of safety for all road users, including pedestrians and cyclists. This is because there are adequate sight lines for another crossover on the 50km/h street. Moreover, as the existing footpath does not have a disjointed approach to the site, pedestrian and cyclist safety would be maintained with an additional access point.

E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Objective

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.

Consistent

The acceptable solution is met.

A1 Sight distances at

- a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and
- b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or
- c) If the access is a temporary access, the written consent of the relevant authority has been obtained.

Complies

The applicant's TIA indicates the safe sight distances are met.

E6 - Car Parking and Sustainable Transport Code

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

E6.1.1 The purpose of this provision is to:

- a) ensure that an appropriate level of car parking facilities are provided to service new land use and development having regard to the operations on the land and the nature of the locality; and
 - i) ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas; and
 - ii) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; and
 - iii) ensure that parking does not adversely impact on the amenity of a locality and achieves high standards of urban design; and
 - iv) ensure that the design of car and bicycle parking space and access meet appropriate design standards; and
 - v) provide for the implementation of parking precinct plans.

Consistent

The Purpose of the Code is met as an appropriate level of car parking would be provided, having regard to the nature of the use and the locality. The level of parking provided would also encourage cycling, walking and public transport by non-provision of a visitor parking space and would not adversely impact on the amenity of the locality. Demonstration of how the Code Purpose is met is provided in the assessment against the relevant acceptable solutions or performance criteria and objectives of the Code.

E6.6 Use Standards**E6.6.1 Car Parking Numbers**

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

Consistent

The applicant's TIA demonstrates how the provision of two parking spaces per dwelling is an appropriate level of parking to service the use.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A1 The number of car parking spaces:

- a) will not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
- b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone); or
- c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone); or
- d) If for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1.

Does Not Comply

The applicant proposes to provide two parking spaces per dwelling, but not provide a visitor space, which is required by Table E6.1.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

P1 The number of car parking spaces provided must have regard to:

- a) the provisions of any relevant location specific car parking plan; and
 - b) the availability of public car parking spaces within reasonable walking distance; and
 - c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
 - d) the availability and frequency of public transport within reasonable walking distance of the site; and
 - e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
 - f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
-

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

- g) an empirical assessment of the car parking demand; and
- h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
- i) the recommendations of a traffic impact assessment prepared for the proposal; and
- j) any heritage values of the site; and
- 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; and
 - ii) the pattern of parking in the locality; and
 - iii) any existing structure on the land; and

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

Complies

The applicant has demonstrated how the shortfall of one parking space would be adequate for the use, having regard to:

- The availability of public parking spaces on the street (including with the addition of the second crossover);
- An empirical assessment of the parking demand; and
- The submitted TIA.

Moreover, due to the site's location and proximity to public transport there is sufficient opportunity for alternative modes of transport (other than private vehicles) to be used. On this basis, the performance criteria is met.

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Consistent

The acceptable solution can be met.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A1.1 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

A1.2 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.

Complies

There is sufficient area in the garages of both dwellings or private open space to provide for one bicycle parking space.

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Consistent

The performance criteria is met.

A1 All car parking, access strips manoeuvring and circulation spaces must be:

- a) formed to an adequate level and drained; and
- b) except for a single dwelling, provided with an impervious all weather seal; and
- c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.

Does Not Comply

The car parking would not be line marked.

P1 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.

Complies

As car parking spaces are clearly delineated by being within a garage or on the driveway, they are readily identifiable and constructed to ensure they are useable in all weather conditions. Therefore, the performance criteria is met.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.

Consistent

The acceptable solutions or performance criteria are met.

A1.1 Where providing for 4 or more spaces, parking areas (other than for dwellings in the General Residential Zone) must be located behind the building line; and

Not Applicable

The site is located in the General Residential Zone.

A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.

Complies

No turning bays are located within the front setback.

A2.1 Car parking and manoeuvring space must:

- a) have a gradient of 10% or less; and
- b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and
- 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
- d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply:
 - i) there are three or more car parking spaces; and

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

- ii) where parking is more than 30m driving distance from the road; or
- iii) where the sole vehicle access is to a category I, II, III or IV road; and

A2.2 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.

Does Not Comply

The parking would have a gradient of less than 10% but all vehicles would not be able to enter and leave the site in a forwards motion.

P2 Car parking and manoeuvring space must:

- a) 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
- b) 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.

Complies

The parking for Unit 1 would not allow the residents to leave the site in a forwards motion. However, as this is similar to the vast majority of single dwellings in the city, it is deemed to be in character with the street and is safe and efficient movement of vehicles would be achieved. The vehicles for Unit 2 would be able to enter and leave the site in a forwards motion. Moreover, the submitted TIA outlines how the proposed parking layout would be safe and efficient based on the nature of the residential use. Therefore, the performance criteria is met.

E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Consistent

The acceptable solution can be met.

A1.1 Bicycle parking spaces for customers and visitors must:

- 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
- d) 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

A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.

Complies

There is opportunity for a bicycle park for visitors for each dwelling. These lockable spaces could be within the garage or under the eaves of the dwelling.

A2 Bicycle parking spaces must have:

- 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.

Complies

Bicycle spaces could be provided to these dimensions. Undercover bicycle parking could be within the garage or under the eaves of the dwelling.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development.

Consistent

The acceptable solution is met.

A1 Pedestrian access must be provided for in accordance with Table E6.5.

Complies

As less than 11 parking spaces is required, no separate pedestrian access is required.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Infrastructure Assets has reviewed the representations for the application and provided a response; particularly to address the issues raised with respect to traffic and on-street parking (Attachment 4). Conditional consent has been provided with conditions relating to: <ul style="list-style-type: none"> • Damage to council infrastructure • Works within/occupation of the road reserve • Urban - vehicular crossings • Basic - soil and water management plan • Car parking construction • Protection of pipelines
Environmental Health	Conditional consent has been provided with conditions relating to: <ul style="list-style-type: none"> • Amenity
Parks and Recreation	N/A
Heritage/Urban Design	N/A

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Building and Plumbing	Noted Building and Plumbing Permits would be required.
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Submission to Planning Authority Notice (SPAN) TWDA14/155 - N. It should be noted that the SPAN requires an amended plan to ensure Unit 2 has a minimum clear space between buildings or substantial structures of at least 3m to facilitate maintenance of the TasWater infrastructure and the offset of the dwelling (to the zone of influence of the sewer pipe) must be indicated. TasWater has stated any potential amendment to the plans would be minimal and the amended plans requirement is a 'catch all' to ensure their requirements are met.
DIER	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 16 July 2014 to 29 July 2014. Five (5) representations were received (some representors lodged more than one representation) and a petition signed by 11 persons (some of who also lodged representations). The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

ISSUE	COMMENT
Concerns with the lack of on-street parking that would result by the dwellings being constructed.	The applicant has submitted a TIA to address the second crossover and the proposed parking on-site. Council's Infrastructure Assets Department has reviewed the document and confirmed its adequacy in addressing the relevant performance criteria of Code E4 and Code E6. The TIA states the second crossover would not compromise the safe and efficient functioning of the street and the shortfall in parking is acceptable.
Concerns regarding pedestrian safety due to traffic levels and traffic flow from Peel Street and Westbury Road.	The applicant has submitted a TIA to address pedestrian safety. Council's Infrastructure Assets Department has reviewed the document and confirmed its adequacy in addressing the relevant performance criteria of Code E4. The TIA states the pedestrian safety would not be compromised due to the relatively low levels of vehicular traffic and the design and construction of the existing footpath.
A traffic survey was completed over 12 months ago and since the traffic flow has increased.	Council's Infrastructure Assets Department has provided formal comment in relation to the representations. This document clarifies the local street was subject to a traffic study in January 2014 and is capable of catering for the current and anticipated levels of traffic.
Devaluation of property.	This is not a matter that is regulated by the Scheme.

7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

6. CONCLUSION

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

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 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

COUNCIL AGENDA

Monday 11 August 2014

- 7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(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

ATTACHMENTS:

1. Locality Map
 2. Advertised Plans and Traffic Impact Assessment (circulated separately)
 3. Representations and Petition (circulated separately)
 4. Response to representations from Infrastructure Services Department
-

Attachment 4 - 13 Palmerston Street Prospect - Response from ISD Pages = 3

LAUNCESTON CITY COUNCIL

MEMORANDUM

FILE NO: DA0210/2014 & DA0211/2014
SS

DATE: 28 July 2014

TO: Leon Murray Town Planner

FROM: Sonia Smith Engineering Officer - Development

SUBJECT: 13 & 15 Palmerston Avenue - ISD response to representations

Several representations have been made in relation to the above mentioned applications. A single response is provided for both applications given the similarity in the issues raised in the objections.

Below is the summary of the raw data collected during the traffic count undertaken by the Council during the period 13-21 January 2014.

Traffic Statistics 13 - 21 January 2014			
Location: 3 Palmerstone Ave, Prospect			
Total Vehicles	3559	Posted Speed Limit	50 km/h
ADT	444 veh/day		
North Bound Traffic		South Bound Traffic	
North Bound Vehicles	1858	South Bound Vehicles	1695
North Bound ADT	232 veh/day	South Bound ADT	212 veh/day
Peak Volume	54 veh/h	Peak Volume	24 veh/h
North Bound Peak Volume	30 veh/h	South Bound Peak Volume	24 veh/h
Minimum Speed	10.1 km/h	Minimum Speed	11.5 km/h
Mean Speed	34.1 km/h	Mean Speed	42.8 km/h
85th Percentile Speed	39.6 km/h	85th Percentile Speed	51.5 km/h
Maximum Speed	56.4 km/h	Maximum Speed	90.3 km/h
Vehicles Exceeding Limit	15 0.81%	Vehicles Exceeding Limit	339 20.00%
Vehicles at 60km/h +	0 0.00%	Vehicles at 60km/h +	28 1.65%
Speeding occurs 8pm-midnight		Exceeding 60kph mostly 4pm - midnight	

As can be seen from the data, there is evidence that there were some vehicles exceeding the speed limit. However, the proportion of vehicles exceeding the speed limit was not significantly more than the average Launceston street and most were only just over the limit.

LAUNCESTON CITY COUNCIL

MEMORANDUM

In February this year the matter was discussed at the Launceston Traffic Committee. The Traffic Committee is comprised officers from Launceston Council, Tasmania Police and the Department of State Growth DSG, formerly known as the Department of Infrastructure, Energy and Resources (DIER). Fortunately, there is no history of injury crashes at this location; however this means that there is limited justification for physical measures. The issue of a few motorists significantly exceeding the speed limit is more appropriately handled by Police enforcement who have been provided with the data.

Taking the relevant comments from the representations:

The design of the road infrastructure was based on the road being classified as a local road and not one having a collector road feature and while it is not possible for vehicles to park on each side of the road and still have two way traffic flow this is a conscious decision and can actually aid in slowing traffic as vehicles have to give way to oncoming traffic. While this may initially appear counter-intuitive the greater the perception of open space the greater the tendency for vehicles to speed.

While Palmerston Avenue is indeed a through road the number of vehicles using the road are well within the carrying capacity of the road and even assuming 20 percent growth in the numbers from January (which is unlikely) this still only represents 540 vehicles per day, again well below the capacity of the road.

The data from the table above does not indicate that there is an excessive speeding issue with the 85th percentile speed for the southbound traffic being only just above the posted limit. As stated previously, issues of speeding are best referred to the police as Council cannot ultimately control driver behaviour.

The issues regarding the number of driveways and the impact on the ability of vehicles to park on the street appear to be founded on the belief that persons should be able to park outside their property. This is not an inherent right.

Statements that the street cannot cope with more traffic are not correct.

The statement that the traffic survey was conducted over 12 months ago is incorrect - it was completed by Council in mid-January 2014. As previously stated even assuming a 20% increase in traffic numbers this remains well within the design capability of the road. There is no evidence that the construction of four additional dwellings in the street (or two additional dwellings if one dwelling per lot is considered as the baseline) will have a detrimental effect on safety.

One representation states that the traffic survey was done during a holiday period. It is assumed that the representor means school holiday period. It may be that during the school year there are a higher number of vehicles due to children being driven to school and there would be an increase in traffic due to this but there would be a percentage of shared trips where the transporting children to school would co-incident with a parent going to work/shopping.

This objection raises issues that are outside of the impact of the construction of the developments themselves. Matters relating to through traffic and speeds of traffic have

LAUNCESTON CITY COUNCIL

MEMORANDUM

been investigated and no action is warranted at this time although the matters are being monitored.

Sonia Smith
Engineering Officer - Development

COUNCIL AGENDA

Monday 11 August 2014

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings

FILE NO: DA0211/2014

AUTHOR: Leon Murray (Development Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Urban Design Solutions
Property:	15 Palmerston Avenue, Prospect
Zoning:	General Residential
Receipt Date:	23/05/2014
Validity Date:	23/05/2014
Further Information Request:	30/05/2014
Further Information Received:	14/07/2014
Deemed Approval:	17/08/2014
Representations:	7 plus 1 petition

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0211/2014 for Residential - multiple dwelling; construction and use of two multiple dwellings at 15 Palmerston Avenue, Prospect subject to the following conditions:

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

AMENDED PLANS REQUIRED

Prior to the commencement of any work and/or use, amended plans must be submitted to the satisfaction of the Council and TasWater to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by the Council and TasWater and will then form part of the Permit. The amended plans must show:

- a. Confirmation that Unit 2 accords with the requirements of TasWater's Submission to Planning Authority Notice (SPAN) TWDA No. 14-156 - N for minimum clearance to the sewer main and location of footings in relation to the zone of influence for the sewer main. Should the current location of Unit 2 not accord with the requirements, it may need to be moved further away from the easement.

FRONT FENCE

Any fence along the frontage must be constructed in accordance with the following requirements, otherwise planning approval is required:

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

LEGAL TITLE

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

LAPSING OF PERMING

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.

HOURS OF CONSTRUCTION

Construction works must only 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.

TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No. 14-156 - N (as attached to the Permit).

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

MULTIPLE DWELLINGS - SERVICE FACILITIES

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

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

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.

WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742.

The explicit permission of Council's Roads & Hydraulics Department is required prior to undertaking works where the works:

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

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

All works that involve the opening or breaking of trafficable surfaces within the road reserve must be undertaken by, or under the supervision of, a tradesman/contractor who is registered with Council as a "Registered Contractor".

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

VEHICULAR CROSSINGS

Before the commencement of the use, a new vehicular crossover must be provided to service this development. An application for such work must be lodged on the approved form. All unused crossovers and driveways must be removed prior to the occupation of the development.

No work must be undertaken to construct the new vehicular crossing or to remove the existing driveway outside the property boundary without the prior approval of the works by the Council's Roads and Hydraulics Department.

The new crossing must be constructed to Council standards by a contractor to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and Aurora etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites.

No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant.

The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

CAR PARKING CONSTRUCTION

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

- a. Be designed to comply with the Australian Standards AS 2890.1 Off-street car parking.
- 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;

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

PROTECTION OF PIPELINES

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5 metres from the outer edge of the pipe,
- b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe,
- c. There must be a minimum clear space between buildings or substantial structures of at least 3 metres in width to allow maintenance along the line of the pipe.
- d. Manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the General Manager or his delegate pursuant to Section 13 of the *Urban Drainage Act 2013*.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

AMENITY

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

Notes**Building Permit Required**

Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000. Section 93. A copy of this planning permit should be given to your Building Surveyor.

Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

General

This permit was issued based on the proposal documents submitted for DA0211/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

This permit takes effect after:

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

This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

Restrictive Covenants

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

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

Access for People with a Disability

This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

Appeal Provisions

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

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

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

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Permit Commencement.

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

Strata Title Approval

The proposal may be Strata titled. If this is to be staged the Strata plan must be accompanied by a Disclosure Statement for a Staged Development Scheme.

REPORT:**1. THE PROPOSAL**

The applicant seeks Council approval for the construction and use of two multiple dwellings at 15 Palmerston Avenue, Prospect. The dwellings are proposed as follows:

Unit 1

This single storey dwelling would be located at the front of the property. It would be 134m² in area and comprise two bedrooms and other associated rooms (e.g. kitchen, living room etc.). A double garage is proposed with a third parking space available in front of the garage. Private open space would be provided on the north-western side of the dwelling and exceed the minimum requirements.

Unit 2

This single storey dwelling would be located at the rear of the property. It would be 158m² in area and comprise two bedrooms and other associated rooms (e.g. kitchen, living room etc.). A double garage is proposed with access via the designated driveway. Private open space would be provided on the northern and western side of the dwelling and exceed the minimum requirements.

The dwellings have been designed to reduce the amount of common area by providing a driveway for each dwelling and this reflects the character of two individual dwellings, as opposed to two multiple dwellings with common areas. To do this, the applicant seeks a dispensation in parking rates (non-provision of a visitor parking space). On these bases, discretion is triggered. The applicant has submitted a Traffic Impact Assessment (TIA) to demonstrate compliance with the Scheme with respect to the Road and Rail Assets Code and the Car Parking and Sustainable Transport Code in terms of parking numbers on-site.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The 717m² property is located on Palmerston Avenue, Prospect. It is relatively flat and has a frontage and depth of 17m and 42m respectively. It is a mid-block title that is located on the Western side of the street and abuts a vacant block (subject to DA0210/2014) to the south, a single dwelling to the south and a single dwelling to the west. A 4.0m wide drainage easement runs along the rear of the property in a north-south direction.

The Hutton Rise subdivision is characterised by single dwellings interspersed with multiple dwellings (Attachment 2). In the wider context, the site is located ~430m from the Prospect shops, ~150m from the nearest bust stop and 620m from the Summerdale Primary School on the corner of Stanley Street and Peel Street West.

3. PLANNING SCHEME REQUIREMENTS**3.1 Zone Purpose**

10.0 - General Residential Zone**10.1.1 Zone Purpose Statements**

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

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

10.1.1.3 Non-residential uses are not to 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.

10.1.1.4 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

Consistent

Clause 8.10.2 of the Scheme states the Zone Purpose must be considered for discretionary uses. As the use is Permitted in the Zone, it is inherently consistent with the Zone Purpose and it need not be considered.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Local Area Objectives - There are no local area objectives

Desired Future Character Statements - There are no desired future character statements

10.4 Development Standards**10.4.1 Residential Density for Multiple Dwellings**

Objective: To provide for suburban densities for multiple dwellings that:

- (a) make efficient use of suburban land for housing; and
- (b) optimise the use of infrastructure and community services.

Consistent

The acceptable solution is met.

A1 Multiple dwellings must have a site area per dwelling of not less than:

- (a) 325 m²; or
- (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.

Complies

The density of the dwellings is 1 per 358.5m², which is less dense than the deemed to comply density of one dwelling per 325m².

10.4.2 Setbacks and Building Envelope for all Dwellings

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Objective: To control the siting and scale of dwellings to:

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

Consistent

A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:

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

Complies

The outermost projection of the porch would be setback 4.5m. The main portion of the porch would be setback 4.9m. The walls of Unit 1 (not including the garage) would be 5.7m.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <ul style="list-style-type: none"> (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.
<p>Complies The setback of the garage would be 5.5m.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).
<p>Complies</p>

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Unit 1 is contained within the recommended building envelope. The length of the northern wall (within 1.5m of the boundary) would be ~3.7m, less than the recommended maximum 9m length.

Unit 2 is contained within the recommended building envelope. The setback to the rear wall would be 4.5m and the length of the southern wall (within 1.5m of the boundary) would be ~3.8m, less than the recommended maximum 9m length.

10.4.3 Site coverage and private open space for all dwellings

Objective: To provide:

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

Consistent

The acceptable solution is met.

A1 Dwellings must have:

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

Complies

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Site coverage of both dwellings would total 277m² or 40%. Units 1 and 2 would have 74m² and 140m² of private open space (POS) respectively and ~241m² or 34% of the site would be free from impervious surfaces.

A2 A dwelling must have an area of private open space that:

- (a) is in one location and is at least:
 - (i) 24 m²; or
 - (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (b) has a minimum horizontal dimension of:
 - (i) 4 m; or
 - (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and
- (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and
- (e) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north; and
- (f) has a gradient not steeper than 1 in 10; and
- (g) is not used for vehicle access or parking.

Complies

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Compliance is achieved as follows:

- a. Units 1 and 2 would have POS of 140m² and 74m² respectively;
- b. The POS of each dwelling would have a minimum dimension of 4m;
- c. The POS of each dwelling would be directly accessible from living rooms;
- d. The minimum required area of POS would be located on the north-western side of each dwelling;
- e. N/A;
- f. The POS for each dwelling would have a grade of less than 1 in 10; and
- g. The POS for each dwelling would not be used for vehicle access or parking.

10.4.4 Sunlight and overshadowing for all dwelling

Objective: To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Consistent

The acceptable solution is met.

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

Complies

The living room windows for Units 1 and 2 would be located within 30° west of north.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

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

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):
 - (i) at a distance of 3 m from the window; and
 - (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.
- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4 m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Not Applicable

Unit 1 would be located to the north-east of Unit 2. Moreover, any overshadowing to Unit 2 would be onto one of its bedrooms.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):
 - (i) at a distance of 3 m from the northern edge of the private open space; and
 - (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.

- (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.

- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4 m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Not Applicable

Unit 1 would be located to the north-east of Unit 2. Moreover, it would not overshadow the main portion of POS for Unit 2 (that is compliant with Clause 10.4.3 A2).

10.1.5 Width of openings for garages and carports for all dwellings

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

Consistent

The acceptable solution is met.

A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

Complies

The garage door width of Unit 1 would be 5.5m. Unit 2's garage door would be greater than 12m from the frontage.

10.4.7 Frontage fences for all dwellings

Objective: To control the height and transparency of frontage fences to:

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

Consistent

The acceptable solution can be met.

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

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

Complies

The side Colorbond fence (within 4.5m of the frontage) on the northern boundary is pre-existing and meets the acceptable solution. Whilst no front fence is proposed on the plans, it is recommended to impose a condition restricting any front fence on the boundary to be compliant with this acceptable solution.

10.4.8 Waste storage for multiple dwellings

Objective: To provide for the storage of waste and recycling bins for multiple dwellings.

Consistent

The acceptable solution is met.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations:

- (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or
- (b) in a communal storage area with an impervious surface that:
 - (i) has a setback of at least 4.5 m from a frontage; and
 - (ii) is at least 5.5 m from any dwelling; and
 - (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.

Complies

Each dwelling would be provided with waste servicing areas that meet A1 a).

10.4.9 Storage for Multiple Dwellings

Objective: To provide adequate storage facilities for each multiple dwelling.

Consistent

The acceptable solution is met.

A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.

Complies

Unit 1 has sufficient area to provide 6m³ internal storage within the garage.

Unit 2 has sufficient area to provide 6m³ internal storage within the garage.

10.4.10 Common Property for Multiple Dwellings

Objective: To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.

Not Applicable

No communal open space, car parking or access areas are proposed.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

10.4.12 Site services for dwellings

Objective: To ensure that:

- a) site services for dwellings can be installed and easily maintained; and
- b) site facilities for dwellings are accessible, adequate and attractive.

Consistent

A1.1 Provision for mailboxes must be made at the frontage.

Complies

Letterboxes are proposed for each dwelling at the front of the lot

10.4.13 Location of Car Parking

Objective:

- a) To provide convenient parking for resident and visitor vehicles; and
- b) To avoid parking and traffic difficulties in the development and the neighbourhood; and
- c) To protect residents from vehicular noise within developments.

Not Applicable

The location of car parking is currently regulated by Code E6 or the standards in this Clause are overridden by the standards in Clause 10.4.1 - 10.4.10 or they are not applicable to the proposal.

E 4 - Road and Railway Assets Code

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

E4.1.1 The purpose of this provision is to:

- a) ensure that use or development on or adjacent to a road or railway will not compromise the safety and efficiency of the road or rail network; and
- b) maintain opportunities for future development of road and rail infrastructure; and
- c) reduce amenity conflicts between roads and railways and other use or development.

Consistent

The applicant has submitted a Traffic Impact Assessment (TIA) that has been deemed adequate by the Road Authority. The TIA demonstrates compliance with the relevant performance criteria.

E4.6 Use Standards

E4.6.1 Use of road or rail infrastructure

Objective

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.

Consistent

The acceptable solutions of this Clause are met or the standards are not relevant.

A1 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%.

Not Applicable

The proposed use would not be within 50m of a Category 1 or 2 road.

A2 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

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

<p>Complies The anticipated number of trips (per dwelling) for units is 4 to 5 per day. Therefore, the acceptable solution is met. Should the anticipated number be nine to 10 (the accepted number for single dwellings) the vehicle trips per day is well under 40 per day.</p>
<p>A3 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%.</p>
<p>Not Applicable</p>

E4.7.2 Management of Road Accesses and Junctions

<p>Objective To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>
<p>Consistent The applicant's TIA demonstrates the safety and efficiency of the road would not be reduced by the addition of a second crossover.</p>
<p>A1 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.</p>
<p>Does Not Comply As the applicant proposes two driveways, there would be two entry and exit points on the site.</p>
<p>P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</p>
<p>Complies The applicant's TIA demonstrates the site accesses would maintain an appropriate level of safety for all road users, including pedestrians and cyclists. This is because there are adequate sight lines for another crossover on the 50km/h street. Moreover, as the existing footpath does not have a disjointed approach to the site, pedestrian and cyclist safety would be maintained with an additional access point.</p>

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings**Objective**

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.

Consistent

The acceptable solution is met.

A1 Sight distances at

- a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and
- b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or
- c) If the access is a temporary access, the written consent of the relevant authority has been obtained.

Complies

The applicant's TIA indicates the safe sight distances are met.

E6 - Car Parking and Sustainable Transport Code

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

E6.1.1 The purpose of this provision is to:

- a) ensure that an appropriate level of car parking facilities are provided to service new land use and development having regard to the operations on the land and the nature of the locality; and
 - i) ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas; and
 - ii) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; and
 - iii) ensure that parking does not adversely impact on the amenity of a locality and achieves high standards of urban design; and
 - iv) ensure that the design of car and bicycle parking space and access meet appropriate design standards; and
 - v) provide for the implementation of parking precinct plans.

Consistent

The Purpose of the Code is met as an appropriate level of car parking would be provided, having regard to the nature of the use and the locality. The level of parking provided would also encourage cycling, walking and public transport and would not adversely impact on the amenity of the locality. Demonstration of how the Code Purpose is met is provided in the assessment against the relevant acceptable solutions or performance criteria and objectives of the Code.

E6.6 Use Standards**E6.6.1 Car Parking Numbers**

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

Consistent

The applicant's TIA demonstrates how the provision of two parking spaces per dwelling is an appropriate level of parking to service the use.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A1 The number of car parking spaces:

- a) will not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
- b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone); or
- c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone); or
- d) If for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1.

Does not Comply

The applicant proposes to provide two parking spaces per dwelling, but not provide a visitor space, which is required by Table E6.1.

P1 The number of car parking spaces provided must have regard to:

- a) the provisions of any relevant location specific car parking plan; and
- b) the availability of public car parking spaces within reasonable walking distance; and
- c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
- d) the availability and frequency of public transport within reasonable walking distance of the site; and
- e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

- f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
- g) an empirical assessment of the car parking demand; and
- h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
- i) the recommendations of a traffic impact assessment prepared for the proposal; and
- j) any heritage values of the site; and
- 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; and
 - ii) the pattern of parking in the locality; and
 - iii) any existing structure on the land; and
- l) The performance criteria contained within a relevant parking precinct plan.

Complies

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

The applicant has demonstrated how the shortfall of one parking space would be adequate for the use, having regard to:

- The availability of public parking spaces on the street (including with the addition of the second crossover);
- An empirical assessment of the parking demand; and
- The submitted TIA.

Moreover, due to the site's location and proximity to public transport there is sufficient opportunity for alternative modes of transport (other than private vehicles) to be used. On this basis, the performance criteria is met.

Whilst the parking area in front of Unit 1's garage has not been considered in parking numbers because it would be for the sole use of Unit 1 only, this extra parking space would provide the opportunity for visitors to use this space and not park on the street.

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Consistent

The acceptable solution can be met.

A1.1 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

A1.2 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.

Complies

There is sufficient area in the garages or private open space of both dwellings to provide for one bicycle parking space.

E6.7 Development Standards

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Consistent

The performance criteria is met.

A1 All car parking, access strips manoeuvring and circulation spaces must be:

- a) formed to an adequate level and drained; and
- b) except for a single dwelling, provided with an impervious all weather seal; and
- c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.

Does Not Comply

The car parking would not be line marked.

P1 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.

Complies

As car parking spaces are clearly delineated by being within a garage or on the driveway, they are readily identifiable. Therefore, the performance criteria is met.

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.

Consistent

The acceptable solutions are met or not applicable or the performance criteria are met.

A1.1 Where providing for 4 or more spaces, parking areas (other than for dwellings in the General Residential Zone) must be located behind the building line; and

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

<p>Not Applicable</p>
<p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>
<p>Complies No turning bays are located within the front setback.</p>
<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and 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 d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category I, II, III or IV road; and <p>A2.2 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.</p>
<p>Does Not Comply The parking would have a gradient of less than 10% but all vehicles would not be able to enter and leave the site in a forwards motion.</p>

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

P2 Car parking and manoeuvring space must:

- a) 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
- b) 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.

Complies

The parking for Units 1 and 2 would not allow the residents to leave the site in a forwards motion. However, as this is similar to the vast majority of single dwellings in the city (which these units have been designed to function as), it is deemed to be in character with the street and safe and efficient movement of vehicles would be achieved. Moreover, the submitted TIA outlines how the proposed parking layout would be safe and efficient based on the nature of the residential use. Therefore, the performance criteria is met.

E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

Consistent

The acceptable solution can be met.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A1.1 Bicycle parking spaces for customers and visitors must:

- 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
- d) 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

A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.

Complies

There is opportunity for a bicycle park for visitors for each dwelling. These lockable spaces could be within the garage or under the eaves of the dwelling.

A2 Bicycle parking spaces must have:

- 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.

Complies

Bicycle spaces could be provided to these dimensions. Undercover bicycle parking could be within the garage or under the eaves of the dwelling.

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development.

Consistent

The acceptable solution is met.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

A1 Pedestrian access must be provided for in accordance with Table E6.5.
Complies As less than 11 parking spaces is required, no separate pedestrian access is required.
P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
Not Applicable

E6.6.4 Local Area Provisions

Objective: To remove the need for new use or development to provide onsite car parking within the exemption area.
To establish parking maximums within the exemption area.
Not Applicable The site is not within the parking exemption area.
A1 No onsite parking provision.
Not Applicable
P1 Onsite car parking must demonstrate: <ul style="list-style-type: none"> a) that it will not be visible from a frontage; and b) that it will be constructed within the structure of a building; and c) that it is necessary for the operation of a use and development on that particular lot; and d) parking must not exceed the minimum provision required by table E6.1.
Not Applicable

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	<p>Infrastructure Assets has reviewed the representations for the application and provided a response; particularly to address the issues raised with respect to traffic and on-street parking (Attachment 4). Conditional consent has been provided with conditions relating to:</p> <ul style="list-style-type: none"> • Damage to council infrastructure • Works within/occupation of the road reserve • Basic - soil and water management plan • Urban - vehicular crossings • Car parking construction • Protection of pipelines
Environmental Health	<p>Conditional consent provided. Conditions recommended relating to:</p> <ul style="list-style-type: none"> • Amenity
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	Noted Building and Plumbing Permits would be required.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Submission to Planning Authority Notice (SPAN) TWDA14/156 - N. It should be noted that the SPAN requires an amended plan to ensure Unit 2 has a minimum clear space between buildings or substantial structures of at least 3m to facilitate maintenance of the TasWater infrastructure and the offset of the dwelling (to the zone of influence of the sewer pipe) must be indicated. TasWater has stated any potential amendment to the plans would be minimal and the amended plans requirement is a 'catch all' to ensure their requirements are met.
DIER	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(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 16 July 2014 to 29 July 2014. Seven (7) representations were received (some representors lodged more than one representation) and a petition signed by 11 persons (some of who also lodged representations. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

ISSUE	COMMENTS
Concerns with the lack of on-street parking that would result by the dwellings being constructed.	The applicant has submitted a TIA to address the second crossover and the proposed parking on-site. Council's Infrastructure Assets Department has reviewed the document and confirmed its adequacy in addressing the relevant performance criteria of Code E4 and Code E6. The TIA states the second crossover would not compromise the safe and efficient functioning of the street and the shortfall in parking is acceptable.
Concerns regarding pedestrian safety due to traffic levels and traffic flow from Peel Street and Westbury Road.	The applicant has submitted a TIA to address pedestrian safety. Council's Infrastructure Assets Department has reviewed the document and confirmed its adequacy in addressing the relevant performance criteria of Code E4. The TIA states the pedestrian safety would not be compromised due to the relatively low levels of vehicular traffic and the design and construction of the existing footpath.

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

ISSUE	COMMENTS
A traffic survey was completed over 12 months ago and since the traffic flow has increased.	Council's Infrastructure Assets Department has provided formal comment in relation to the representations. This document clarifies the local street was subject to a traffic study in January 2014 and is capable of catering for the current and anticipated levels of traffic.
Devaluation of property.	This is not a matter that is regulated by the Scheme.

6. CONCLUSION

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

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 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.

COUNCIL AGENDA

Monday 11 August 2014

7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(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:

1. Locality Map
 2. Advertised Plans (circulated separately)
 3. Representations and Petition (circulated separately)
 4. Response to representations from Infrastructure Services Department
-

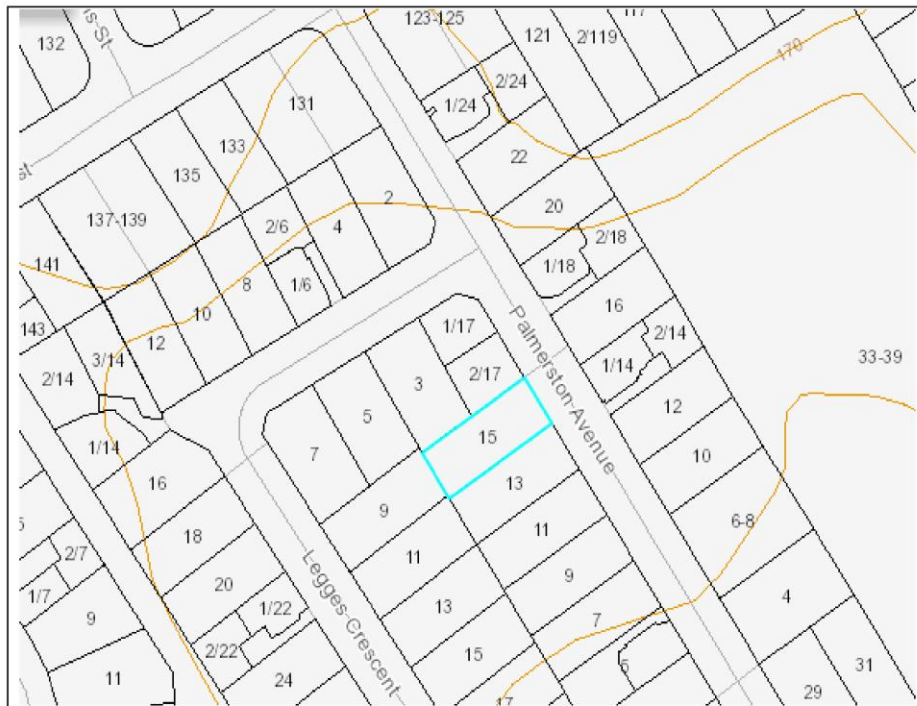
Attachment 1 - 15 Palmerston Street Prospect - Locality Map (Pages 1)



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15 Palmerston Avenue, Prospect - DA0211/2014



Scale: This Map Is Not to Scale

Attachment 4 - 15 Palmerston Street Prospect - ISD response Pages = 3

LAUNCESTON CITY COUNCIL

MEMORANDUM

FILE NO: DA0210/2014 & DA0211/2014
SS

DATE: 28 July 2014

TO: Leon Murray Town Planner

FROM: Sonia Smith Engineering Officer - Development

SUBJECT: 13 & 15 Palmerston Avenue - ISD response to representations

Several representations have been made in relation to the above mentioned applications. A single response is provided for both applications given the similarity in the issues raised in the objections.

Below is the summary of the raw data collected during the traffic count undertaken by the Council during the period 13-21 January 2014.

Traffic Statistics 13 - 21 January 2014			
Location: 3 Palmerstone Ave, Prospect			
Total Vehicles	3559	Posted Speed Limit	50 km/h
ADT	444 veh/day		
North Bound Traffic		South Bound Traffic	
North Bound Vehicles	1858	South Bound Vehicles	1695
North Bound ADT	232 veh/day	South Bound ADT	212 veh/day
Peak Volume	54 veh/h	Peak Volume	24 veh/h
North Bound Peak Volume	30 veh/h	South Bound Peak Volume	24 veh/h
Minimum Speed	10.1 km/h	Minimum Speed	11.5 km/h
Mean Speed	34.1 km/h	Mean Speed	42.8 km/h
85th Percentile Speed	39.6 km/h	85th Percentile Speed	51.5 km/h
Maximum Speed	56.4 km/h	Maximum Speed	90.3 km/h
Vehicles Exceeding Limit	15	Vehicles Exceeding Limit	339
Vehicles at 60km/h +	0	Vehicles at 60km/h +	28
	0.81%		20.00%
	0.00%		1.65%
Speeding occurs 8pm-midnight		Exceeding 60kph mostly 4pm - midnight	

As can be seen from the data, there is evidence that there were some vehicles exceeding the speed limit. However, the proportion of vehicles exceeding the speed limit was not significantly more than the average Launceston street and most were only just over the limit.

LAUNCESTON CITY COUNCIL

MEMORANDUM

In February this year the matter was discussed at the Launceston Traffic Committee. The Traffic Committee is comprised officers from Launceston Council, Tasmania Police and the Department of State Growth DSG, formerly known as the Department of Infrastructure, Energy and Resources (DIER). Fortunately, there is no history of injury crashes at this location; however this means that there is limited justification for physical measures. The issue of a few motorists significantly exceeding the speed limit is more appropriately handled by Police enforcement who have been provided with the data.

Taking the relevant comments from the representations:

The design of the road infrastructure was based on the road being classified as a local road and not one having a collector road feature and while it is not possible for vehicles to park on each side of the road and still have two way traffic flow this is a conscious decision and can actually aid in slowing traffic as vehicles have to give way to oncoming traffic. While this may initially appear counter-intuitive the greater the perception of open space the greater the tendency for vehicles to speed.

While Palmerston Avenue is indeed a through road the number of vehicles using the road are well within the carrying capacity of the road and even assuming 20 percent growth in the numbers from January (which is unlikely) this still only represents 540 vehicles per day, again well below the capacity of the road.

The data from the table above does not indicate that there is an excessive speeding issue with the 85th percentile speed for the southbound traffic being only just above the posted limit. As stated previously, issues of speeding are best referred to the police as Council cannot ultimately control driver behaviour.

The issues regarding the number of driveways and the impact on the ability of vehicles to park on the street appear to be founded on the belief that persons should be able to park outside their property. This is not an inherent right.

Statements that the street cannot cope with more traffic are not correct.

The statement that the traffic survey was conducted over 12 months ago is incorrect - it was completed by Council in mid-January 2014. As previously stated even assuming a 20% increase in traffic numbers this remains well within the design capability of the road. There is no evidence that the construction of four additional dwellings in the street (or two additional dwellings if one dwelling per lot is considered as the baseline) will have a detrimental effect on safety.

One representation states that the traffic survey was done during a holiday period. It is assumed that the representor means school holiday period. It may be that during the school year there are a higher number of vehicles due to children being driven to school and there would be an increase in traffic due to this but there would be a percentage of shared trips where the transporting children to school would co-incident with a parent going to work/shopping.

This objection raises issues that are outside of the impact of the construction of the developments themselves. Matters relating to through traffic and speeds of traffic have

LAUNCESTON CITY COUNCIL

MEMORANDUM

been investigated and no action is warranted at this time although the matters are being monitored.

Sonia Smith
Engineering Officer - Development

8 ANNOUNCEMENTS BY THE MAYOR**8.1 Mayor's Announcements****FILE NO: SF2375**

Tuesday 29 July

- Attended UTAS Opening of the Exhibition Luminous World - Contemporary Art

Wednesday 30 July

- Officiated at Community Housing Official Opening of new Mowbray Office
- Attended CEO Tasmania Event

Thursday 31 July

- Attended Lady Gowrie 75 years birthday celebration

Friday 1 August

- Attended UTAS Asia Institute Networking Drinks

Saturday 2 August

- Officiated at Scottsdale Christian Business Mens' Community meeting

Sunday 3 August

- Attended AFL Hawthorn vs Western Bulldogs

Monday 4 August

- Officiated at Private citizenship ceremony
- Officially opened Art Exhibition by Debbie Tiffin

Tuesday 5 August

- Met with Ikeda visiting teachers and students
- Attended PCYC Opening Night performance of "CATS"

Wednesday 6 August

- Attended White Ribbon Ambassadors Breakfast event
 - Officiated at Junction Arts Festival Launch
-

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

Thursday 7 August

- Attended TCCI Business event - "What is Bell Bay Aluminium's formula for success?"
- Attended UTAS Fuse Magazine Launch

Saturday 9 August

- Attended Red Rose Day in Remembrance of Jessica Kupsch
- Officiated at Legacy Annual Changeover Luncheon
- Officially welcomed guests at Tasmanian Open DanceSport Championships

Sunday 10 August

- Officiated at Door of Hope 130th Birthday Celebrations
-

9 ALDERMEN'S/DELEGATES' REPORTS

10 QUESTIONS BY ALDERMEN

COUNCIL AGENDA

Monday 11 August 2014

11 COMMITTEE REPORTS

11.1 Heritage Advisory Committee

FILE NO: SF2965

AUTHOR: Fiona Ranson (Urban Design & Heritage Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee's meeting held on 26 June 2014.

RECOMMENDATION:

That Council receive the report from the Heritage Advisory Committee meeting held on 26 June 2014.

REPORT:

The Heritage Advisory Committee met on Thursday 26 June 2014 to discuss the following items:

- Launceston Heritage Awards - Review
- **Town Hall 150 Year Celebration - Report**
- **Planning Scheme Heritage Code - Review**
- **Government Cottage Site - City Park - Review of interpretation**
- Launceston City Heart Project - Consultation

Launceston Heritage Awards

The presentation event for this year's awards for built work and promotion was held on Friday 30 May 2014 in the presence of around 80 invited guests. The event was widely considered to be another great success for the Council and the Committee and the winners were most appreciative of their awards and the recognition for their efforts.

A consistent line of feedback was that there may be scope for another category to include landscape or garden improvement work, and Mr Leon Lange attended the meeting to speak on this point. There was also broad support for this year's inclusion of younger people through the new Heritage Snap! awards, and the idea of including an award for unbuilt work in the area of adaptive re-use of heritage structures.

11.1 Heritage Advisory Committee...(Cont'd)

It was agreed that Council Officers in consultation with the Committee should review the categories and promotional opportunities of the Awards for 2015.

Town Hall 150 Year Celebration

The reception to celebrate the 150th anniversary of the laying of the Town Hall foundation stone was held on the evening of Tuesday 15 April 2014, again with approximately 80 invited guests. Thanks went to Eamonn Seddon, Anne Neale and Council staff for their contribution towards the organisation, design and construction of the exhibition and to Gus Greene for first raising and pursuing this initiative. Many members of the public took the opportunity to view the exhibition and were most appreciative of the opportunity to do so. Thank you again to everyone involved in this worthwhile event. The exhibition was removed from the Reception Room on Friday 6 June and it was suggested that the possibility of display of the exhibition panels, either temporarily at the Museum, or more permanently within the Town Hall, be investigated.

Planning Scheme Heritage Code - Review

The Local Historic Heritage Code has been reviewed by the Tasmanian Planning Commission as part of the Planning Scheme hearings and the panel shared the concerns of the Manager **Planning Services, Richard Jamieson** in regard to the functioning of the Code in light of the recent amendments to the Historic Cultural Heritage Act. These amendments did not go as far as was originally intended in the separation of 'state' and 'local' level listings and it is now proposed to review how planning applications for listed properties would best be managed.

The structure of the Code, the heritage list within it, and the pilot heritage precinct provisions are all to be reviewed in order to find the best way to manage our important heritage environments. **Richard** will attend the August HAC meeting to seek feedback from the Committee after the release of the finalised Launceston Planning Scheme - proposed to be released by the Tasmanian Planning Commission in June 2014.

Government Cottage Site - City Park

Anne Neale requested a review of the content and location of the information panel noting the site of the former Government Cottage at City Park. It was agreed that this was necessary in light of recent findings and the Parks and Recreation Manager will be informed.

Launceston City Heart Project

The Committee were briefed on the great opportunity for the Launceston community to have a say in the future development of the CBD **and were invited to the workshop for Council's committees which is to be held on Wednesday 10 July 2014.**

11.1 Heritage Advisory Committee...(Cont'd)

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

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

12 PETITIONS

Nil

COUNCIL AGENDA

Monday 11 August 2014

13 NOTICES OF MOTION - FOR CONSIDERATION

13.1 Notice of Motion - Alderman McKenzie - Civic Reception for Mr Richie Porte

FILE NO: SF5547 / SF0165

AUTHOR: Alderman McKenzie

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman McKenzie.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the Launceston City Council (subject to discussion and agreement with Mr Richie Porte) holds a civic reception to recognise the significant achievements of Mr Richie Porte.

REPORT:

Background information provided by Alderman McKenzie:

There is no doubt that since Richie Porte burst on to the world road racing scene with his seventh place in the 2010 *Giro d'Italia*, wore the coveted Maglia Rosa (race leader's jersey) and won the Best Young Rider category, his star has continued to rise.

He has ridden as the main general classification (GC) support to three *Tour de France* winners Alberto Contador, Sir Bradley Wiggins and received great endorsement for his central role in assisting Chris Froome to his win in 2013.

In addition to his supporting roles he has gained individual honour in winning the prestigious 8 day race Paris-Nice in 2013 as well as two second place finishes at the *Tour of Basque* and the *Criterium de Dauphene* in the same year.

13.1 Notice of Motion - Alderman McKenzie - Civic Reception for Mr Richie Porte...(Cont'd)

2014 was to be his break out year as a leader in a grand tour and was setting himself to lead *Team Sky* into the *Giro d'Italia* . After a strong performance in the national road championships and *The Tour Down Under* where he won the Willunga Hill stage, the season looked set for great things. Unfortunately, illness struck and he has had a disrupted season until taking over as team leader for *Team Sky* in the *Tour de France* after Chris Froome crashed out. Whilst he is currently sitting 15th in the general classification at the time of writing (and his result will now be known) he held down second place for a number of stages.

With all the press coverage on SBS and the other media outlets they have been all abuzz with Richie Porte from Launceston, Tasmania.

With all of the fame Richie has maintained who he is and where he is from and is a true ambassador for both our State and our city and worthy of recognition with a civic reception.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

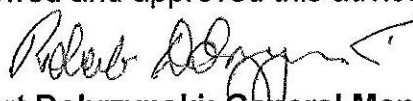
BUDGET & FINANCIAL ASPECTS:N/A

13.1 Notice of Motion - Alderman McKenzie - Civic Reception for Mr Richie Porte...(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

DIRECTORATE AGENDA ITEMS**17 INFRASTRUCTURE SERVICES****17.1 Lease - South Launceston Football Club****FILE NO:** SF0899**AUTHOR:** Andrew Smith (Manager, Parks and Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

That Council considers leasing the buildings situated at 21 Highgate Street (Folio 50364/1 and 22410/171) adjacent to Youngtown Oval as marked on the attached map to the South Launceston Football Club.

Pursuant to Section 178(3) of the *Local Government Act 1993* the lease of public land requires an absolute majority decision of Council.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting Item 17.3 - 10 June 2014

RECOMMENDATION:

That Council, pursuant to the provisions of Section 177 *Local Government Act 1993*, agrees to lease the buildings situated at 21 Highgate Street (Folio 50364/1 and 22410/171) adjacent to Youngtown Oval as marked on the attached map to the South Launceston Football Club for a period of ten years under the following terms:

- the term shall be five years commencing on 1 July 2014 and extended a further five years if the South Launceston Football Club continue with the repayments of their debt as per the agreed repayment plan within the first five year period.
 - the lease rental shall be applied in the following scale plus GST and linked to CPI:
 - Year 1 - \$6,535
 - Year 2 - \$6,769
 - Year 3 - \$7,179
 - Year 4 - \$7,589
 - Year 5 - \$8,000 (and beyond)
 - the fees in relation to Government taxes (land tax), Council rates and building insurance are to be charged at 35% of the total annual amount for the term of the lease.
-

17.1 Lease - South Launceston Football Club...(Cont'd)

- tenant to be responsible for:
 - energy costs (if any)
 - volumetric and connection charges for water
 - sewer charges
 - tenant shall continuously maintain:
 - building in good and reasonable order
 - contents insurance
 - public liability insurance of at least \$10 million.
-

REPORT:

The South Launceston Football Club (SLFC) was originally formed in 1879 when it was known as Cornwall, the club changed its name to City the following year and in 1883 it broke through for its first NTFA premiership. Council has leased the land situated at 21 Highgate Street (Folio 50364/1 and 22410/171) adjacent to Youngtown Oval to the South Launceston Football Club as shown on the plan (enclosed as Attachment 1) for over fifty years to the South Launceston Football Club.

The SLFC has requested that Council renew the lease of this facility to enable them to continue as an established club. Their proposal is for a lease term of ten years where as the draft lease policy (yet to be approved by Council) indicates that as there is no proposed investment in capital works a five year term would be recommended. In this case a 10 year term is recommended given that:

- the current agreed debt repayment plan is over the next ten years (copy previously circulated via Aldermen's Weekly Bulletin as information) and;
 - it supports the request from the club and recognises the proactive approach of the new board who inherited a very poor financial position but are prepared to accept responsibility for past debts.
-

17.1 Lease - South Launceston Football Club...(Cont'd)

A rental valuation report was obtained from Opteon and it recommends that the market rental value be \$8,000 per annum where it is currently \$6,535.40 per annum (Attachment 3). In recent years the SLFC has had additional costs such as Tas Water, Council rates, land tax and building insurance to cover in addition to paying rent. These additional costs have always been specified in the lease agreement but have not been charged. The SLFC has requested that their rent be phased in by paying \$6,535.40 in the first year of the lease and scaling up to the full rental of \$8000 per annum in year five (plus CPI increases). In regards to the payment of Council rates, Government taxes (land tax) and building insurance, the club have proposed to pay 35% of the total annual amount charged (Attachment 2).

The terms and conditions of a new lease will require the lessee to provide a quarterly written report in September, December, March and June of each year, consisting of participation data.

At the Council meeting, 10 June 2014 Council adopted the following recommendation.

That Council notifies its intention to lease public land pursuant to Section 178 of the Local Government Act, which requires that the lease of public land that exceeds five years be advertised on at least two separate occasions in a daily newspaper circulating in the municipal area. The advertisement is to advise that objections to the proposed lease may be made to the general manager within 21 days of the date of the first publication. Council is to consider any objection lodged.

Advertisements were placed in the Examiner Newspaper on Saturday, June 21, 2014 and again on Saturday, June 28, 2014. No correspondence regarding the proposed lease was received by the closing date of 12 July, 2014 nor has there been any received subsequently.

Council has fulfilled its obligations with regard to the Local Government Act and can now approve the lease of public land at Youngtown Memorial Park.

The process for leasing public land complies with the provisions of Section 177 of the *Local Government Act 1993* including obtaining valuation, public notification and (absolute majority) decision by Council. The lease rental fee is consistent with the independent valuation enclosed as Attachment 3 from year 5 and beyond.

ECONOMIC IMPACT:

There is no economic impact with this proposal.

17.1 Lease - South Launceston Football Club...(Cont'd)

ENVIRONMENTAL IMPACT:

There is no environmental impact with this proposal.

SOCIAL IMPACT:

This proposal allows a successful tenant to continue to provide an important recreational opportunity for Launceston residents.

STRATEGIC DOCUMENT REFERENCE:**Launceston Community Plan**

Preferred Future Five: Healthy and Active People - Strategy Three : Encourage physical activity

BUDGET & FINANCIAL ASPECTS:

1st Year - \$6,535.40 - income in the Parks and Recreation Department budget scaling up to \$8,000 in year 5 plus CPI increases.

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.

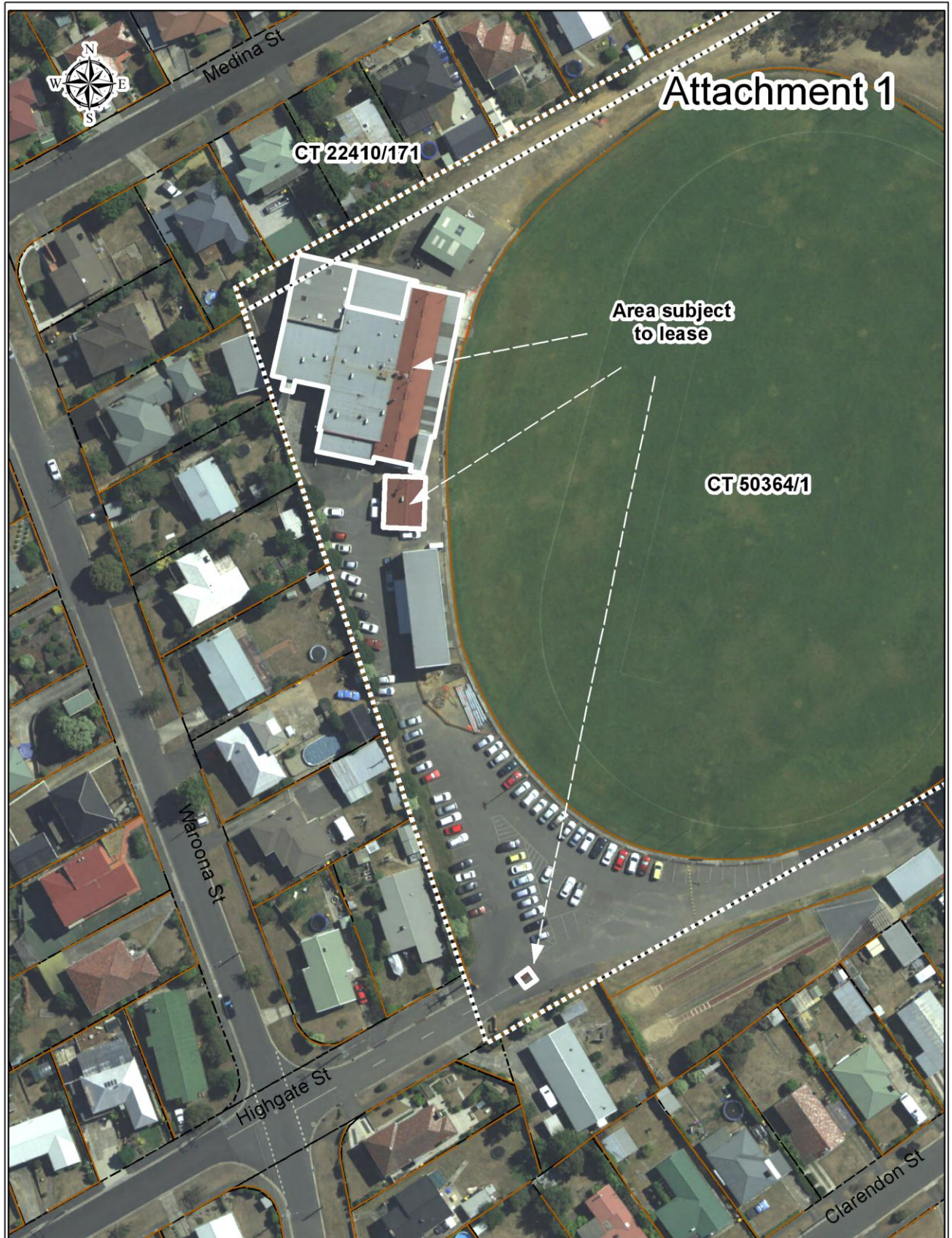
I certify that I have reviewed and approved this advice and recommendation.



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Map - area to be leased by South Launceston Football Club
 2. Letter of lease proposal from South Launceston Football Club
 3. Rental Valuation Report - Opteon (Tasmania) Pty Ltd (distributed electronically)
-



Created: 30/07/2014 CRM

NOTE:

While all reasonable care has been taken to ensure the accuracy of the information portrayed on this plan its purpose is to provide a general indication of the location of Council services. The information provided may contain errors or omissions and the accuracy may not suit all users. A site inspection and investigation is recommended before commencement of any project based on this data. This note forms an integral part of this plan. Launceston City Council 2014

South Launceston
Football Club
Lease

Scale : 1:1,000
(at A4)

0 10 20 30 Metres



Parks & Recreation



Attachment 2.

LEASE PROPOSAL -- YOUNGTOWN OVAL AND FOOTBALL CLUB ROOMS

Principal terms and conditions

Lessee	South Launceston football club inc.										
Demised premises	South Launceston Football Club Rooms at the Youngtown Oval including the fixtures thereto, and Show on the attached plan "A"										
Lease term	5 years										
Options	5 years										
Commencement	1 st May 2014										
Rent	<table> <tr> <td>year 1</td> <td>\$ 6359.60</td> </tr> <tr> <td>2</td> <td>\$ 6769.70</td> </tr> <tr> <td>3</td> <td>\$ 7179.80</td> </tr> <tr> <td>4</td> <td>\$ 7589.90</td> </tr> <tr> <td>5</td> <td>\$ 8000.00</td> </tr> </table>	year 1	\$ 6359.60	2	\$ 6769.70	3	\$ 7179.80	4	\$ 7589.90	5	\$ 8000.00
year 1	\$ 6359.60										
2	\$ 6769.70										
3	\$ 7179.80										
4	\$ 7589.90										
5	\$ 8000.00										
Payment of rent:	<p>It is proposed that the annual rent be paid in 7 equal payments during the "peak trading period" of the football club being 1st of May to 30 November of each year</p> <p>This will enable the club to manage its cash flow in a timely and business like manner .</p>										
Rent reviews	<p>The rent for the first year of the 5 year option term shall be the rent payable in year 5 of the first term Adjusted by the annual C P I to march of that year For the city of (Hobart) and annual C P I adjustments For the remaining 4 years will apply</p>										
Ground use	<p>The South Launceston Football is to be granted "Principal licensee " status, giving it first right of use Via the councils booking system</p>										
Other users	<p>The South Launceston Football Club are prepared to work closely with other ground users and make the club Canteen/kitchen available (subject to financial viability)</p>										

Tenancy plan An update is required with respect to the old change Rooms within the main complex which is now a weights Training room , This area was replaced by the newer facility under the Reg Walker Stand and should be part Of our leased area (refer to updated plan attached)

Outgoings The lessee agrees to pay the following costs and Charges separately assessed against the tenancy

Council rates	35%
Land tax	35%
Building insurance	35%
Water charges (sep. metered)	100%
Sewerage charges	100%
Power costs (sep. metered)	100%

Lessees insurance Public liability (\$20 million)
 Lessees contents

P&R DEPT	Manager	Admin Off	Arch	Planner	Finance	Legal	Support	Secretary
DATE	17/4/14							
BFO	✓	✓						
ATTENTION	✓	✓						

COUNCIL AGENDA

Monday 11 August 2014

18 CORPORATE SERVICES

18.1 Audit Committee Policy (14-Plx-010)

FILE NO: SF3611

AUTHOR: Paul Gimpl (Manager Finance)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider a revision of the Audit Committee Policy including a change of name to the Audit Committee Charter.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.3 - SPPC 2 April 2012 - *It was resolved that the policy go to the Council for a decision*

Item 18.1 - Council 28 May 2012 - *Council approved the update of the policy with significant changes*

Item 4.4 - SPPC 7 April 2014 - *It was resolved that the policy go to the Council for a decision*

Item 11.1 - Audit Committee 22 May 2014 - *It was resolved that the policy be reviewed further then go to the Council for a decision*

RECOMMENDATION:

That Council consider the draft Audit Committee Policy (14-Plx-010) as follows.

Audit Committee Charter (14-Plx-010)

PURPOSE:

To set out the role, responsibilities, structure and processes of the Audit Committee.

SCOPE:

Applies to the oversight of all Council's policies and processes (used in all the directorates and entities that are subject to Council control) that manage, administer or operate the systems of:

- a) Financial control and reporting, or
 - b) Audit, or
 - c) Risk
-

18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)

POLICY:**Legislative Framework**

The Audit Committee is a special committee formed under Section 24 of the *Local Government Act 1993*.

Objectives

The Audit Committee is an advisory Committee of Council with delegated responsibilities as detailed in this policy. The key objectives of the Audit Committee are:

- a) To assist Council in the effective conduct of its financial reporting responsibilities,
- b) The management of risk,
- c) Maintaining a reliable system of internal controls, and
- d) Facilitating the conduct of the Council's activities in an ethical and responsible manner.

The Audit Committee is to:

- a) Assist with the coordination of the internal and external audit functions to achieve overall organisational objectives in an efficient and effective manner.
- b) Oversee changes to the Council estimates in accordance with Section 82 of the Local Government Act.

Outcomes sought for the Council and the community through the activities of the Audit Committee include:

- a) Enhanced internal and external financial reporting,
- b) Effective risk (financial and operational) management,
- c) Compliance with best practice guidelines, legislation and regulation,
- d) An effective internal audit function,
- e) Facilitation of effective communication between the auditors (internal and external), management and the Council.

Role and Authority

The Committee's role is to advise the Council, including recommendations, on matters relevant to the objectives and to make decisions on behalf of the Council through its delegated powers.

Subject to the specific delegations, the Audit Committee does not have authority to instruct management or authorise expenditure. However, the Committee can request management take action or provide information and as part of its reporting to Council, advise of any circumstances where these requests have not been agreed to.

18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)

Responsibilities

The Audit Committee is appointed by and responsible to the Council for the oversight of those activities necessary to progress and achieve its objectives.

The following are some of the duties of the Committee related to the key objectives.

Financial and Management Reporting

- a) Review the Council's draft annual financial report, including:
 - Accounting policies and practices (including changes),
 - The process used to make significant accounting estimates,
 - Significant adjustments (if any) arising from audit process,
 - Compliance with reporting requirements.
 - Significant variances from estimates or prior years.
- b) Recommend adoption of the annual financial statements to the Council.
- c) Review draft quarterly reports and recommend their adoption to the Council.
- d) Review any business unit or special financial reports.

Risk Management

- a) Monitor any significant issues relating to risk management, management's response and the actions taken as a result.
- b) Monitor the risk exposure of the Council by determining if management has appropriate risk management processes and adequate management information systems.

Internal Audit

- a) Review and approve the scope of the internal audit plan and program and the effectiveness of the function. The review should consider whether the plan systematically addresses
 - Internal controls over significant areas of risk.
 - Internal controls over revenue, expenditure, assets and liability processes.
 - 'Value for money' of significant Council programs.
 - Compliance with legislation, policies and contractual terms.
 - b) Review the appropriateness of special internal audit assignments.
 - c) Review internal audit reports and monitor the performance of management in responding to recommendations.
 - d) Facilitate the interaction between the internal and external auditor to achieve optimal audit efficiency.
 - e) Monitor ethical standards and any related party transactions to determine whether the systems of control are adequate.
-

18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)

External Audit

- a) Review and approve the scope and planning of the external audit with the auditor.
- b) Discuss any issues including those raised in the management letter and authorise the final resolution.

Other

- a) Review tendering arrangements and advise the Council.
- b) Review issues relating to national competition policy.
- c) Review performance indicators.
- d) Consider any performance audit reports presented by the Auditor General and the implications for the Council.
- e) Identify or oversee the investigation (including issues referred by the Council or the General Manager) and reporting of any areas or issues requiring review.
- f) Oversee the investigation of any suspected cases of fraud.
- g) Monitor any major claims or lawsuits by or against Council.
- h) Report to the Council after each meeting and as necessary on the issues considered and the Committee's performance indicators.

Membership and Remuneration

The membership of the Committee will be:

- a) Two aldermen appointed through the process for Council committees, and
- b) At least two external independent members one of whom will be the Chair of the Committee. Additional members may be approved by the Council.

The Council's Community Appointments to Advisory Committees Policy (14-Plx-029) provides a framework for the appointments of members of the public to committees.

In regard to this policy these provisions are extended as follows:

- a) The Chair is required to have relevant business or commercial experience and preferably qualifications,
 - b) The Chair must meet requirements commonly referred to as the 'fit and proper person test',
 - c) The Chair must not have any conflict of interest or conflict of duty in the matters that are likely to be considered by the Committee,
 - d) The Chair must be available to attend meetings subject to the usual meeting schedule, as determined by the Committee from time to time,
 - e) Remuneration will be paid to each external member of the Committee on a set fee per annum, or another basis as appropriate.
 - f) The evaluation of any external persons will be undertaken by the Mayor and General Manager with a recommendation for appointment then to be made to the Council.
-

18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)

- g) Appointments of external persons are for a period of three years, subject to a maximum term of six years.
- h) If the Council proposes to remove a member of the Committee it must give written notice to the member and provide that member with the opportunity to be heard at a Council meeting which is open to the public.

Meetings

- a) The Committee shall meet at least quarterly, to coincide with reporting requirements. (Given the responsibilities of the Committee it is expected that there will be six to eight meetings per annum.)
 - b) Additional meetings shall be convened at the discretion of the Chairperson or the written request of:
 - Mayor
 - General Manager
 - Committee Member
 - Auditor
 - c) An external member of the Audit Committee shall be appointed as Chair. In the absence of the Chair, the Committee members will appoint an acting Chair for the meeting.
 - d) A quorum shall be two.
 - e) The General Manager or his delegate and the internal auditor should attend all meetings, except where the full Committee chooses to meet in camera.
 - f) Council staff and aldermen may be invited to attend at the discretion of the Committee.
 - g) Secretarial and administrative support shall be provided through the Corporate Services Directorate.
 - h) Meetings shall be minuted and an agenda prepared and distributed at least 4 days prior to the meeting. The agenda will be structured around the functional areas of responsibility, i.e. reporting, audit and risk.
 - i) The agenda will be available to all aldermen, directors and staff involved in the meeting.
-

18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)

DELEGATIONS:

The Council authorises the Audit Committee, in accordance with the provisions of Sections 22 (Delegations) and 82 (Estimates) of the Local Government Act to determine the following matters:

- a) Minor budget adjustments up to \$500,000 (approximately 1 percent of the total rate revenue) to individual items within any estimate referred to in Section 82(2)). (See policy definition section for explanation)
- b) Changes to the Council's risk register.
- c) Approve internal and external audit plan.
- d) Authorise the final resolution of issues raised in management letters from audits.
- e) Make recommendations to the Council on matters reasonably within the responsibilities of the Committee.

PRINCIPLES:

- The Committee is to be and act independently of management and the Council.
- The Committee has delegated decision making power within the scope of its role and expertise to assist with the effective governance of the Council. Management are required to ensure that all reasonable requests are complied with and that reasonable financial resources are provided, within the budget framework.
- The Committee will discharge its role in a constructive way that improves the operation of the Council in the area of Committee responsibility.

RELATED POLICIES & PROCEDURES:

14-PI-004 Governance Arrangements Policy
12-PI-001 Budget Management Policy
14-HLPr-003 Committee Representation Details
11-PI-002 Tender Review Committee Policy
14-Plx-029 Community Appointments to Advisory Committees Policy
11-PI-001 Procurement Policy

RELATED LEGISLATION:

Section 22 of Local Government Act (Delegations)
Section 24 of Local Government Act (Special Committees)
Section 82 of Local Government Act (Estimates)
Audit Act 2008

REFERENCES:

Audit Committees - A Guide to Good Practice ISBN 978-1-876604-03-05 (AICD)

18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)

DEFINITIONS:

Estimates (Section 82 of Local Government Act)

- (2) Estimates are to contain details of the following:
 - (a) the estimated revenue of the council;
 - (b) the estimated expenditure of the council;
 - (c) the estimated borrowings by the council;
 - (d) the estimated capital works of the council;
 - (e) any other detail required by the Minister.
- (4) A council may alter by absolute majority any estimate referred to in subsection (2) during the financial year.
- (5) A council may make adjustments to individual items within any estimate referred to in subsection (2) by a simple majority so long as the total amount of the estimate is not altered.
- (6) A council, by absolute majority, may authorise the general manager to make minor adjustments up to specified amounts to individual items within any estimate referred to in subsection (2) so long as the total amount of the estimate is not altered.
- (7) The general manager is to report any adjustment and an explanation of the adjustment at the first ordinary meeting of the council following the adjustment.

Delegations (Section 22 of Local Government Act)

- (3) A council must not delegate any of its powers relating to the following:
 - (d) the revision of the budget or financial estimates of the council.

The critical concept is 'estimate', this is a total or high level summary of revenue or expenditure (etc) it is not the individual or detailed item. Thus the legislation provides considerable scope for the delegation of authority to manage day to day budget changes.

Fit and Proper Person Test

Refers to assessing the capability of a person in terms of their qualifications and experience (Fit) and ethical standards (Proper).

REVIEW:

This policy will be reviewed no more than 2 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)

REPORT:

The Local Government (Audit Panels) Order 2014 includes the following requirement.

5. Membership of Audit Panel

- (1) *The audit panel of a council is to be constituted by a minimum of 3 and a maximum of 5 members whom -
 - (a) if the panel has 4 or 5 members, at least 2 must be independent persons; or
 - (b) if the panel has 3 members, at least one must be an independent person.*
- (2) *Without limiting who may be members of an audit panel, the following persons are eligible to be members of an audit panel:
 - (a) a councillor, other than the mayor, of the relevant council;
 - (b) a councillor, or employee, of another council;
 - (c) a member of an audit panel of another council.*
- (3) *A person who is an employee, or the general manager or the mayor, of a council is not entitled to be a member of the audit panel of that council.*
- (4) *The council is to appoint the members of its audit panel.*
- (5) *In appointing an independent person as a member of an audit panel, the council -
 - (a) is to ensure that the person possesses good business acumen and sound management and communication skills; and
 - (b) may take into account any other relevant knowledge, abilities and skills of the person including, but not limited to -
 - (i) knowledge and expertise in the areas of audit practices and financial management; and
 - (ii) knowledge of and experience in relevant industries; and
 - (iii) experience with governance processes including, but not limited to, risk management.*

This prompted a discussion at the Audit Committee meeting of 5 March 2014 and a direction that the structure of the committee should be reconsidered at SPPC. As a result of section 5(2)(a) the Mayor cannot be a member of the Committee. The draft policy has been prepared as a result of this direction.

18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)

ECONOMIC IMPACT:

There is no economic impact from this policy.

ENVIRONMENTAL IMPACT:

There is no environmental impact from this policy.

SOCIAL IMPACT:

There is no social impact from this policy.

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan Priority Area 5: Governance Services

BUDGET & FINANCIAL ASPECTS:

The current budget for audit fees and committee costs are

Independent Members	26,700
Audit Fees	<u>81,000</u>
	<u>\$107,700</u>

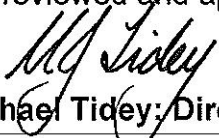
Preliminary estimates of the additional costs are:

Independent Member (5 days at \$1,000) - \$5,000

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. Local Government (Audit Panels) Order 2014 - Statutory Rules 2014 (distributed separately)
 2. Community Appointments to Advisory Committees Policy (14-Plx-029) (distributed separately)
-

20 URGENT BUSINESS

Pursuant to regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2005*.

21 INFORMATION / MATTERS REQUIRING FURTHER ACTION

Nil

22 CLOSED COUNCIL

Nil

23 MEETING CLOSURE
